



BY AUTHORITY.

ANNO TRICESIMO OCTAVO VICTORIÆ REGINÆ.

CAP. XL.

An Act to incorporate the Town of Moncton.

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| Sec. | Sec. |
| 1 Town incorporated; bounds of Town. | 38 Improper conduct on part of Councillor; penalty. |
| 2 Number and boundaries of Wards. | 39 Meetings may be adjourned. |
| 3 Administration of Local Government, &c. of Town, in whom vested; Councillors to be elected. | 40 Town Officers, when and by whom appointed. |
| 4 Chairman and Councillors to be <i>ex officio</i> Justices of the Peace. | 41 Town officers to give bonds. |
| 5 Chairman to be chosen annually, by whom; proviso. | 42 Fines, &c. to whom paid. |
| 6 Vacancy, how filled. | 43 Moneys, on what authority paid by Treasurer. |
| 7 Chairman and Councillors not to be paid. | 44 Council to publish annually Account of receipts & expenditures. |
| 8 Assessors to be elected. | 45 Books, papers, &c. to be open to inspection of Chairman, &c. |
| 9 Qualification of Chairman, Councillors, and Assessors. | 46 Officers intrusted with collection, &c. of money, to whom accountable. |
| 10 Qualification of electors. | 47 Additional powers of Council. See sub-sections 1 to 43. |
| 11 Assessors to file lists of assessments with Town Clerk annually; Town Clerk to make up lists of voters. | 48 Council to erect Lock-up House. |
| 12 Disqualification of candidates as Councillor; proviso. | 49 Duties of Council. |
| 13 Refusal to accept office of Councillor, office to be deemed vacant. | 50 Council authorized to make assessment for support of Police. |
| 14 Removal from limits of Town, or absence, to disqualify person holding office. | 51 Duties of Assessors. |
| 15 First election of Councillors, when held. | 52 When sum ordered by Council to be assessed, Council may appoint Assessor to apportion. |
| 16 Clerk to give notice of time of holding election; proviso. | 53 Annual meeting, when held; what shall be done at such meeting. |
| 17 Nomination of officers. | 54 At annual meeting, Council to give estimate of expenditure for current year. |
| 18 Extraordinary vacancies, how filled. | 55 At annual meeting, Estimate, &c. to be shewn to electors. |
| 19 Voting to be by ballot; proviso. | 56 When special meeting may be called. |
| 20 Court for nominating officer; time Court shall be open; officer to declare persons elected. | 57 Amount Council may expend in excess of amount voted. |
| 21 When Poll may not be kept open till four o'clock. | 58 Power of Council to regulate time, &c. of collecting rates; when discount on amount allowed. |
| 22 Officers holding election to make return to Clerk. | 59 When person residing within town and rated, may be committed for non-payment of rates; proviso. |
| 23 When lists shall be filed with Clerk. | 60 When non-resident may have agent in town, agent may be notified; if no agent, Clerk to publish list. |
| 24 When vacancy occurs, Clerk to be notified, and to give notice of time and place of election. | 61 After notice to agent, Collector may apply to Chairman for Warrant; Sheriff to execute Warrant. |
| 25 Elector before voting to produce receipt of payment of rates, &c.; oath to be taken. | 62 Right to appeal granted; Council may grant relief. |
| 26 Elector to vote in the ward where he resides; where non-residents shall vote. | 63 Rates assessed, from whom recovered. |
| 27 Officer holding election to be deemed a Peace Officer. | 64 What shall become preference debts; proviso. |
| 28 Before taking office, Chairman, &c. to file receipt with Clerk; oath to be taken. | 65 Errors in list, how corrected. |
| 29 If candidate be chosen for more than one Ward, to choose for which Ward he will serve. | 66 Assessment not illegal, if excess do not exceed ten per cent. |
| 30 Officers eligible for re-election. | 67 As far as relates to Town, Council to regulate sale of Spirituous Liquors; proviso. |
| 31 When Councillors, &c. shall go out of office. | 68 In cause where town is interested, who shall be eligible for Witness or Juror. |
| 32 When Council shall meet for the transaction of business; proviso. | 69 For purpose of assessment, who shall be deemed owner of corporate property. |
| 33 What number of Councillors shall constitute a Court; Clerk to keep Minutes of proceedings. | 70 Fines, &c., how recovered. |
| 34 At meetings, Chairman if present, to preside. | 71 Sessions—not Council—to have charge of Poor of Town. |
| 35 Clerk to enter Minutes in book. | 72 First election of Councillors, by whom held. |
| 36 When candidate may apply for investigation into election; when election may be declared void. | 73 Sheriff to provide lists for each Ward. |
| 37 Committees, how appointed. | 74 What Acts or parts of Acts repealed when Act shall come into operation. |

Passed 10th April, 1875.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the passing of this Act, all the inhabitants of that part of the Parish of Moncton which is bounded as follows, namely:—Commencing on the Petitcodiac River at the mouth of Jonathan Creek, in said Parish of Moncton; thence following the course of the Petitcodiac River eastwardly to the mouth of Hall's Creek; thence following the several windings of the west branch of Hall's Creek until it strikes the east line of the Milner lot, (so called); thence in a southwest direction to the west boundary of lands now occupied by Charles Jones, and at a point where the said line crosses said Jonathan Creek; thence following the said Jonathan Creek along its various windings southerly to the place of beginning; shall be a Town corporate in right and in name, by the name of "The Town of Moncton," and shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure, and shall be capable in law of suing and being sued, and of purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute every other matter or thing incident to such Corporation, subject to the provisions hereinafter contained.

2. That the said Town of Moncton shall be and is hereby divided into three Wards, viz:—Ward number one, Ward number two, and Ward number three, to be severally bounded as follows:—Ward number one bounded on the north and east by Hall's Creek, southerly by the Petitcodiac River, and westerly by the centre of Telegraph street and the Great Road to Robertson's bridge (so called) crossing said Creek; Ward number two bounded easterly by Ward number one, southerly by the river, westerly by a straight line running from the river, northerly through the centre of the new street lately opened by G. B. Lutz to Hall's Creek, and on the north by Hall's Creek; Ward number three bounded on the east by Ward number two, on the south by the river, on the west by the westerly boundary of the Town, and on the north by Hall's Creek.

3. The administration of the fiscal, prudential and municipal affairs, and the whole local government of the said Town of Moncton, shall be vested in one principal officer, who shall be Chairman of the Town Council, and in six other persons, two of whom shall be elected for each Ward as hereinafter provided, and who shall be styled Councillors of the Town of Moncton, and in no other power or authority whatever, and the said Chairman and Councillors shall constitute the Town Council; and all bye-laws, ordinances, rules and regulations made by the said Council shall express to be ordained by the Town Council of the Town of Moncton.

4. The Chairman of the Town Council and each one of the said Councillors shall during his and their continuance in office be and be deemed to be Justices of the Peace in and for the said County of Westmorland, and shall have, use, exercise and enjoy in and out of Sessions the same rights, powers and authorities, privileges and immunities respectively, as if he or they had been commissioned a Justice or Justices of the Peace; provided that no person shall be disqualified for election or appointment as a Councillor or Chairman by reason of his already being in the Commission of the Peace for the said County, or being after any such election or appointment commissioned thereto, nor shall the Town Council in their choice aforesaid be limited to or excluded from choosing any such person.