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The Standard.

OR RAILWAY AND COMMERCIAL RECORD.

Evaris sumendum est optimum.—Cic.

No 40] SAINT ANDREWS, N. B., WEDNESDAY, OCTOBER 8, 1851. [Vol. 12]

BY AUTHORITY.
Anno Decimo Quarto Victoria Regiæ.
CAP. XXXVIII.
An Act to provide for the establishment of
Municipal Authorities in this Province.
Enacted 20th April, 1851.

WHEREAS for the better protection and
management of the legal interests of Her
Majesty's subjects, it is expedient that Municipal
Authorities be established in this Province:

1. Be it therefore enacted by the Lieutenant
Governor, Legislative Council and As-
sembly, as follows:—
If it be desired that any County shall be
incorporated under the provisions of this Act,
the same shall be signified to the Lieutenant
Governor in Council in manner following:—

At least fifty of the resident freeholders and
householders of the County paying rates upon
property, shall, by petition to the Sheriff, pray
that a public meeting be called at the County
Court House for the purpose of taking into
consideration the propriety of incorporating
the County.

The Sheriff shall thereupon give at least
three months public notice of the day and
hour at which such meeting shall be held;
the notice shall contain a copy of the petition
and of the names of the signers; it shall be
published at least in eight weekly numbers of
a newspaper printed and circulating in the
County, if any, and also shall be published by
printed handbills in at least ten of the most
public places in each Parish.

At the meeting the Sheriff shall preside;
if not less than one hundred householders and
rate payers upon property are present, it shall
be put to vote whether the County shall or
shall not be incorporated under this Act, and
if two thirds of those who vote on the ques-
tion at such meeting, being householders and
rate payers upon property, shall decide in
the affirmative, the Sheriff shall certify the
same under his hand and seal to the Lieuten-
ant Governor in Council.

If it be decided that the County shall not
be incorporated, the Sheriff shall thereupon
dissolve the meeting, but another meeting
may be called at any time after six months
from the preceding meeting, on the like peti-
tion, and similar notice for taking the ques-
tion again into consideration, as in the pre-
ceding provision.

2. On receiving the certificate before men-
tioned from the Sheriff of any County, the
Lieutenant Governor in Council may, and is
hereby required to grant to such County a
Charter of Incorporation, under the Great
Seal of the Province, constituting the rate
payers upon property of such County a Body
Politice and Corporate, by the name of "The
Municipality of ——" (naming the County
as the case may be) and by that name the
Corporation shall have perpetual succession
and a Common Seal; and may sue and be
sued; and shall have power to take and
hold within the limits of the Municipality,
real property not exceeding in amount at any
one time the yearly value of five hundred
pounds currency, and may alienate the same;
and may enjoy and exercise all other corpo-
rate powers and privileges necessary for car-
rying out and effecting the purposes and in-
tention of this Act.

3. In each County incorporated under
this Act, there shall be a County Council,
consisting of a Warden and Councillors, to
be elected as hereinafter provided; every
member of such County Council must be an
inhabitant of the County, seized and possessed
at the time of his election of Real Estate
within the limits thereof of the value of not
less than one hundred and fifty pounds cur-
rency, over and above all incumbrances.

4. When any County is incorporated under
this Act, the Collectors of Rates in each
Parish shall at least ten days previous to the
day hereinafter appointed for the election of
Councillors, and so annually thereafter from
year to year, furnish the Town Clerk with
correct lists, certified under their hands, of all
the rate payers upon property within such
Parish, who were rated for Parish and County
Rates at the last assessment, and who have
paid the same at the date of making out such
list, which lists shall be furnished by the
said Town Clerks respectively, to the Chair-
man elected to preside at the Meeting; as pro-
vided for in the sixth section of this Act; if
any Rate Collector fails to furnish such cer-
tified list to the Town Clerk by or within the
time limited, he shall be deemed guilty of a
misdemeanor, and on conviction
thereof before two Justices of the Peace, shall
be committed to the County Gaol, there to
remain with or without bail or mainprize until
such lists be furnished.

5. Every Parish shall be entitled to elect
two Councillors; and no Parish shall elect
more than two.

6. Within three months after the granting
of any County Charter in the year one thou-
sand eight hundred and fifty one, and on the
first Monday in July in every year thereafter,
the electors in every incorporated County
shall proceed to the election of Councillors,
and it shall be the duty of each Town Clerk
to give twenty days public notice in writing

of the time and place of holding such election,
and post the same in three of the public places
in the Parish; and the electors present
shall proceed to elect a Chairman, who shall
preside at the Election in the same.

7. If at any Election for Councillors a
Poll is demanded by a Candidate or any three
Electors then present, the same shall be
granted by the presiding Officer:

The meeting shall begin at nine o'clock in
the morning, and the poll be kept open until
the hour of five in the afternoon, and no later:
The votes shall be taken by ballot, each
elector putting in the ballot box a slip of paper
with the names of the two Candidates for
whom he votes written or printed thereon;
at the hour of closing the poll the presiding
officer shall, in the presence of one Elector,
to be chosen by each Candidate and sworn
as tellers, and in presence of the Electors who
may choose to remain, open the ballot box, and
taking out each ballot separately, read aloud
the names written thereon, so as to be taken
down by each teller, and when the whole of
the ballots shall be so read aloud and taken
down, the presiding Officer shall declare the
two Candidates elected who have the majority
of votes, and shall also declare aloud the
number of votes polled for each candidate,
and in case any two candidates shall have an
equal number of votes, the presiding Officer
is required to give a casting vote for one of
such candidates, and so determine the election.

The presiding Officer within two days after
the close of the election, under the penalty
of twenty shillings for each day's delay
thereafter, shall make return in writing of the
Councillors elected at the first election to the
Sheriff of the County, and at any sub-
sequent election, to the Secretary Treasurer
of the County, to whom he shall deliver a
list of the number of votes given for each can-
didate, and such list shall be open for the in-
spection of every member of the Corporation
who shall apply for the same.

8. Before the presiding Officer shall allow
any votes to be polled, he shall take the
oath No. 1, in the Schedule annexed, before
some Justice of the Peace for the County in
which the election is held, which oath such
Justice is hereby empowered and required to
administer, and the Justice shall certify such
oath in the Poll Book for the election.

9. The presiding Officer, if he see fit, or
if required by a candidate, may administer to
any person claiming a vote the oath No. 2,
in the Schedule annexed; and no other proof
of qualification shall then be required of such
person.

10. No person shall vote at the election
of Councillors unless of the male sex of the
full age of twenty one years, and a subject of
Her Majesty by birth or naturalization, nor
unless he shall be a rate payer on property
in the Parish, and shall have been assessed
for and paid his rates and taxes up to the
time of such election, nor unless his name
shall so appear on the list furnished to the
Town Clerk by the Collector of Rates for the
Parish, under the provisions of the fourth
section of this Act.

11. None of the following persons shall be
elected a Councillor, or be appointed to of-
fice by any Council, nor shall any person
continue to act as Councillor or hold any
office under a County Council, after becom-
ing one of the persons disqualified, as fol-
lows:—

1st. Persons in Holy Orders, or Ministers
or Teachers of any Religious Sect or Denom-
ination.

2d. Judges or Justices of any Court of
Civil Jurisdiction.

3d. Officers of Her Majesty's Army or
Navy on full pay.

4th. Any person having a contract or
share or interest in a contract with the
County.

5th. Any person receiving pecuniary allow-
ance from the County for his services.

The following persons shall be exempt
from being elected Councillors or serving in
any County Office unless with their own
consent:—

Members of the Executive or Legislative
Councils, Members of the Legislative Assem-
bly, practising Physicians and Surgeons,
Schoolmasters actually engaged in teaching,
any Miller who shall be the only one employ-
ed in a mill, persons more than sixty years
of age, persons who have served as Council-
lors or in any County office, or paid the
penalty for refusal, shall be exempt the four
years next after such service or refusal.

12. The presiding Officer at any election
of Councillors or Parish Officers, during
the time of such election, shall be a conserva-
tor of the Peace, and shall be invested with
the same powers for preservation of the
Peace, the apprehension, commitment, holding
to bail for trial, trying or convicting of of-
fenders, as are vested in Justices of the
Peace in this Province; and for the purpose
of preserving peace and good order, all Jus-
tices of the Peace residing in the Parish, shall
attend at the election, upon being notified in
writing by the presiding Officer; and such
officer may command the assistance of all
Justices, Constables and other persons pre-
sent at the election, and may swear in as

many Special Constables as he thinks fit; he
may commit any person for a breach of the
peace, or for molesting or threatening any
elector at or coming to or returning from the
election, or for any violation of good order,
to the custody of any Constable or person
present on view, for such time as he deems
expedient, not exceeding twelve hours, or
may by writing under his hand, commit the
offender to the Common Gaol of the County
for any period not exceeding ten days; and
any Justice of the Peace or other person pre-
sent at an election who shall neglect to aid or
assist the presiding Officer during such elec-
tion, when requested by him, shall be deemed
guilty of a misdemeanor and be punished
accordingly.

13. No person who may be elected a Coun-
cillor shall act in that capacity until he shall
have taken and subscribed before a Justice
of the Peace for the County, who is hereby
authorized to administer the same, the oath of
allegiance to Her Majesty, and also the oath
No. 3, in the Schedule annexed; such oaths
shall be taken and subscribed by each Coun-
cillor duly qualified, within ten days after
notice of his election, and in default thereof,
such person or persons shall be deemed to
have refused to accept the office of Coun-
cillor, and shall be liable to pay to the Secre-
tary Treasurer of the County, such fine not
exceeding ten pounds currency, as the bye
laws of the Council shall prescribe; if the
fine is not paid within eight days after such
refusal or neglect, it may be sued for and
levied by seizure of so much of the goods and
chattels of the offender as will satisfy the
same with costs, by virtue of a warrant un-
der the hand and seal of a Justice of the
Peace, to be issued at the instance of the
Secretary Treasurer, or of any elector of the
Municipality, upon the oath of any one com-
petent witness, and one third of such penalty
shall belong to the prosecutor, if he be not
a public functionary or officer, and the re-
maining two thirds to the Corporation; if the
prosecution be continued, that no person
elected a Councillor shall be subjected to a
penalty for not taking the required oaths if he
be not qualified.

14. In case of the death or resignation of
any Councillor or his permanent absence
from the Municipality, or absence for more
than six months, or incapacity after election,
or refusal to accept the office, the Warden of
the County shall issue a warrant under his
hand and seal to the Town Clerk, requiring
him to call a public meeting in the Parish
to elect some other person to fill the vacancy;
and such election shall be conducted in the
manner prescribed in this Act for holding
elections; but no warrant shall issue for an
election to supply a vacancy after the second
semi-annual meeting of Council in any year;
in all elections to fill vacancies, the officers
presiding at such meetings must be governed
by the last certified assessment list.

15. The Council elect as soon as conveni-
ent, and not more than twenty days after
their return, shall assemble in the County
Court House, and having previously taken
the required oaths, shall choose from among
themselves a Chairman, who shall be design-
ated by the name of "The Warden of the
County;" (adding the name of the
County); the Warden shall not hold the
office for more than one year, or until his
successor be elected and sworn in, unless re-
elected, if he continue to be a Councillor;
wherever a vacancy occurs by the Warden
going out of office or otherwise, the Council
shall at its first meeting thereafter proceed to
elect a Warden; during the temporary
absence of the Warden, his place may be filled
by a Chairman for the time being, chosen
by the members present.

16. A majority of the Council shall be a
quorum for the transaction of business; a
smaller number may adjourn from time to
time, and absent members may be compelled
to attend, under such penalties as may be
provided by a bye law of the Council; all
questions arising in the Council shall be de-
cided by a majority of votes; in case of an
equal division, the Warden or temporary
Chairman shall have the casting vote, but in
no other case shall the Warden or temporary
Chairman have a right to vote.

17. After the first meeting of the Council
there shall be regular half yearly meetings in
each year, that is to say, on the second Tues-
day in January and the third Tuesday in
July, which shall not continue longer respec-
tively than five successive days; besides the
semi-annual meetings, the Warden on the
application of any four members of the Coun-
cil, may call special meetings of the Council
for the dispatch of business, specifying in
such call the grounds thereof, and causing
public notice of such special meeting to be
posted in some public place in each Parish,
or to be personally served on the Councillors
of such Parish, at least two days before the
time appointed for such special meeting; all
meetings and sittings shall be open and pub-
lic; if any Council fail to meet at any time
appointed by law, they shall not thereby be
deemed to be dissolved, but may hold such
future semi-annual and other special meet-
ings as if there had been no failure.

18. Each Council shall appoint a Secretary

Treasurer of the Council, who shall at the
same time be the Secretary and Treasurer of
the Corporation, and such other county
officers as they shall deem necessary for
county purposes, who shall be under the
direction of the said Council in the manage-
ment thereof.

19. At the time and place of holding the
annual election in each Parish for the choice
of county Councillors, the Rate Payers upon
property then present invited to vote for
Councillors, shall also if they so choose, elect
all Parish Officers, or so many thereof as they
may deem necessary for the then ensuing
year by ballot, in the same manner as the
Councillors are directed to be elected by the
seventh section of this Act; and after all the
Parish Officers are thus elected, a correct
list shall be made out and certified by the chair-
man of the meeting, and within six days af-
ter such election to be by him forwarded to the
Secretary Treasurer of the Council; and the
persons so elected and certified shall be
Parish Officers for the then ensu-
ing year; and if the Rate Payers in any
Parish fail to elect such Parish Officers, or
shall not elect a sufficient number, or if no
certified list be forwarded within the time
limited by this Act to the Secretary Treasur-
er, to be laid before the Council, the Council
shall then, and in such case they are hereby
authorized and required, to make the neces-
sary parochial appointments for the Parish
failing to elect for the year; and so much of
the Act passed in the thirteenth year of Her
present Majesty's Reign, entitled, *An Act to*

consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province, as is repugnant to the provisions of this section, shall be and the same is hereby repealed when and so soon as and so far as relates to the county or counties in which this Act shall come into operation.

20. Every Parish Officer, whether elected
or appointed, shall be sworn to the faithful
discharge of his duty, within fourteen days
after his election or appointment, before a
Justice of the Peace, and the Justice shall
forthwith make return to the Secretary Treasur-
er of every Officer so sworn as aforesaid;
in case of refusal or neglect to serve, or in
case of the death or removal of any person so
elected or appointed during the year, the
County Councillors of the Parish in which
such vacancy may occur, may appoint a fit
person to any such vacant office until the
next meeting of the County Council, when
such appointment may be confirmed by such
County Council, or another person appointed;
and if any person so appointed by the two
Councillors for the Parish as aforesaid, shall
neglect or refuse to serve, they may appoint
another in his place, and so on as often as a
similar case may occur, subject to the ap-
proval of the County Council as aforesaid; and
if any person elected or appointed to any of
the said offices shall refuse to serve or be
guilty of any misbehaviour or neglect of duty
not herein otherwise specially provided for,
such person shall forfeit and pay the sum of
forty shillings for each and every offence,
and in case of the neglect of duty or misbehaviour
of any constable or other Parish Officer, the
County Council, in addition to any penalty for
the offence, may dismiss such officer and ap-
point another person in his place.

21. No person shall hold more than one
county office at the same time in any county;
the partner of any county officer shall not
hold office in the same county with such of-
ficer; no officer either directly or indirectly
shall have any share or interest whatever,
either for himself or his partner, in any work
undertaken for the County Council.

22. Every Councillor, duly elected and
qualified, shall continue in office one year,
or until another is elected in his stead, but
any Councillor going out shall not be re-
elected for the then ensuing year unless by
his own consent.

23. A warden or Councillor may resign
his office at any time by a declaration to that
effect under his hand, and on payment of a
fine of ten pounds; the vacancy may be filled
by a new election as in other cases of vacan-
cy; the Councillor elected to fill the vacancy
shall hold office for the residue of the term
of the person whom he succeeds, but no lon-
ger, but he shall be capable of immediate
re-election unless disqualified.

24. Each Council shall have power to
make and from time to time alter such rules
and regulations as may be requisite for the
conduct and good order of their proceedings.

25. The powers and authority of the
Council shall extend to the following objects,
to regulate which bye laws may be passed:—

1st. For making, maintaining or improving
any new or existing road or street, or for
stopping up, altering or diverting the same,
not being a great road.

2d. For the erection, preservation or repair
of any new or existing bridges and public
buildings.

3d. For the purchase and management of
such real estate as may be required for the
public use of the inhabitants of the county.

4th. For the sale of such real property
belonging to the county as they may deem

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expedient and beneficial to the inhabitants of
the county:

5th. For the superintendence and manage-
ment of all the property of the county:

6th. For the support of the poor of each
Parish:

7th. For the establishment and regulation
of markets and fairs:

8th. For licensing and regulating Ta-
vern Keepers and Retailers:

9th. For regulating Ferries, public
Wharves, and Landings:

10th. For providing means for defraying
such expenses connected with the adminis-
tration of Justice as require to be defrayed out
of the county funds:

11th. For providing for the establishment
and support of Schools and Hospitals, and
the erection of School Houses:

12th. For raising, assessing, levying and ap-
propriating all moneys that may be requisite for
carrying into effect the objects for which the Coun-
cil is empowered to make bye laws; such moneys
to be raised by tolls on public works or by rates to
be assessed on real and personal property, or its
owners and occupiers, and other persons resident
in the respective Parishes, provided that no assess-
ment shall be made solely for Parish purposes
greater than the amount recommended by the
Councillors for the particular Parish for which
the assessment is made, and shall be made on
such Parish and the inhabitants thereof:

13th. For the collection and accounting for of all
tolls, rates and assessments, and of the County
revenues:

14th. For imposing penalties on persons refus-
ing to serve in office or take the prescribed oaths,
or for any breach of the bye laws:

15th. For determining the amount and manner
of paying salaries, fees and remuneration of the
County officers:

16th. For the making of all contracts relative
to matters under their control, which contracts,
after being duly considered by the Council, shall
be signed by the Warden and Countersigned by
the Secretary Treasurer:

17th. For determining what officers it may be
expedient to employ, fixing the amount of their sal-
aries and the time and mode of paying them; pro-
vided always, that no Warden or Councillor shall
receive any salary:

18th. For obliging each Circus Company or show-
man or exhibitor of wild beasts, coming into the
municipality, to pay the Secretary Treasurer for the
use of the County, a duty of not less than five
pounds nor more than ten pounds, under penalty
of twenty pounds for non-payment thereof:

19th. For making rules and regulations for
trying contested elections of members of
their own body, and the trying of such con-
tested elections:

20th. For the prevention of fires by regu-
lating the mode of placing stoves and
stove pipes, flues, furnaces and ovens in any
house or other building, or for the safe keep-
ing of ashes:

21st. For regulating the running at large
of horses, cattle, sheep, goats, swine and
other animals, geese, turkeys and other
poultry, and for impounding the same; and
for fixing the periods of the year during
which such animals or poultry shall be per-
mitted to run at large or be restrained from
so doing:

22nd. For preventing vice, drunkenness,
profane swearing, obscene language, and any
species of immorality or indecency in the pub-
lic streets and roads; and for preserving
peace and good order in such streets and
roads, and in public places or taverns; for
preventing the excessive beating or cruel and
inhumane treatment of animals; for prevent-
ing the sale of any intoxicating liquors to
indians, children, apprentices or servants,
without the consent of their protectors; and
for restraining and punishing all vagabonds,
drunkards and beggars, and all persons found
drunk or disorderly in any street, road or
public highway in the County:

23rd. For providing for any other purpose,
matter or thing specially subjected to the con-
trol of the Council by law; but no bye law
shall impose any punishment of imprison-
ment for a longer period than thirty days or
any penalty exceeding five pounds.

26. All powers and authorities now vested
by law in Justices of the Peace to make bye
laws, impose rates or assessments, appoint
county officers, or make regulations for any
purpose whatever, after the incorporation of
any county, shall be transferred to, vested in,
and be exercised by the County Council only;
but no bye laws or regulations made by the
Justices in Sessions shall be considered re-
pealed until the County Council shall expressly
declare such repeal by a bye law.

(To be continued.)

The English Bishops of Quebec, Montreal,
Toronto, Fredericton and Newfoundland ar-
rived at Quebec on the 24th inst., on board
the *Montreal*. Their Lordships came to hold
a Council on the affairs of their respective
Dioceses.

It was reported in Montreal on previous
evening that the Canadian Ministry had re-
signed.