

Acts directed or permitted to be done by a Justice of the Peace or the Municipal Council, provided that all penalties or fines imposed or recovered within the said Town for violation of the said laws, and all moneys exacted for granting licenses to tavern keepers or retailers (which shall not in any one case exceed the sum of one hundred dollars for twelve months), shall be paid to the Treasurer for the use of the said Town; and provided also, that no General or Special Sessions, or the Municipal Council, shall have power to grant any tavern, retail, or other license, or to make any rules or regulations respecting the same to be in force within the said Town after the termination of those granted at the April General Sessions this present year, and that the expense of any criminal business arising within the Town of Upper Mills and now chargeable to the County of Charlotte, shall hereafter be chargeable to and payable out of the said Town of Upper Mills.

57. No assessment shall be deemed illegal, although the sum total of such assessment may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent. of the whole.

58. In any action or other proceeding at law or equity, or otherwise, in which the said Town shall be a party or concerned, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror.

59. The Mayor or Councillors of the said Town, during his or their continuance in office, shall be and be deemed Justices of the Peace, and shall have, use and exercise the same power and authority as if he or they had been commissioned a Justice or Justices of the Peace, but shall not, by reason of being Mayor or Councillors as aforesaid, be compelled to act as a Justice of the Peace for the trial of causes, unless at pleasure.

60. Neither the Mayor nor Councillors of the said Town, or any of them, shall receive any pay or remuneration for their services in that capacity.

61. For the purposes of assessment within the said Town, the President or other chief officer, or the agent of any Company or Corporation, shall be deemed and taken to be and assessed as the owner of its capital stocks, and the name, style and firm of any co-partnership in trade or business, shall be entered in the assessment roll as assessed for the property or income of said co-partnership, and the assessed amount may be recovered from and levied upon any member of such co-partnership; and in the case of mortgaged property, the party in possession shall be deemed the owner for the purpose of assessment.

62. All fines, penalties, or forfeitures, to be recovered by the provisions of this Act, or by any of them, or by virtue of any bye laws to be made and enacted under the authority thereof, shall and may be sued for, recovered and enforced with costs, on the oath of one or more credible witness or witnesses, before the Mayor of the said Town, and any one of the Town Councillors, and in case of the absence of the Mayor, before any two of the said Councillors, who are hereby authorized and empowered to be and are hereby constituted a Court for the trial of all complaints, suits, prosecutions and controversies arising under this Act, or the said bye laws, or any of them, within the limits of the said Town, and to which any fine, penalty or forfeiture is or shall be attached by virtue of this Act, or of any such bye laws; and any such fine, penalty or forfeiture may be levied and re-

covered by warrant of distress of the offender's goods and chattels, under the hands and seals of the Mayor and Councillor, or of the said two Councillors; and in default of payment of such fine, penalty, or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty, or forfeiture, together with the costs and charges for distraining and selling the same, to commit the offender or offenders to the common gaol of the County or lock-up house within the said Town, for such period, not exceeding three months, as the said Mayor and Town Councillor, or any two Councillors, may direct; and all such complaints, suits, prosecutions, shall be prosecuted by summons or warrant in the name of the Town Clerk, and the proceedings shall be *viva voce* and conducted in a summary way as directed by the Acts of Assembly relating to the duties of Justices of the Peace out of Sessions within the Province, and judgment shall be given as the very right of the matter may appear, without regard to technical objections, imperfections or defects which do not affect the substantial justice of the case.

63. The Overseers of the Poor for the Parish of Saint Stephen and the Town of Saint Stephen, and the Overseers of the Town of Milltown and Upper Mills, shall and may make such arrangement for the support of the poor of the said Towns and Parishes as they or a majority of them may deem equitable.

64. In any assessment for County purposes to be made on the Parish of Saint Stephen, the Sessions or County Council shall apportion the amount to be levied between that part of the Parish not incorporated and the Town of Saint Stephen, the Town of Milltown, and the Town of Upper Mills.

65. In any election for Mayor, if there should be an equal number of votes given for any two or more of the candidates, the Town Council shall immediately direct a new election to be held, as in case of extraordinary vacancy.

66. The first election for Mayor, Councillors and Assessors under this Act shall be held by the Sheriff of the County of Charlotte, and such persons as he may appoint, and any subsequent election by such persons as the Town Council may from time to time appoint.

67. The officers elected at the Parish meeting, or appointed at the General or any Special Sessions for the present year, so far as the same are appointed for or may have duties to perform exclusively confined to the limits of the Town hereby incorporated, shall hold office only until the Council hereafter to be elected appoint others in their stead, and no longer.

68. The gaol of the County of Charlotte shall be the gaol of the said Town of Upper Mills; and notwithstanding the same shall be without the limits of said Town, all warrants, commitments, and other process or proceedings issued or awarded under this Act, whereby any person or persons may be ordered to be committed or confined in the common gaol, shall have full power and effect in like manner as if the common gaol was within the limits of said Town, and shall be committed accordingly; and the gaoler of the said common gaol shall receive all such persons into his custody in the same manner as if the gaol was within the limits of said Town; and the authority of the person or persons committing the same shall extend to said common gaol, notwithstanding it may be beyond the limits of the said Town.

69. All persons who have held and are now holding Parish offices having any funds or uncollected accounts in their hands belonging to the Town District hereby incorporated, shall pay over the said funds and render a correct account of