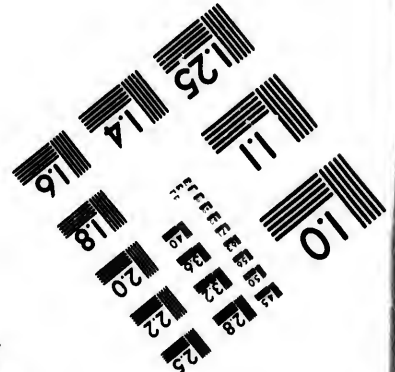
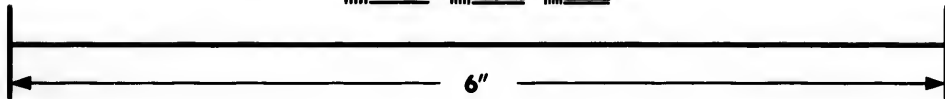
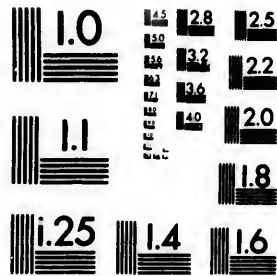


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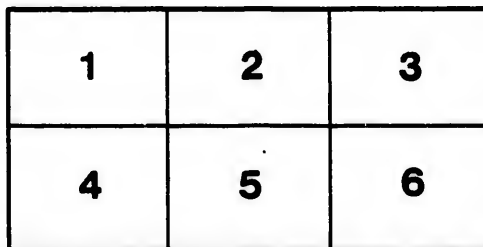
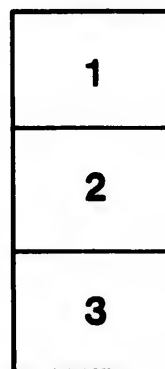
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THE
C H A R T E R
OF THE
CITY OF SAINT JOHN
IN THE
PROVINCE of NEW-BRUNSWICK.



SAINT JOHN:

REPRINTED BY WILLIAM DURANT, & Co. PRINCE WILLIAM STREET,

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THE

CHARTER

OF THE CITY OF

SAINT JOHN.



GEORGE the THIRD, by the

Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, KING, Defender of the Faith, and so forth: To all to whom these Presents shall come, or may in any wise concern, GREETING.

WHEREAS our loving Subjects the Inhabitants of the Town or District of *Parr*, lying on the east side of the River *Saint John*; and of *Carleton* on the west side thereof, at the entrance of the river *Saint John* aforesaid, both which districts are in our Province of *New-Brunswick*, in *America*, have by their petition to our trusty and well beloved **THOMAS CARLETON**, Esquire, our Governor and Commander in Chief in and over our said province, represented that they have, by their exertions, conquered many of the difficulties attending the settlement of a new country; and that they are anxious to remove the remaining evils they at present labour under, part of which flow from the want of a regular Magistracy for the able and orderly government of the districts they inhabit: **AND WHEREAS** they have also represented, that they humbly conceive one important step towards this desirable end, would be granting them a Charter of Incorporation, under the sanction of which they might be enabled to ordain such bye-laws and regulations as their peculiar wants and rapid growth urgently call for: That the advantages to be derived from a charter, empowering them to establish such ordinances as are requisite for the good government of a populous place are so obvious, they think it necessary only to hint at them; but that the speedy administration of justice both civil and criminal, will be so greatly aided by the erecting a Mayor's Court and Quarter Sessions, they humbly hope this consideration alone will be sufficient to induce a compliance with their requests, and have confidently promised that their prudent use of the liberties so to be granted them will justify the favour. **AND WHEREAS** our said loving subjects, impelled by the foregoing reasons, have humbly petitioned the said **THOMAS CARLETON**, Esquire, our Governor aforesaid, for a Charter comprehending the said districts on both sides of the river *Saint John*, erecting

Preamble.

ing

CHARTER of the CITY of SAINT JOHN.

ing the whole into one city, to be called the CITY of SAINT JOHN, and conferring on the Corporation the several powers and privileges usually granted to mercantile towns for the encouragement of commerce, and found by experience conducive to the protection and support of the upright part of the community; as by the said petition, recourse being thereunto had, may more fully and at large appear.

Bounds and name of the City.

NOW therefore know ye, That having taken the same into our Royal consideration, and being willing, as well for the reasons above set forth as for divers other good causes and considerations us moving, to comply with the reasonable request and humble petition of our said loving subjects, of our especial grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto our said loving subjects the inhabitants of the said districts, as they are hereby united, that the said districts, and all the lands and waters thereto adjoining or running in, by or through the same, bounded by a line to commence and beginning near Fort-Howe, at Portland Point, at low water mark, and thence running a direct line to a small point or ledge of land at the causey by the old law mill, thence east north east until a direct line shall strike the creek running through *Hazen's* marsh on the east side of the eastern district aforesaid, thence along the course of the said creek to its mouth, thence by a line running south nineteen degrees west into the bay, until it meets a line running east from the south point of Partridge Island, and along the said line to the said point, thence by a direct line to the point on the shore which is at the south east extremity of a line running south forty-two degrees east from the river Saint John to the bay of Fundy, and terminating the town lots of the western district aforesaid, thence along the said line north forty-two degrees west to the river Saint John aforesaid, and continuing the said course across the said river until it meets the opposite shore, and from thence along the north shore of the said river at low water mark to Portland-Point aforesaid, and every part and parcel thereof, are and shall forever hereafter be a City incorporate of a Mayor, a Recorder, six Aldermen and six Assistants, by the name of, THE CITY OF SAINT JOHN. And the said districts and every part thereof, as well the land as the water, and the land covered with water, within the lines, limits and boundaries aforesaid, a City incorporate in Right and Name, by the name of, THE CITY OF SAINT JOHN, we do really and fully create, make, ordain, constitute, declare and confirm by these presents.

Name of the body corporate.

And further of our especial grace we have given, granted, ordained, constituted, appointed and declared, and by these presents, for us, and our heirs and successors, do give, grant, ordain, constitute, appoint and declare, that the Inhabitants of the said city of Saint John, and the Mayor, Recorder, Aldermen, and Assistants thereof, are, and from henceforth forever hereafter shall be one body corporate and politic in deed, fact and name, by the name of, THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF SAINT JOHN; and them by the name of the Mayor, Aldermen and Commonalty of the city of Saint John, we do really and fully create, make, ordain, constitute, appoint and declare, by these presents; and that by the name of the Mayor, Aldermen and Commonalty of the city of Saint John, they may have perpetual succession.

Shall have perpetual succession.

And that they and their successors forever by the name of the Mayor, Aldermen and Commonalty of the city of Saint John, be and forever hereafter shall be persons able and in law capable to have, get, receive, take, possess and enjoy, houses, lands, tenements, rents, reversions, remainders, royalties, franchises, jurisdictions, pre-eminences, immunities and hereditaments, to them and their successors in fee simple, or for term of life or lives or years or otherwise, and also goods and chattels, and all other things whatsoever whether real, personal or mixt: and also to give, grant, let, set, or assign the same or any part thereof; and to do and execute all other things in and about the same, as they shall think necessary, fit, or good for

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for the benefit and advantage of the said city and the inhabitants thereof: And also that they be and forever shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, before us, our heirs and successors, and in all or any of our courts of law and equity, and other places whatsoever, and before our any of our judges, justices, ministers, and other person and persons whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample manner as any other person or persons whatsoever, being personable and in law capable may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by any lawful ways or means whatsoever; and that they and their successors forever shall have a Common Seal, to serve for the enfealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers and warrants of attorney, and all and singular their affairs and things touching or concerning the said Corporation; and the same seal they shall have power from time to time, as they shall think proper, to break, change, alter and new make, so as that at the same time there doth not exist any more than one Common Seal for the purposes aforesaid.

Shall have a Common Seal.

And further we do ordain and appoint by these presents, that for the better government of the said city, the same shall forever hereafter be and remain divided into six wards, in the following manner, to wit, four of the said wards which shall be on the east side of the said harbour shall be separated from the other two which lie on the western side thereof, by a line to be run through the middle of the said harbour and of the bay at the entrance of the same: (1) And the said four wards on the eastern side of the said harbour, shall be separated from each other by a south line commencing at the north end of the said city in the middle of Sidney-street, and to run south through the middle of the said street, and to continue the same course into the bay until it comes to the line of the limits of the said city; and by a line east and west to be run and continued through the middle of Duke-street until it reaches the middle of the harbour aforesaid on the west side of the said four wards, and until it comes to the line of the eastern limits of the said city. And the said two wards on the western side of the said harbour shall be separated from each other by a direct line to be run from the line terminating the town lots on the south west limits, and continued through the middle of Rodney-street until it reaches the middle of the harbour aforesaid. And we do further ordain that the north west ward on the east side of the said harbour shall forever be called *King's Ward*; and that the south west ward on the east side of the said harbour shall be forever called *Queen's Ward*; and that the north east ward on the east side of the said harbour shall be forever called *Sidney Ward*; and that the south east ward on the east side of the said harbour shall be forever called *Duke Ward*; and that the westernmost ward on the west side of the said harbour shall forever be called *Guy's Ward*; and that the easternmost ward of the said west side of the harbour shall forever be called *Brook's Ward*.

Shall be divided into six wards.

And we do further of our special grace, certain knowledge and mere motion, for us, our heirs and successors, will, ordain, give and grant that there be, and forever hereafter shall and may be, one Mayor, one Recorder, six Aldermen, six Assistants, one Sheriff, one Coroner, one Common Clerk, one

Grant that there be one Mayor, one Recorder, six Aldermen, six Assistants, one Sheriff, one Coroner, one Common Clerk, one

[1] By the Prov. Stat. 43 Geo. 3, c. 3, the four wards on the eastern side of the harbour are divided by lines drawn from the harbour to the rear of the city through the centre of King's-street, Duke-street, and Saint James and Stormont-street; and by the same Statute, that part of the city lying to the northward of King's-street, is to be forever called and known by the name of King's Ward; and that part between King's-street and Duke-street, is to be forever called and known by the name of Queen's Ward; and that part between Duke-street and Saint James and Stormont Street, is to be forever called and known by the name of Duke's Ward; and the residue thereof, lying to the southward of Saint James and Stormont-street, is to be forever called and known by the name of Sidney Ward.

Chamberlain, one high Constable, six Constables and two Marshals.

Mayor.

Power to the Mayor to appoint the Recorder his Deputy.

In case of the death of the Mayor, the Recorder to be Mayor till another is appointed.

Recorder.

Clerk.

one Chamberlain, one High Constable, six Constables and two Marshals, appointed, nominated, elected, chosen and sworn, out of the freeholders or freemen, inhabitants of the said city, in manner and form as herein after is particularly mentioned. And for the better execution of our will, gift and grant in this behalf, we have assigned, named, constituted and made, and by these presents for us, our heirs and successors, do assign, name, constitute and make our trusty and well beloved **GABRIEL G. LUDLOW**, Esquire, one of our Council for our said province of New-Brumswick, to be the present Mayor of the same city, to do and execute all things which unto the office of Mayor of our said city doth or may belong or in any wise appertain; to continue, and be continued in, and to execute the said office of Mayor until another fit person shall be appointed and sworn in the said office. And we do moreover, for us, our heirs and successors, give and grant unto the said Mayor and his successors, and to the Mayor of the said city for the time being, and to each of them forever, full power and authority to depute and appoint the Recorder of the said city for the time being, in the place of the Mayor of the said city, for the time being, and as his deputy in all matters and respects to act and do all things which to the office of the Mayor of the said city, within the limits, liberties and precincts thereof, do or ought to belong, during the sickness or in the absence of the said Mayor, for the time being. And we do hereby will and grant, that every such Recorder, so to be deputed and appointed, after taking such oath as herein after is directed for every such deputy to take, shall have as full power and authority to act and do, in the sickness or absence of the Mayor of the said city for the time being, all and singular those things which to the office of Mayor of the said city belong or shall belong or appertain, to all intents and purposes as the Mayor of the said city, for the time being, by virtue of these presents, or otherwise, hath, shall or ought to have. And we do further for us, our heirs and successors, will, ordain and grant, that in case it shall so happen that the said present Mayor of the said city, or any of his successors, or any of the Mayors of the said city for the time being, shall die, before any other fit person shall be appointed and sworn Mayor of the said city in their respective rooms and places, then in every such case, upon the death of such Mayor, such Recorder for the time being, who shall have been so appointed and sworn to act in the place of or as deputy to such Mayor, shall be and is hereby appointed and declared Mayor of the said city, and to continue and be continued in, and to execute the same office of Mayor of the said city, from the death of such Mayor or so dying, until another fit person shall be appointed and sworn Mayor of the said city, in such manner as in and by these presents is hereafter directed for the said Mayor of the said city, to be appointed and sworn; and so as often as such case shall happen; which accession of the said Recorder to the office of Mayor of the said city, shall not operate as a *supersedens* to the authority or commission of the Recorder of the said city, but the said Recorder shall hold, exercise and enjoy, as well the office of Mayor as the office of Recorder of the said city, until another fit person be appointed and sworn Mayor of the said city.

And further we have assigned, ordained, named and constituted and by these presents for us, our heirs, and successors, do assign, ordain, name and constitute our well beloved **WARD CHIPMAN**, Esquire, to be the present Recorder of the said city, to do and execute all things which unto the office of Recorder of the said city do or may belong or in any manner appertain, and to continue and be continued in and exercise the said office of Recorder, until another fit person shall be appointed and sworn in the said office. And further we have named, ordained and constituted, and by these presents for us, our heirs and successors do ordain and constitute our beloved **Bartholomew Crannell**, Esquire, to be the present Clerk of the said city, who shall be, and be called, the Common Clerk of the said city ..

city, who by himself or his sufficient deputy and deputies, is hereby authorized to do, act, and execute, all and singular those things which any Common Clerk of or in any city, borough or town incorporated, any where in that part of our kingdom of Great-Britain called England, by virtue of his office, or which such Common Clerk of the said city of Saint John, by virtue of these our letters may, can or ought to do; and to continue and be continued in the said office of Common Clerk until another fit person shall be appointed and sworn in the said office. And we do further, for us, our heirs and successors, assign, name, constitute, ordain and appoint, *George Leonard, Thomas Menzies, William Paine, William Pagan, Stephen Hoyt and John Holland*, Esquires, inhabitants of the said city of Saint John to be the present Aldermen of the said city, and *John Colvill, Munson Jarvis, Richard Seaman, Fitch Rogers, John Ness, and Adino Paddock*, Gentlemen, to be the present Assistants of the said city; to wit, the said *George Leonard* to be Alderman, and *John Colvill* to be Assistant, for King's Ward; the said *Thomas Menzies* to be Alderman, and the said *Munson Jarvis* to be Assistant, for Duke's Ward; the said *William Paine* to be Alderman, and the said *Richard Seaman* to be Assistant, for Sidney Ward; the said *William Pagan* to be Alderman, and the said *Fitch Rogers* to be Assistant, for Queen's Ward; the said *Stephen Hoyt* to be Alderman, and the said *John Ness* to be Assistant, for Brook's Ward; and the said *John Holland* to be Alderman, and the said *Adino Paddock* to be Assistant, for Guy's Ward. And we do hereby nominate and appoint the said *George Leonard* to be the present Chamberlain and Treasurer of the said city; and *James Stewart* and *Amos Arnold* to be the present Marshals and Sergeants at Mace of the said city; and *Ebenzer Holly* to be the present High Constable of the said city. And we do also hereby appoint, *Lodwick Cypher* to be Constable of King's Ward, *James Birmingham* to be Constable of Queen's Ward, *Philip Henriques* to be Constable of Sidney Ward, *James Mc Neal* to be Constable of Duke's Ward, *William Cooper* to be Constable of Brook's Ward, *John McGill* to be Constable of Guy's Ward, in the said city. And we do for us, our heirs and successors, assign, ordain and constitute, *William Sanford Oliver*, an inhabitant of the said city, to be the present Sheriff of the said city, to hold, exercise, enjoy and execute the said office of Sheriff, until the first Tuesday in April next, and from thence until another fit person shall be appointed and sworn in the said office. And we do further assign, ordain and constitute *John Hasen*, an inhabitant of the said city, to be the present Coroner of the said city, to do and execute all things which unto the office of Coroner of the said city, do, shall or may belong; and to continue and be continued in the said office of Coroner, and execute the same office, until another fit person shall be appointed and sworn in the said office.

Aldermen.

Assistants.

Chamberlain.

Marshals.

High Constable.

Constables.

Sheriff.

Coroner.

Aldermen, &c. to remain in office one year.

Sheriff to give bond &c.

And we do hereby will and ordain, that each and every the before named Aldermen, Assistants, Chamberlain, Coroner, High Constable and Marshals, and all and every the before named Constables, on their being respectively sworn in their respective offices as hereafter is directed, shall continue in their respective offices, until the first Tuesday in April next ensuing the date hereof, and from thence until other fit persons be respectively chosen, appointed and sworn, in their respective rooms and places, in manner and form as is herein after directed. And we do also further ordain, order and declare, for us, our heirs and successors, that as well the before named Sheriff, as every other person and persons hereafter to be appointed for or to the office of Sheriff of the said city, before he or they shall be permitted to exercise the said office, shall each of them give and enter into bond, to us, our heirs and successors, with two or more sureties, in a penalty not less than one thousand pounds, conditioned for the faithful and due execution of the said office, in such manner as the Governor and Commander in Chief of our said province of New-Brunswick, for the time being, shall think fit to appoint; and the before named

Mayor, Recorder, Common Clerk, Sheriff, and Coroner, to hold their offices during pleasure.

Mayor to be a reputable freeholder, and inhabitant.
Recorder and Common Clerk to be reputable inhabitants & freemen, skilful in the laws, and Attornies of the Supreme Court.

Sheriff to be a reputable freeholder and inhabitant.
Coroner to be a reputable freeman and inhabitant.

The Governour to appoint the Mayor, Recorder, Common Clerk, Sheriff and Coroner.

Governour to appoint a Mayor the first Tuesday in April every year.

And a Sheriff and Coroner at the same time.

Aldermen, Assisants, and Constables to be annually chosen by the freemen, &c. on the first Tuesday in April.

Sheriff, on his giving such security and having taken such an oath as hereafter is directed, shall continue in the said office until the third Tuesday in April next, and from thence until another fit person is appointed and sworn into the said office, and has given such security as aforesaid. And we do further hereby will and ordain, that the said Mayor, Recorder, Common Clerk, Sheriff and Coroner, hereby appointed, shall and may continue in and hold, exercise and enjoy, their said respective offices, for and during our good pleasure, and their residence within the said city of Saint John, and until another fit person or persons shall be sworn in his or their stead respectively, and no longer. And further we do, will, and ordain, and for us, our heirs and successors, do hereby grant to the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, that in all appointments and grants from time to time hereafter to be made by us, our heirs and successors, of the offices of Mayor, Recorder, Common Clerk, Sheriff and Coroner of the said city, the person to be appointed Mayor of the said city shall be a fit, discreet and reputable freeholder and inhabitant of the said city; and that the persons to be appointed Recorder of the said city and Common Clerk of the said city, and each and every of them, shall be fit, discreet and reputable inhabitants and freemen of the said city, and of good capacity and understanding, and skilful in the laws of England and of the said province of New-Brunswick, and shall have been admitted and sworn Attornies respectively, of our Supreme Court for our said province of New-Brunswick; and that the person to be appointed to the said office of Sheriff shall be a fit, discreet and reputable freeholder and inhabitant of the said city; and that the person to be appointed to the office of Coroner of the said city, shall be a fit, discreet and reputable freeman and inhabitant of the said city; and that each and every such Mayor, Recorder, Common Clerk, Sheriff and Coroner, shall hold, exercise and enjoy their said offices respectively, for and during our pleasure and their residence within the said city of Saint John, and until other such fit persons shall be sworn in the said offices respectively in their stead, and no longer.

And further, we do, for us, our heirs and successors, appoint and ordain, that the Governour or Commander in Chief of the said province of New-Brunswick, for the time being, by and with the advice of the Council of us, our heirs and successors for the said province, can have full power and authority, from time to time, to name, constitute and appoint, any person to be Mayor, Recorder, Common Clerk, Sheriff, or Coroner, for the said city of Saint John. And further, we do ordain and appoint, that the Governour or Commander in Chief for the time being, by and with the advice of the Council of us, our heirs and successors for the said province for the time being, shall and may, on the first Tuesday in April in every year, name and appoint, a fit, discreet and reputable person, of the freeholders and inhabitants of the said city of Saint John, to be Mayor of the said city for the ensuing year; and one other fit, discreet and reputable person of the freeholders and inhabitants of the said city, to be Sheriff of the said city for the ensuing year; and one other such person to be Coroner of the said city for the ensuing year.

And we do further ordain and appoint, that on the said first Tuesday of April in every year forever hereafter, the freemen of the said city, being inhabitants, and the freeholders of (2) each respective ward in the said city, shall and may assemble themselves and meet together, at such time of the day

[2] By the Prov. Stat. 43, Geo. 3, c. 3, §. 2, it is enacted, "that it shall and may be lawful for the Electors of Guy's ward and Brook's ward, collectively, to choose annually, at the time appointed by the Charter, one Alderman, one Assistant, and one Constable, for each ward, out of the freemen, being inhabitants of either of the said wards, without regard to the particular ward, as before accustomed: and that, for the purpose of such Election, each Alderman of the said two wards, shall hold his court within the ward to which he belongs, as provided by the said Charter; and, at such Elections respectively, every Elector within both of the said wards shall be entitled to a vote."

day, and such public place, in each of the said respective wards, as each respective Alderman for each respective ward for the time being shall appoint; and then and there, by a plurality of their voices or votes, to elect and choose, out of the inhabitants of each respective ward, being freeholders there or freemen of the said city, for the ensuing year, one Alderman, one Assistant and one Constable. And also that the Mayor, Recorder, and three or more Aldermen, and three or more of the Assistants of the said city for the time being, on the said first Tuesday in April in every year forever hereafter, shall and may, in Common Council, name and appoint one fit person, being a freeholder or freeman, and an inhabitant of the said city, to be Treasurer or Chamberlain, of the said city for the year ensuing. And also that on the same day in every year, forever hereafter, the Mayor of the said city for the time being, shall name and appoint one other of the said inhabitants, being a freeholder or freeman of the said city, to be High Constable of the said city for the year ensuing; every of which persons so to be named, for the Mayor, Coroner, High Constable, or Chamberlain; or so to be elected for Alderman, Assistant or Constable, shall on the third Tuesday of April then next ensuing their nomination or election respectively, take the respective oaths herein after appointed for them respectively to take, in such manner and form as herein after is directed; and shall continue in their said respective offices from their being so respectively sworn, until other fit persons be respectively named or elected and sworn in their respective rooms and places. And also that every person so to be named for Sheriff, on the first Tuesday in April, shall on the third Tuesday in April then next ensuing his nomination, take such oath as is hereafter appointed for each Sheriff to take, and shall give such security as is herein before appointed for each Sheriff to give, and shall remain in the said office from the time of his being so sworn and giving such security, until another fit person shall be appointed and sworn into the said office, and shall have given such security as aforesaid. And we do further for us, our heirs and successors, appoint and ordain, that if it should happen that either the Mayor, Recorder, Sheriff or Coroner of the said city, for the time being, at any time (before other fit persons be so as aforesaid respectively named and sworn in their respective rooms) should happen to die, then, and so often as it shall so happen, we do for us, our heirs and successors, will, ordain and direct, that the Governor or Commander in Chief of the said province, for the time being, by and with the advice of the said Council for the said province for the time being, may, can and shall, in some convenient time thereafter, name and appoint some fit, discreet and reputable person as aforesaid, being an inhabitant or freeholder of the said city, to be Mayor of the said city, in the room of such Mayor so dying; and one other fit, discreet and reputable inhabitant and freeman as aforesaid, to be Recorder of the said city, in the room of such Recorder so dying; and one other fit and able person as aforesaid to be Coroner of the said city, in the room of such Coroner so dying; and one other fit and able person as aforesaid to be Sheriff of the said city, in the room of such Sheriff so dying; and that every such person so to be named Mayor, after having taken such oath as is hereby appointed for each Mayor to take, shall remain in and execute the said office of Mayor of the said city until another fit person be named and sworn into the said office of Mayor of the said city; and every person so to be named Recorder of the said city, after having taken such oath as is hereby appointed for each Recorder to take, shall remain in and execute the said office of Recorder of the said city, until another fit person be named and sworn into the said office of Recorder; and every person so to be named Coroner, after having taken such oath as appointed hereby for each Coroner to take, shall exercise and remain in the said office of Coroner of the said city, until another fit person be named and sworn into the office of Coroner of the said city; and every such person so to be named Sheriff

Chamberlain to be annually appointed by the Mayor, Recorder, Aldermen, and Assistants, in Common Council.

And the High Constable to be annually appointed by the Mayor on the same day.

Officers to take the oaths of office, &c. on the third Tuesday in April.

In case of the death of the Mayor, Recorder, Sheriff or Coroner, the Governor with the advice of Council to appoint Successors.

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In case of the death or removal from the City of any Alderman, Assistant or Constable, the inhabitants in the respective ward to choose persons to succeed for the remainder of the year, at such time and place as the Mayor or his deputy shall appoint.

In case of the death of the Chamberlain or High Constable, the Common Council to appoint a Chamberlain, and the Mayor a High Constable.

In case any Alderman, Assistant, Constable or High Constable shall refuse the office when chosen or appointed, to be fined at the discretion of the Common Council, any sum not exceeding £10.

riff, after having sworn and given such security, as is hereby appointed for each Sheriff to do, shall have, exercise and remain in the said office of Sheriff of the said city, until the third Tuesday in April then next, and until another fit person be named and sworn in the said office of Sheriff, and shall have given such security as herein before is appointed for each Sheriff to give. And we do moreover, for us, our heirs and successors, will, and by these presents grant to the said Mayor, Recorder, Aldermen and Commonalty of the city of Saint John, and to their successors forever, that if it should happen any of the present named Aldermen, Assistants or Constables, or any one of the Aldermen, Assistants or Constables hereafter to be elected and sworn, or to be sworn into their respective offices as aforesaid, shall happen to die or remove out of the said city, within the time they are or shall be respectively named or elected for, or before other fit persons be respectively named or elected, and sworn in their respective rooms, it shall and may be lawful for the freemen, being inhabitants in, and the freeholders (s) of each respective ward, for which such Alderman, Assistant or Constable so dying or removing had been named or chosen, to assemble and meet together at such time and place, in the said respective ward, as shall be appointed by the Mayor of the said city, for the time being, or his deputy, and then and there, by plurality of voices or votes of the freemen, being inhabitants in, and the freeholders of such ward, to elect one of the inhabitants of, and being a freeholder in such ward, or freeman of the said city, to serve as Alderman, Assistant or Constable for the said ward, in the room of such Alderman, Assistant or Constable so dying or removing; and so as often as such cases shall happen. And in case the present named, or any future Chamberlain, or any High Constable of the said city, hereafter to be appointed, so sworn, or to be sworn in their respective offices aforesaid, should happen to die or remove out of the said city, within the time they were or shall be respectively appointed for, it shall be lawful for the Mayor of the said city for the time being, or his deputy, and three or more Aldermen and three or more Assistants for the said city, for the time being, in Common Council, to appoint another fit person to be Chamberlain, in the room of such Chamberlain so dying or removing; and for the Mayor of the said city, for the time being, to appoint another fit person to be High Constable in, the room of such High Constable so dying or removing; and so as often as such cases shall happen: And all and every such person and persons so to be newly chosen or appointed Alderman, Assistant, Constable, Chamberlain, or High Constable, shall serve in their respective offices until other fit persons be respectively chosen, or appointed, and sworn in their respective rooms; each of them first taking such oaths as hereafter is appointed for each of them respectively to take.

And we do further, for us, our heirs and successors, ordain, grant and confirm, unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, that if any one of the inhabitants of the said city of Saint John, being a freeholder or freeman as aforesaid, shall hereafter be elected or chosen to the office of Alderman, Assistant or Constable, for any ward in the said city, or shall be appointed to be High Constable of the said city, and having notice of his said election, shall refuse, deny, delay or neglect, to take upon him or them to execute such office, to which he or they shall be so chosen or elected, that then and so often as it shall happen, it shall and may be lawful for the Mayor or his deputy, or Recorder, and any three or more of the Aldermen, and any three or more of the Assistants of the said city, for the time being, in Common Council, to tax, assess, and impose upon every such person or persons so refusing, denying, delaying or neglecting, such reasonable and moderate fine and fines, sum and sums of money, as they the

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said Mayor or his deputy, or Recorder, and any three or more Aldermen, and any three or more Assistants, in Common Council, shall think fit; so as such fine for each refusal, denial, delay or neglect, shall not exceed the sum of ten pounds current money of New-Brunswick; all which said fines shall and may be levied by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the seal of the said city, signed by the Mayor thereof for the time being, rendering the surplussage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted, or by action of debt, in any court of record, to be prosecuted, or in any other lawful method to be obtained; and shall be recovered and received by and to the use of the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or to any of the officers or ministers of us, our heirs or successors: and upon every such refusal or neglect, other fit persons to be elected and chosen in the room and rooms of such person so neglecting or refusing, in such manner as is before directed or appointed for electing and choosing of Aldermen, Assistants and Constables, and for appointing a High Constable upon the death or removal of any of them respectively; and so often as such cases shall happen.

Fine to be to the use of the Corporation.

Other persons to be chosen or appointed as in case of death or removal.

And further we do, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, that the Mayor or Recorder, with three or more Aldermen, and three or more Assistants of the said city, for the time being, be, and shall be, forever hereafter called the COMMON COUNCIL of the City of SAINT JOHN, and that the said Common Council of the said city, for the time being, or the major part of them, have and may, and shall have full power, authority and licence, to frame, constitute, ordain, make and establish from time to time, all such laws, statutes, rights, ordinances and constitutions which to them, or the greater part of them, shall seem to be good, useful or necessary for the good rule and government of the body corporate aforesaid; and of all officers, ministers, artificers, citizens, inhabitants and residents of the said city within the limits thereof, and for declaring how and after what manner and order the Mayor, Recorder, Aldermen and Assistants of the said city, for the time being, and all and every of their officers and ministers, and all artificers, inhabitants and residents of the same city, and their factors, servants, and apprentices, in their offices, functions and business, within the said city and liberties thereof, for the time being, and from time to time shall use, carry and behave themselves; and for the farther public good, common profit, trade and better government and rule of the said city, and for the better preserving, governing, disposing, letting and setting of the lands, tenements, possessions and hereditaments, goods and chattels to the aforesaid Mayor, Aldermen and Commonalty of the said city of Saint John belonging, or to them and their successors hereafter to belong; and all other things and causes whatsoever touching or concerning the said city, or the state, right and interest of the same; provided that such laws be not contradictory, or repugnant to the laws or statutes of that part of our kingdom of Great-Britain, called England, or of our said province; which laws, statutes, ordinances and constitutions, so to be made as aforesaid, may be, and remain in force, for twelve months from the day of the date thereof, and no longer, unless they shall be allowed of and confirmed by the Governor and Council of the said province, for the time being. And that the said Common Council of the said city for the time being, or the greater part of them, so often as they shall make, ordain and establish such laws, statutes, rights, orders and constitutions, in form aforesaid, may make, ordain, limit and provide, such, and the like pains, punishments, and penalties, either by fines and amerciaments, or by disfranchising and moving from the liberties, privileges,

The Mayor, or Recorder, and three Aldermen, and three Assistants to make a Common Council,

Which shall have power to make laws, ordinances, &c.

Laws to be in force twelve months and no longer, unless confirmed by the Governor and Council.

Power to punish by fine or disfranchisement.

leges, immunities and freedom of the said city, or by either of them, towards and against all and every person that shall offend against such laws, statutes, rights, orders and constitutions, or any, or either of them, as by the said Common Council, or the major part of them, shall be thought necessary and requisite to make, ordain, limit and provide, for the observation and preservation of the same laws, rights, statutes, ordinances and constitutions; and the same fines and amerciaments shall and may, from time to time, levy, receive, have and recover, either by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the hand and seal of the Mayor or Recorder, or any one of the Aldermen, for the time being, rendering the surplussage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted; or by action of debt in any court of record, to be prosecuted, or in any other lawful method to be obtained, and to the use of the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, without any account thereof to be given to us, our heirs and successors, or to any of the officers or ministers of us, our heirs or successors: All and singular which laws, statutes, rights, ordinances, and constitutions, so as aforesaid, to be made, we do for us, our heirs and successors, will to be observed, under the pains, penalties and forfeitures in the same contained.

Fines to be to the use of the Corporation.

Common Council to decide all elections.

Common Council to be held at such times and places as the Mayor, or in his sickness or absence, the Recorder shall direct.

Common Council to have power to fine members for non-attendance not exceeding 1s for each default.

Common Council to appoint and regulate ferries.

And we do further, of our special grace, certain knowledge and mere motion, for us, our heirs, and successors, give, grant, ratify and confirm, unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, that the Common Council of the said city, for the time being, or the major part of them, shall have the sole power of determining and deciding all elections, of all and every their officers and ministers hereafter to be chosen and elected, in, or for the said Corporation, or any part thereof. And we do hereby, for us, our heirs and successors, ordain, declare, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that the Common Council of the said city shall be summoned, called and held, from time to time, so often and at such times and places as the Mayor, or in case of his sickness or absence, the Recorder of the said city, for the time being, shall think fit to appoint or direct; and that it shall and may be lawful to, and for the said Common Council of the said city, or the major part of them, to assess and lay such reasonable fines and amerciaments in, and upon every officer and member of the body corporate aforesaid, for the time being, who after having had due notice, or being duly summoned to appear or attend at any such Common Council to be held for the said city, shall neglect so to do, or make default therein, or shall not appear or attend according to such notice or summons in that behalf, or shew a reasonable cause, by the said Common Council, or the major part of them, at their discretion to be allowed, and so often as such case shall happen, so that no such fine or amerciamment for any one default of appearance or attendance of any such officer or member of the body corporate aforesaid, shall exceed the sum of fifteen shillings, like money, in the manner and form aforesaid, to be levied, and by, to, and for the use of the Mayor, Aldermen and Commonalty of the said city, and their successors, to be recovered and received, without any account thereof to be given to us, our heirs and successors, or any of our, or their officers or ministers.

And we do further, for us, our heirs and successors, give, grant and confirm unto the Mayor, Aldermen and Commonalty of the said city of Saint John, and their successors forever, that the Common Council of the said city, for the time being, or the major part of them, (but no other person or persons whomsoever, without the consent, grant or licence of the said Common Council of the said city, for the time being, or the ma-

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major part of them) from time to time, and at all times hereafter, shall and may have the sole, full and whole power and authority of settling, appointing, establishing, ordering and directing, and shall and may settle, appoint, establish, order and direct, such, and so many ferries, and in such, and so many places as the said Common Council, or the major part of them shall think fit, for the carrying and transporting people, horses, cattle, goods and chattels, from one part of the said city, across the said river or harbour aforesaid, to the other parts thereof, or to or from the said city, to any of the opposite; shores; and shall have the right and privilege of erecting and building a ferry-house on Fort Neck, if they the said Common Council, or the major part of them, shall think fit so to do; and they, the said Common Council have hereby, likewise full power to let, set, or otherwise dispose of, all or any of such ferries, to any person or persons whomsoever; and the rents, issues, profits, ferrages, fees, and other advantages arising and accruing from all and every such ferries, we do hereby fully and freely, for us, our heirs and successors, give and grant unto the Mayor, Aldermen and Commonalty of the city of Saint John aforesaid, and to their successors forever, to have, take, hold and enjoy the same to their own use, without being accountable to us, our heirs or successors for the same, or any part thereof.

And we do further, hereby of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, that they, and their successors, shall, and may have, hold and keep, such and so many markets on every day in the week throughout the year, except Sunday, at such place and places in the said city of Saint John, as they the Mayor, Aldermen and Commonalty, for the time being, and their successors, shall from time to time think fit to order, establish, erect and appoint; and that Sundays may also be allowed for the sale of fresh fish in the said markets, and may take and receive such toll, fees, and perquisites, as are reasonable therefrom. And we do further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, that they and their successors may and shall have the affize and assay of bread, wine, beer, ale, and all other victuals and things whatsoever set to sale in the said city, and the limits and liberties thereof, and the amending and correcting the same affize; and all ameracements, fines, and forfeitures to be laid and forfeited concerning the same or any part thereof, without any account thereof to be given to us, our heirs or successors; and to perform, do and act by themselves or their deputies, all and every thing needful or necessary in, about, or concerning the same. And we do hereby further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, shall be the keepers of the beams, weights and measures, for weighing and measuring merchants commodities; and that they shall have the sole appointing clerks, porters, and other officers, for the great beam, balance and weights, with the fees, profits and perquisites, arising and to arise therefrom, without any account thereof to be given, to us, our heirs or successors.

And we do further, of our especial grace, certain knowledge and mere motion, give and grant unto the said Mayor, Aldermen and Commonalty, and to their successors, that they and their successors be the conservators of the water and the river, harbour and bay, of the said city, and shall have the sole power of amending and improving the said river, bay and harbour, for the more convenient, safe and easy navigating, anchoring, riding and fastening the shipping resorting to the said city, and for the better regulating and ordering the same; and that they the said Mayor, Aldermen and Commonalty, and their successors, shall and may, as they shall see proper, erect and build such and so many piers and wharves

Have a right to build a ferry-house on Fort Neck.

Profits to be to the use of the Corporation.

Markets granted to the Corporation.

Also affize and assay of bread, wine, beer, &c.

Also keepers of the Beams, &c.

Power to amend and improve the harbour, &c. granted to the Corporation.

Also to build piers & wharves.

To make docks and slips; and take anchorage, &c.

To make, lay out, alter and amend the streets, lanes, alleys, bridges, &c. for the city and county of Saint John.

Power to hold Fairs, &c. one on the ad Tuesday in May, one on the ad Tuesday in September.

Goods and Chattels of Felons and other Royalties granted to the Corporation.

The office of Gauger granted to the Corporation.

And of Measurers.

Of Surveyor and Packer.

Of Cartage, Carriage, &c.

Of Garbler of Spices, &c.

wharves into the said river, as well for the better securing the said harbour and for the lading and unloading of goods, as for the making docks and slips for the purposes aforesaid; and that they shall and may have, receive and take reasonable anchorage, wharfage and dockage for the same, without any account thereof to be rendered to us, our heirs or successors.

And we do further, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that they and their successors, shall from time to time, and at all times hereafter, have full power, licence and authority, not only to establish, appoint, order and direct, the making and laying out all other streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out, or used, or hereafter to be made, laid out, and used, but also the altering, amending and repairing all such streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out, or used, or hereafter to be made, laid out, or used in and throughout the said city of Saint John, and the vicinity thereof, throughout the county of Saint John herein after mentioned and erected, and also beyond the limits of the said city, on either side thereof, so always as such piers or wharves to be erected, or streets so to be laid out, do not extend to the taking away of any persons right or property, without his, her, or their consent, or by some known laws of the said province of New-Brunswick, or by the law of the land. And further, we, of our especial grace, certain knowledge and mere motion, give and grant, and by these presents, for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the said city of Saint John, and their successors forever, that they, and their successors, shall and may, have and hold, one Fair, in the said city, on the second Tuesday in May, and on the second Tuesday in September, yearly and every year; which same Fair, shall continue by the space of three days, together with all liberties and free customs to such kind of Fair belonging. And of our further especial grace, certain knowledge and mere motion, we have also given and granted, and by these presents for us, our heirs and successors do give and grant, unto the said Mayor, Aldermen and Commonalty of the said city of Saint John, and to their successors forever, all the goods and chattels of felons, felons of themselves, and of fugitives, waifs, estrays, treasure-trove, deadlands, and wreck of the sea, happening, arising, or to be found, as well within the limits of the said city and liberties thereof, as any where without, in, by and through the county of Saint John herein after described, and on the coasts, harbours, rivers and creeks thereof.

And we do hereby, further, for us, our heirs and successors, grant and give unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, the office of Guager, of, and in the said city, to gauge all and singular the wine, rum, brandy, molasses, beer, ale, cyder and other merchandizes and vessels, gaugeable or to be gaged within the said city, (except such liquors as are to pay duty, by virtue of any act of Assembly, until after they have been gaged by the public officer appointed for that purpose:) And the office of Measurer of, and in the said city, to measure wood, lumber, salt, wheat, oats, and other grain, and all other merchandizes, measurable or to be measured in the said city: And also the offices of Surveyor and Packer of bread, flour, beef, pork, and other provisions, and all other merchandizes and commodities to be surveyed and packed in the said city: And also the office of Cartage, Carriage, and Portage of all goods, wares, and merchandizes and other things, to be carted or carried in or through the said city, or any part thereof, or up and down, and along the shores of the said harbour: And also the office of Garbling of all manner of Spices and other merchandizes, and things to be garbled in the city aforesaid: To have and to hold the several offices aforesaid and every of them, and the disposition, ordinances and corrections of the same, and to exercise the same

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by themselves or their deputies, and to take and receive to themselves as fees, profits and perquisites to the said offices and every of them due, or to be due, and all the fines, americiaments and forfeitures to be laid and forfeited concerning the same, or any part thereof, to them, the said Mayor, Aldermen and Commonalty, and their successors, to their own proper use forever, without any account, or any other thing to us, or our heirs or successors, to be given or made. And further, that the Mayor of the said city, for the time being, or his deputy, for the time being, shall from time to time, and at all times forever hereafter, have full power and authority, under the common seal of the said city, to make free citizens of the said city, and the liberties thereof; and that every person so to be made a free citizen, shall pay, on his being made free, for the use of the said Mayor, Aldermen and Commonalty of the city aforesaid, and their successors forever, a sum not exceeding five pounds current money of New-Brunswick. And we do, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors forever, full power to ask, take, demand and receive the same to their own use and behoof, without any account thereof to be given to us, our heirs or successors, or any other person or persons whatsoever. And we do hereby, for us, our heirs and successors, constitute, appoint and ordain, that no person whatsoever, not being a free citizen of the said city, as aforesaid, shall, at any time hereafter, use any art, trade, mystery, or occupation within the said city, liberties and precincts thereof, or shall by himself, themselves or others, sell or expose to sale, any manner of goods, wares, merchandizes or commodities, by retail, in any house, shop, place or standing, within the said city, or the liberties or the precincts thereof, (save in the times of public Fairs) and that every such person so using any art, trade, mystery or occupation, or so retailing, contrary to the intent and meaning of these our present letters, and shall persist therein, after warning to him or them thereof, given or left, by the appointment of the Mayor of the said city, for the time being, or his deputy, at the place or places where such person or persons shall so use any art, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandizes or commodities as aforesaid, shall forfeit the sum of five pounds of like money, to, and for the use of the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, for every time that he or she shall so use any trade, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandizes or commodities after such warning given or left, as aforesaid: All and every of which same forfeitures shall and may be levied by distress and sale of the goods and chattels of such delinquent or delinquents, by warrant under the seal of the said city, signed by the Mayor thereof, for the time being, or his deputy, rendering the surplusage to the owner or owners thereof (if any be) the necessary charge of making and selling such distress being first deducted, or by any other lawful method to be obtained; and shall be recovered and received by and to the only use of the Mayor Aldermen and Commonalty of the city of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or to any of the officers or ministers of us, our heirs or successors: PROVIDED ALWAYS, and we do hereby, for us, or heirs and successors, direct, appoint, and order, that no person or persons shall be made free as aforesaid, but such as are or shall be natural born subjects of us, our heirs or successors, or shall be naturalized or made denizens. And we do further, for us, our heirs and successors, ordain, appoint, direct, will and grant unto the American and European white inhabitants of the said city, our loving subjects, who on the day of the date of these

Mayor or his deputy to make free citizens,

Who are to pay therefor to the use of the Corporation a sum not exceeding £5.

No person not being a free citizen to use any art, trade or mystery, or to sell by retail within this city or liberties thereof;

Under the penalty of £5 for every time he offends.

None to be made free but natural born subjects or such as are naturalized or made denizens.

All the present white inhabitants made free-men.

our letters patent are residents of the said city, that they may be admitted, and they are by these presents admitted free citizens of the said city, and shall be entitled to all the liberties, privileges and pre-eminences of freemen of the said city, and of the liberties thereof; they first taking such oath as herein is prescribed for the freemen of the said city to take, and getting their names registered as freemen by the Common Clerk of the said city.

Power to appoint all necessary officers for the preservation of good rule and order in the city.

And for the better preservation of good rule and order in the said city, we do, for us, our heirs and successors, will, ordain, and grant unto the Mayor, Aldermen and Commonalty of the said city, and their successors, that the Common Council of the said city, for the time being, or the major part of them, shall have full power and authority to licence or appoint, by warrant under the common seal of the said city, or otherwise, a port master, and two or more wardens of the port and harbour aforesaid, a city surveyor, surveyors of the highways, wharfingers, inspectors and measurers of cord wood, timber, boards, shingles, staves, and other lumber; one or more surveyors of flour, bread, beef, pork, and barrellled fish, and other provisions; measurers of grain, salt, and all other commodities; guagers of wine, beer, ale, cyder, rum, brandy, and all other saleable or exciseable liquors; garblers, beadles, bellmen, watchmen, bridewell keepers, or keepers of a house or houses of correction, and of alms houses, cryers and bell ringers; and also to appoint in like manner, such and so many other officers, as shall from time to time be found necessary or convenient, to enforce and execute such bye laws and regulations as may hereafter be made by the said Corporation, and to displace all or any of them, and put others in their room, and to add or diminish the number of them, or any of them, as often as the said Common Council of the said city, or the major part of them shall think fit.

Power to build bridewells, houses of correction, work-houses, stocks, &c.

And further we do, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty, and their successors forever, full power and authority, to erect and build one or more bridewell or bridewells, house or houses of correction, and work-house or work-houses, and also one or more common stocks, together with full power and authority to the said Mayor, Recorder and Aldermen, and their successors, and to each of them jointly or separately, to take up and arrest, or order to be taken up and arrested, all and any rogues, vagabonds, stragglers, idle and suspicious and disorderly persons; and as the said Mayor, Recorder or Aldermen, or any one of them shall see cause to order all or any such rogues, vagabonds, stragglers, idle and suspicious and disorderly persons, to work on the streets or highways, or to be committed to the said work-house, there to remain and work such work, and so long (not exceeding forty days) or else to bridewell or to the house of correction, there to receive such punishment, not extending to the loss of life or limb, or to the said common stocks, as the said Mayor, Recorder and Aldermen, for the time being, or any one of them shall think fit; and also that they the said Mayor, Aldermen and Commonalty, and their successors forever, may and shall have power to erect and build such and so many alms houses for the relief of the poor, as they shall think fit, together also with as full and ample power to them and their successors, to order, direct, and act, in and about such bridewells, houses of correction, work-houses, and common stocks, and alms houses, and the persons put in and ordered there, as to any city or corporation in any place of that part of our realm of Great-Britain called England, and the officers and ministers thereof doth or may belong. And also that they the said Mayor, Aldermen and Commonalty, and their successors forever hereafter, may have one or more gaol or gaols, compter or compters, in such fit place or places within the said city, and limits and jurisdiction thereof, as by the Common Council of the said city, for the time being, or the major part of them, shall be appointed to imprison and safe keep all and every person and persons, for

To take up all stragglers and disorderly persons,

And order them to work on the highways, or to be committed to the work-house, or set in the stocks, &c.

Power to build alms houses.

Corporation to have gaols and compters, &c.

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any treasons, murders, felonies, trespasses, evil doings, debts and other matters and causes whatsoever, to be arrested or attached, or to be committed to the gaol or gaols, or compter or compters aforesaid, in safe custody there to remain until they be delivered by due course of the law; and that the Common Council of the city aforesaid, for the time being, or the major part of them, shall and may have power, from time to time, to name, constitute and place one or more fit person or persons in the office or offices of keeper or keepers of the gaol or gaols, compter or compters aforesaid, to hold the same during the good pleasure of the Common Council of the said city, for the time being, or the major part of them as aforesaid, requiring, and hereby for us, our heirs and successors, empowering and commanding the keeper and keepers of the gaol or gaols, compter or compters aforesaid, for the time being, that all and singular traitors, murderers, felons, malefactors, disturbers of the peace and other delinquents, and all others for any crime or offence, or for any debt or other reasonable cause or matter, to the gaol or gaols, or compter or compters aforesaid, ordered or committed, or to be ordered or committed, from time to time, shall receive, take, keep and cause to be kept, in the said gaol or gaols, compter or compters, until they shall be thence delivered by due course of law.

And we do further, for us, our heirs and successors, will, ordain and grant, that the Mayor of the said city, for the time being, shall forever hereafter be Clerk of the Market of us, our heirs and successors, within the city aforesaid, and the limits, liberties and precincts thereof: And that the Mayor of the said city, for the time being, by himself or his deputy, may and shall have full power and authority to do and execute, and shall and may do and execute, forever, within the limits, liberties and precincts of the said city, all and whatsoever in the office of clerk of the market there doth, shall or may belong, without any hindrance or impediment of us, our heirs or successors, or any the officers of us, our heirs or successors; and that no other clerk of the market shall intermeddle there; and also that the Mayor of the said city, for the time being, and his successors, during the time of his and their Mayoralties, and no other be, and shall be the Bailiff and Conservator of the water of the bay, harbour, and river Saint John, and the coves, inlets, and creeks thereof, and shall and may do, exercise and execute the said office of bailiff, and conservator of the waters aforesaid, or water bailiff, by him or themselves, or by his or their sufficient deputy or deputies, in, upon or about the same waters aforesaid, in and through all the limits, bounds and jurisdiction of the said city of Saint John, upon all and every the banks, shores and wharves of the same waters aforesaid within the limits and bounds aforesaid, and to have, receive, collect and enjoy all and singular wages, rewards, fees and profits to the same offices of clerk of the market and water bailiff, or any of them due or to be due, or belonging to his and their own use, without any account thereof to us, our heirs or successors to be made. And also that the Mayor of the said city, for the time being, shall have full power and authority to licence and appoint, by warrant under his hand and seal, two or any greater number of marshals of the said city, and bell-ringers, cryers of the Courts of Sessions and Common Pleas, porters of the great beam, balance and weights, common porters, carriers, cartmen, carmen, waggoners, teamsters, draymen, lightermen, ballastmen, wherrymen, packers, cullers, common cryers, scavengers and beadles; and to displace all or any of them, and to put others in their rooms, and to add to or diminish the number of them or any of them (except the marshals, which shall not be less than two) when, and as often as the Mayor, for the time being, shall think fit. And also that the Mayor of the said city, for the time being, shall have a common seal, which shall be called THE SEAL OF THE MAYORALTY OF SAINT JOHN'S, and shall serve and be used as well for the deputing, licencing

Common Council to have power to appoint keepers of the gaols and compters.

Mayor to be Clerk of the Market, to act by himself or deputy.

Also to be Water Bailiff.

Mayor to appoint marshals, cryers, and bell-ringers, porters, carmen, &c. &c.

Mayor to have a Common Seal called the Seal of the Mayoralty.

ing or appointing of all such officers and ministers of the said city as are or shall be in the nomination or appointment of the Mayor of the said city, for the time being, as for the certifying any act, matter or things; transacting or to be transacted, or done within the said city, and which may be thought useful or necessary to be certified under the seal of the said Mayor, as Chief Magistrate of the said city; and that he, the said Mayor, for the time being, shall, and may have, receive and take, for the said seal, such fees and perquisites as shall be established by the Common Council of the said city, or the major part of them, without any account thereof to be rendered to us, our heirs and successors. And we do farther, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, that the Mayor of the said city, for the time being, and no other whatsoever, shall have power to give and grant licences under the common seal of the said city, to all such persons as he shall think fit, to licence them or every of them, to sell at public outcry or auction, or to keep a tavern, an inn, an ordinary, a victualling or a coffee-house; or to sell wine, brandy, rum, strong waters, punch, beer, ale, or any exciseable or strong liquors whatsoever, within the city of Saint John, or the liberties or precincts thereof, by retail, or the small measure, under the quantity of five gallons; and that it shall and may be lawful to and for the Mayor of the said city, for the time being, to ask, demand and receive for every such licence by him to be given and granted as aforesaid, such sum or sums of money as he and the person to whom such licence shall be given and granted shall agree for, not exceeding the sum of four pounds for each licence (licences for auctioneers excepted;) all which monies as by the said Mayor shall be so received, shall be used and applied to the public use of the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, without any account thereof, to be rendered, made or done, to us, our heirs or successors; every and each of which licences shall continue and be in force for any time agreed on not exceeding one year from the granting thereof, but no longer. And we do hereby, for us, our heirs and successors, constitute, direct, and ordain and appoint, that no person or persons whatsoever, without such licence being in force, shall at any time hereafter be an auctioneer, keep any tavern, inn, public ordinaries or victualling house, or sell wine, brandy, rum, strong waters, punch, cyder, beer, ale or any other sorts of exciseable or strong liquors within the city of Saint John or the liberties or precincts thereof, by retail or small measure, under five gallons, under the penalty of five pounds current money of New-Brunswick for every time that any person shall act contrary hereto in any respect, to be forfeited and paid by every person for every time he or she shall offend or act contrary hereto in any respect, to and for the use of the said Mayor, Aldermen and Commonalty of the city of Saint John, for the time being; all and every of which penalties shall and may be levied by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the hand and seal of the Mayor of the said city, for the time being, or his deputy, rendering the overplus to the owner or owners thereof, if any be (the necessary charges of making and selling such distresses being first deducted), or by any other lawful method to be obtained, and shall be recovered and received by and to the use of the Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or any of the ministers or officers of us, our heirs and successors.

Mayor to grant licences to auctioneers, tavern keepers, retailers of spirituous liquors, &c.

To take therefor such sum as he can agree for not exceeding £4, except from auctioneers, the money to be for the use of the Corporation.

Licences to be in force for any time agreed on not exceeding one year.

No person to act without such licence under penalty of £5 for every offence.

Black people though not freemen may be licensed by the Mayor so reside in the city, and carry on any busi-

And further, for us, our heirs and successors, we do will and hereby declare, that although the people of colour or black persons, now residing in our said city, and hereafter to come and reside therein, are by these presents excluded the privilege of being or becoming free citizens

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zens thereof, yet it is not our pleasure that those who shall be found good, discreet and honest persons of that description, should be wholly deprived of the means of getting and having a comfortable support for themselves and their families; and therefore we do will and grant, that the Mayor of the said city, for the time being, may from time to time, as he shall think proper, by warrant under his hand and seal, licence any of the said people of colour to reside in the said city, and to carry on any business or occupation which he shall think fit, and express in such licence; and the same licence and licences at his pleasure to suppress, any thing herein contained to the contrary notwithstanding.

And we do further of our especial grace, certain knowledge, and mere motion, will and ordain and constitute, and by the presents for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, that they and their successors forever, can, shall, and may have a Court, to be holden before one of the Aldermen, with the Common Clerk of the said city of Saint John, as puisne judge of the said court, on the Thursday of every alternate week, or once in every fortnight; which Alderman and the said Clerk associated together as judges of and in the said court, shall, by these presents, have full power and authority to hear and finally determine, all actions, cases and causes, wherein the sum or thing demanded shall not exceed the sum or value of (4) forty shillings, and judgment thereof to render with costs, and execution of the said judgment to award. And we do further ordain, that the said court shall be called *THE CITY COURT OF SAINT JOHN*; and that by that name the process of the said court shall be issued to one of the marshals of the said city, and that the first process to bring any defendant in to answer, who is an inhabitant of the said city, shall be by summons, and against any who is not an inhabitant of the said city, the same shall be by attachment of the body of the defendant: But if any inhabitant shall neglect to appear and answer on his being summoned, or if it shall appear on affidavit, that the inhabitant is about to depart the jurisdiction of the said city, then and in either of those cases the plaintiff in such action may proceed by attachment as aforesaid. And for the more speedy determining of all controversies in the said court, and to lessen the expence thereof, we do ordain and direct, that the plaintiff and pleadings in all causes be *ore tenus* according to the usage and practice of the courts held before our Sheriffs of our counties in our realm of England, and that the issue and proceeding be entered and kept by the said clerk associate, or his deputy, in short entries. And also we ordain and direct, that by virtue of these presents, and without any precept thereof to the marshals of the said city to be directed, they the marshals of the said city, or either of them, shall from time to time summon and return a jury of (5) twelve honest and lawful freeholders of the said city, to appear in the said court, on every court day forever, who shall, being first sworn impartially and truly to hear and determine the several causes brought before them, proceed to try all issues and assess damages in all causes which shall be given in charge to such jury by the said court: and if there shall happen to be defect of jurors for cause of challenge or otherwise, the same shall be supplied, from time to time by a *tales de circumstantibus*, according to the practice of the courts of the common law: and that the evidence to be given to the said jury, shall be by witnesses *viva voce*, or such other evidence as is admissible by the rules of law, and not by the oath of either party. And we do also hereby ordain and direct, that on all judgments to be given

ness expressed in the licence, which may be suppressed at the pleasure of the Mayor.

City Courts to be holden once fortnight before one of the Aldermen and the Common Clerk for the trial of causes of 40s. value.

Proceeding therein to be *ore tenus*.

Marshals to summon a jury of twelve men for the trial of the causes.

Evidence to be by witnesses, &c.

Execution to be of the body or goods.

[4] In actions for the recovery of debts, the jurisdiction of this court is extended to five pounds. See *Prov. Stat. 50 Geo. 3, c. 17, § 16.*

[5] By the *Prov. Stat. 26 Geo. 3, c. 10*, it is provided, that three jurors shall be returned instead of twelve, when the Clerk shall signify that their attendance is necessary: and that it shall be at the election of the defendant whether the Judge and Clerk shall hear and determine the cause, or such jurors.

Marshals and others
to execute all pre-
cepts, &c.

Punishment for con-
tempt of the court.

The Clerk or his de-
puty to take an oath as
judge of the said court
before the Mayor or
Recorder before he
sit to hear causes.

Clerk to have power to
appoint deputies for the
several districts in the
county of Saint John,
who with a justice of
the peace may hold
such court in such
districts.

All ungranted lands
within the bounds of
the city given to the
Corporation including
the three islands near
the Falls.

be rendered by the said court, the party recovering may have execution against the body or goods of the adverse party, at his election, provided that on execution against the body, a certain time shall be inserted in the warrant of execution, directing how long the party shall be imprisoned, which shall not exceed three calendar months, but for as much shorter time as the said (6) clerk, in his discretion, shall think fit. And we do hereby, for us, our heirs and successors, grant, order and appoint, that the marshals and keepers of the gaols of the said city, for the time being, shall and may, and they, and each and every of them, are hereby commanded, authorized and fully empowered, to execute and return all and every the precepts and commands of the Alderman and Clerk of the said court, or either of them. And we do also, hereby ordain, that for any contempt, abuse or disturbance committed or done, in, or to the said court or the process thereof, or for not appearing as a juror when summoned, the party delinquent or offending shall be subject, either to an amercement not exceeding twenty shillings, or to be committed during the sitting of the court, at the discretion of the said court. And we do further ordain and direct, that before the said clerk or his (7) deputy shall proceed to sit and hear causes in the said court, he shall, besides the usual oaths, take an oath before the Mayor or Recorder of the said city, well and truly to execute his office as clerk and judge of the said court for trial of causes of forty shillings, according to the best of his skill and knowledge, and that he will not deny or delay justice to any one. And we do for us, our heirs and successors, grant to the said Mayor, Aldermen and Commonalty and their successors forever, that the Common Clerk of the said city for the time being, forever shall be, and he is by these presents authorized and empowered, to appoint sufficient deputies for the several districts of the county of Saint John, who, together with the justices of the peace residing in the said districts respectively, or any one of them, shall be, and hereby are constituted judges of the court for trial of causes not exceeding forty shillings, in the said district, with full power and authority, according to the course of the common law, to hear and determine all such causes in like manner, on the every alternate Thursday, or once in every fortnight, and subject to the same restrictions and regulations, and with the same and the like other powers as herein before are directed and ordained, to and for such court within the said city of Saint John. And the constables of the said respective districts, are hereby also empowered and enjoined, to summon and return jurors, execute the processes, and to do all things, which shall be given them in command by such justice and clerk, or the deputy of the said clerk for the time being: And the keeper and keepers of the gaol of the said city and county, are also hereby empowered and enjoined, to take and keep in gaol such person and persons, as by any precept or warrant from the clerk, or his deputy, of the said court, he shall be directed, according to the tenor of such precept or warrant.

And moreover, of our further grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors forever, all and singular the messuages, tenements, dwelling houses, lots of ground, and all other lands or ground whatsoever, covered or uncovered with water, situate, lying and being within the said city of Saint John and the limits and boundaries thereof, together with the three small islands lying in and near the Falls in the river Saint John aforesaid, and near the western limits of the said city; which same islands shall be included in and a
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[6] By the same statute, the presiding Justice and no other is to determine the length of time of the imprisonment; which is not to exceed three months.

[7] The Clerk (by the same statute) is prohibited from deputing his judicial power.

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part of King's Ward in the said city, together also with all and singular the woods, underwoods, trees, timber, feedings, pastures, meadows, marshes, swamps, ponds, pools, rivers, rivulets, fens and streams of water, land covered with water, bays, inlets, harbours, fishing, fowling, hunting, hawking, mines, minerals, (gold and silver mines only excepted) and all other profits, privileges, advantages, emoluments, hereditaments and appurtenances whatsoever, to the said lands and premises, within the lines, limits and boundaries of the said city of Saint John, herein before particularly described, belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; together also with all fairs, markets, bridges, tolls, tronage, piccage, stallage, pontage, passage, and all other privileges, advantages, emoluments, perquisites and profits whatsoever, in any manner of way arising or growing out of, or by means of, all or any of the premises herein before granted, and which of right they ought to have, receive, and enjoy and take, by virtue of these presents; and all our estate, right, title, interest, property, claim and demand whatsoever, of, in and to the same, and every part thereof, (saving and reserving unto our said loving subjects, the inhabitants of the said city, and to all other our loving subjects, their heirs and assigns respectively, all such houses, lands, tenements and hereditaments, as he, she, or they have, hold and enjoy, or which he, she or they, may or can legally claim, by or under any grant or patent under the great seal of our province of Nova-Scotia, or of our said province of New-Brunswick :) To have and to hold all and singular the premises aforesaid, and every part and parcel thereof, with their, and every of their rights, members and appurtenances, (except as is before saved and reserved) unto the Mayor, Aldermen and Commonalty of the city of Saint John and their successors forever; to be holden of us our heirs and successors, in free and common socage, as of our manor of East-Greenwich in our county of Kent, within that part of our Kingdom of Great-Britain, called England; yielding, rendering and paying therefor, unto us, our heirs and successors, on the feast of the Annunciation of the blessed Virgin Mary, commonly called Lady-Day, at the office of our Receiver General of our province of New-Brunswick, at the city of Saint John aforesaid, the rent of ten shillings sterling money of Great Britain in lieu and stead of all other rents, services, exactions or demands whatsoever, without any account or reckoning, or other thing to us, our heirs, or successors, for the same to render or do; subject nevertheless to the limitations, uses, restrictions, reservations and appointments herein after appointed, ordained, expressed and declared: And therefore we do for us, our heirs and successors, appoint, ordain, declare and direct, that the island called Navy-Island, lying in, and being part of our said city, at the mouth of the river Saint John, and in the harbour aforesaid, shall at all times forever hereafter be, remain and continue, for the use of our royal navy, and be used and occupied, in such manner and to such purposes, as to our naval commander, for the time being, on that station shall seem meet: and that the island aforesaid called Partridge-Island, also within the limits aforesaid, be at all times forever hereafter kept by the said Mayor, Recorder and Commonalty, as well for the due use and purpose of a Lighthouse to be erected thereon, and for the keeping and maintaining a person to attend and watch the said light, for the safe navigation of the said harbour, as for a Pesthouse to be also thereon erected, for the use of those who may be hereafter obliged to perform quarantine on entering the said port. And further, we do, for us, our heirs and successors, reserve to us, our heirs and successors forever, full right, power and authority, at any time and at all times hereafter, to enter into and upon the common lands of the said Corporation, and to erect thereon barracks, batteries, forts, and other fortifications for the defence of the said city and harbour: And in further pursuance of the aforesaid limitations, uses, restrictions,

Subject to several reservations and limitations, viz.

Navy Island to be to the use of the Royal navy.

Partridge Island for a Lighthouse and Pesthouse.

Power reserved to the Crown to erect barracks, batteries, &c. on the common lands of the Corporation.

A market place re-

erved on the western side of the harbour.

Market places and public squares to remain open and unappropriated to any use except building market-houses on the market-places.

Water lots on the west side, from the market-places to the fort, reserved for store-houses, &c.

Any grant of public squares and market-places void.

The fisheries on the east side, to be to the inhabitants of the east side;

And on the west side, to the inhabitants of the west side.

restrictions, reservations and appointments, we do for us, our heirs and successors, appoint, ordain and declare, that there be laid out and set apart for a market-place on the common ground of the said city, on the west side of the said harbour, a piece of ground commencing from Front-street or row where it meets the said river, and extending two hundred feet along the water line on the bank of the river aforesaid at high water mark, towards the neck of land on which remain the ruins of Fort Frederick; and that the said market-place so to be laid out, as well as the market-place already laid out on the east side of the said harbour, and also the public squares on both sides of the said river, and which are already laid out and appear on the plan of the survey of the said respective districts already published, and known by the names of King's square, and Queen's square, shall be and forever remain open, and uninclosed and unappropriated to any use or uses whatsoever, either private or public (the building of market-houses on the said market-places only excepted.) And we do further appoint and ordain, that the residue of the common ground on the west side of the said harbour, ranging along the water front, from the said market-place to the neck of land aforesaid, and extending from high water mark fifty feet on the common ground, and from high to low water mark, shall be laid out into convenient lots, and shall not be appropriated to any use whatsoever, other than for wharves and store-houses to be erected and built thereon; and which when built, shall ever remain and continue and be, for the sole use and purpose of landing, storing and safe keeping of lumber, cured fish, grain and other goods that shall be brought there to be stored, and for no other use or purpose whatsoever. And we do also ordain, appoint and direct, that in all grants and conveyances whatsoever, that shall be made by the said Mayor, Aldermen and Commonalty of the said common lands, or any part thereof, there shall be an express condition contained in every the said grants, that the grantee or lessee, his heirs and assigns, shall within such time as therein shall be agreed on and limited, erect and build a convenient wharf and store-house on the ground thereby granted or demised, for the sole and only purposes aforesaid; and if the grantee or lessee shall not within such time erect and build such wharf and store-house, and appropriate the same to the uses aforesaid, or shall at any time convert the same or any part thereof to a dwelling-house, work-shop, or any other use or purpose whatsoever, other than as and for a store-house and lumber-yard as aforesaid, then, that such grant shall be void and become forfeit; and the said Mayor, Aldermen and Commonalty shall thereupon re-enter as for such forfeiture. And we do ordain and declare, that all and every grant and conveyance whatsoever to be made by the said Mayor, Aldermen and commonalty of the said market-places, and public squares, or either of them, shall be *ipso facto* void; and that all inclosures, buildings or other things that shall be erected or found on the said market-place and public squares, contrary hereto, shall be held, taken, deemed and adjudged to be, public and common nuisances, and be treated as such accordingly.

And we do further limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark along the east side of said bay, river and harbour, shall be and forever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the said city, on the east side of said harbour; and they the freemen and inhabitants of the said city, on the east side of the said harbour, shall and may, by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs, and taking the fish between the said high and low water mark on the said east side, to the total exclusion of all and every the freemen and inhabitants of the west side of the said harbour, and all others under any pretence whatsoever. And in like manner we do limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark, on the west side of the said bay, river and harbour, (except those on and surrounding

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surrounding the said Navy-Island, which shall be and remain to all the inhabitants of the said city in common) shall be and forever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the west side of the said bay, harbour and river; and they the freemen and inhabitants of the said city, on the west side of the said harbour, shall and may by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs and taking the fish between the said high and low water mark on the said west side, to the total exclusion of all and every the freemen and inhabitants of the east side of the said harbour, and all others under any pretence whatsoever. And we do also limit, appoint, ordain, declare and direct, that the common lands lying and being on the east side of the said harbour, shall be for the common use of the inhabitants of the said city, residing on the east side of the said harbour only; and that the rents, issues, and profits arising by the sale or other disposal thereof, shall be applied by the Mayor, Aldermen and Commonalty of the said city, for the time being, to the sole improvement, benefit and advantage of that part of the said city lying on the east side of the harbour, and of the inhabitants thereof forever. And in like manner we do limit, appoint, ordain, declare and direct, that the common lands lying on the west side of the said harbour, shall be for the common use of the inhabitants of the said city, residing on the west side of the said harbour only; and that the rents, issues and profits, arising by the sale or other disposal thereof, shall be applied by the said Mayor, Aldermen and Commonalty for the time being, to the sole improvement, benefit and advantage of that part of the said city, lying on the west side of the said harbour, and of the inhabitants thereof forever. And all the rest, residue and remainder of the premises hereby granted, we do will, ordain and declare, to be to the only proper use and behoof of the said Mayor, Aldermen and Commonalty, and their successors, for the common benefit and advantage of the inhabitants of the said city of Saint John forever, and to no other use or uses whatsoever, any thing to the contrary notwithstanding.

And further know ye, that for the due, orderly, convenient and speedy administration of justice, to and amongst our loving subjects, living and residing along the said bay of Fundy, and the parts of our said province of New-Brunswick, adjacent and of easiest access to the said city of Saint John, we have thought fit to constitute and ordain, and we do by these presents, for us, our heirs and successors, erect and constitute into one distinct and separate county, all that tract or district of land, situate in our said province, bounded southerly on the said bay of Fundy, easterly by Hopewell Township, and a line running from the north west corner of said township due north into the country, northerly by a line running east north east and west south west from the southermost point of the Kenebeckacis island lying at the mouth of the river Kenebeckacis, where it joins the river Saint John aforesaid, and westerly by a due north line from Point Lepro in the bay of Fundy aforesaid. And we do hereby ordain, establish and declare, that all and singular the lands and waters comprised within the limits aforesaid, shall forever hereafter be, continue and remain, a distinct and separate county, and including the city of Saint John aforesaid, shall be called, known and, distinguished by the name of THE CITY AND COUNTY OF SAINT JOHN.

And we do, for ourselves, our heirs and successors, by these our present letters, require and strictly charge and command, and fully empower the Sheriff, Common Clerk, Chamberlain, Marshals, Gaol Keepers, High Constable, Petty Constables, and all other subordinate officers of and in the said city, now constituted or appointed, or that hereafter may be chosen, elected, constituted or appointed, and every of them respectively, jointly and severally, as cause shall require, to be obedient and obedient to and attend upon the said Mayor, Recorder and Aldermen of the said city, and Justices of the Peace of our said city and county, and every

Except round Navy-Island, which is to be in common.

The common lands on the east side to be to the benefit of the inhabitants of the east side.

And the common lands on the west side, to the inhabitants of the west side.

The residue of the premises for the common benefit.

County of Saint John erected, and bounds thereof described.

Which including the City, so be forever called the City and County of Saint John.

Sheriff and other officers to be obedient to the Mayor, &c.

or any of them, at all times hereafter, according to the duty or obligation of their respective offices and places, and to execute all and every the commands, precepts, warrants, and processes, to them respectively directed and issued, and given out, and to be issued and given out, by them the said Mayor, Recorder and Aldermen, or any one of them.

Oaths to be taken by the respective officers.

And we do further, hereby, will, declare, and ordain, that the Mayor, Recorder, Aldermen, Assistants, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constables of the said city, such of them as are hereby appointed and named, and all and every such as hereafter are to be appointed, elected or chosen, shall, before they be respectively permitted to execute their respective offices or places aforesaid, respectively be sworn as follows, to wit: The hereby named Mayor of the said city, and every other person hereafter to be appointed to or for that office, to take the proper oath as such, and well and truly to execute the office of Mayor, and all other offices and places hereby appointed for each Mayor to execute and act in, and the usual oath of a Justice of Peace, before the Governor or Commander in Chief of the said province of New-Brunswick for the time being, in presence of three or more of the Aldermen of the said city of Saint John for the time being; or, in case of the absence of the Governor or Commander in Chief for the time being, then before the oldest Counsellor of the said province for the time being, in the presence of three or more of the Aldermen of the said city for the time being. And we do hereby for us, our heirs and successors, give and grant full power and authority to the Governor or Commander in Chief of the said province for the time being, in the presence of three or more of the Aldermen of the city aforesaid, for the time being, or in case of the absence of the said Governor or Commander in Chief, then to the oldest Counsellor of the said province for the time being, in the presence of any three or more of the Aldermen of the said city for the time being, to administer such oaths accordingly without any other warrant, commission or power, from us, our heirs or successors, and so from time to time, as often as the case shall or may require or happen. And the above named Recorder of the said city of Saint John, and every other person hereafter to be appointed to or for that office, to take the proper oaths such officer ought to take, and an oath well and truly to execute the office of Recorder, and the proper oath of a Justice of the Peace, before the Mayor of the said city for the time being; to which same Mayor for the time being, we do for us, our heirs and successors, give full power and authority by these presents to administer such oaths accordingly, in manner aforesaid, without any other warrant, commission or power from us, our heirs and successors. And every Recorder hereafter to be appointed to act as Deputy-Mayor for the time being, to take the proper oath as such, and an oath well and truly to execute the office of a Deputy-Mayor, during the time for which he shall be appointed deputy, if the same Mayor, his constituent, shall so long live: And if the said Mayor shall happen to die within such time, that thereupon, and from thenceforth, such Deputy-Mayor shall well and truly execute the office of Mayor of the said city, until another fit person be appointed and sworn Mayor of the said city, in the manner in these present letters mentioned; and shall also take the proper oath of a Justice of Peace, before the Mayor, and any three or more of the Aldermen of the said city for the time being. And we do hereby, for us, our heirs and successors, give full power and authority to the Mayor, and to any three or more of the Aldermen of the said city for the time being, to administer such oaths as aforesaid, without any other warrant, commission or power, from us, our heirs or successors. And also every Alderman hereby appointed, and every person hereafter to be elected to or for the office or place of Alderman of or in the said city, to take an oath well and truly to execute the office or place of Alderman, and the proper oath of a Justice of

The Mayor to be sworn before the Governor or Commander in Chief.

The Recorder to be sworn before the Mayor.

Deputy-Mayor to be sworn before the Mayor and three Aldermen.

Aldermen, &c. to be sworn before the Mayor or Recorder.

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Peace, before the Mayor of the said city for the time being, or the Recorder of the said city for the time being. And also every Assistant, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constable, hereby named, and every person hereafter to be elected or appointed to or for the office or place of an Assistant, Coroner, Common Clerk or Chamberlain, or shall be appointed or elected to or for the office or place of High Constable or Petty Constable of or in the said city, each of them respectively to take the proper oath for his respective office or place, and well and truly to execute the respective offices or places he is, or shall have been respectively elected or named for, before the said Mayor of the said city for the time being, or the Recorder of the said city for the time being. And we do hereby give full power and authority to the Mayor of the said city for the time being, or the Recorder of the said city for the time being, to administer such respective oaths to each of the respective persons aforesaid, accordingly, without any other warrant, power or authority from us, our heirs or successors. And we do further, hereby, will, declare and ordain, that before any person shall be admitted to have or enjoy the privileges of a free citizen of the said city, or any of them, he shall be first duly sworn, and the following oath is therefore hereby prescribed for him to take, viz. "You do swear, that you will be good and true to our Sovereign Lord King George the Third, and to the Heirs of our said Sovereign Lord the King; obedient and obedient shall you be to the Mayor and Ministers of this city; the franchises and customs thereof you shall maintain, and this city keep harmless in that which in you is; you shall be contributing to all manner of charges within this city, as summons, watches, contributions, taxes, tallages, lot and scot, and all other charges, bearing your part as a freeman ought to do; you shall know of no gatherings, conventicles, or conspiracies made against the King's peace, but you shall inform the Mayor thereof, or let it to your power: all these points and articles you shall well and truly keep, according to the laws and customs of this city. So help you God." Which oath, the Mayor, Recorder and Aldermen of the said city for the time being, or any four of them, whereof we will the Mayor or Recorder to be one, we hereby authorize and empower to administer.

And further, of our especial grace, certain knowledge, and mere motion, we have granted, and by these presents, do for ourselves, our heirs and successors, grant and confirm unto the aforesaid Mayor, Aldermen and Commonalty of the city of Saint John aforesaid, and to their successors, that neither they, nor any one of them, nor any free citizen of the said city, during the time of their being inhabitants there, shall against their or any of their wills, out of the city aforesaid, be put or impanelled upon or in any affizes, juries, or inquisitions whatsoever (although it toucheth, or doth or shall touch us, our heirs or successors, and although we or our successors, be or should, or shall be parties) out of the said city, neither shall they, or any one of them be made, elected, or chosen, assessor, taxor, or collector of any taxes, duties, imposts or subsidies whatsoever, or of any part or parcel of them, or any of them, out of the said city; nor shall be ordained, elected, assigned or appointed constable, bailiff, or any other officer or minister without or beyond the city aforesaid, and the liberties and precincts thereof; nor shall be called upon, compelled or forced, against their or any of their wills, to do, receive, occupy or discharge any of the duties or functions above mentioned, or any other office, duty or function whatsoever, without the city, liberties and precincts aforesaid, except for the laying out roads and highways in other parts of the said city and county, and the working, clearing, amending and repairing the same. And although the aforesaid Mayor, Recorder and Aldermen, freemen, or free citizens, of the city aforesaid, or any of them, shall, while they are or remain inhabitants of the said city, against their, or any of their

Oath of a free citizen.

No free citizen shall be compelled to serve on any jury out of the city, or to execute any office or do any duty out of the city, except in repairing the roads, &c. in the city and county.

their wills, be put, impanelled, or returned upon any assizes, juries, or inquisitions whatsoever, out of the said city and limits thereof; or shall to any of the offices above mentioned, or any other office or function whatsoever, out of the said city, be elected or chosen; and though they, or any of them, being summoned, impaneled or returned, elected or chosen as aforesaid, shall refuse or neglect to come and appear before our justices, or other justices, commissioners or officers of us, our heirs or successors, before whom such assizes, juries, or inquests, shall happen to be summoned or returned, or in or upon the same assizes, juries or inquests, shall refuse or neglect to be sworn or tried, or any of the offices, duties or functions aforesaid, shall refuse to do, receive, occupy or discharge, yet the person or persons so refusing, any contemp, fines, amerciaments, penalties, forfeitures or loss whatsoever, by reason of such refusal or neglect, to or towards us, our heirs or successors, shall not, nor either of them shall, in any wise incur, but therefrom and thereof, as well before us, our heirs and successors, as all other the justices, commissioners and other officers whatsoever, of us, our heirs or successors, shall remain quiet and forever discharged.

The Estates of the inhabitants and freeholders confirmed.

And further we do for us, our heirs and successors, by these present letters, give, grant, ratify and confirm, unto all and every the respective inhabitants and freeholders of the said city of Saint John and their several and respective heirs and assigns forever, all and every the several and respective messuages, tenements, lands and hereditaments, situate, lying and being in the said city, to them severally granted, conveyed or confirmed, or mentioned, or intended to be granted, conveyed or confirmed, by us, or by any of our Governors, Lieutenant-Governors or Commanders in Chief of our said province of Nova-Scotia, or of our said province of New Brunswick, saving and reserving the several quit-rents reserved and due, and to be due and payable, from each of the several persons, to whom, by virtue of any former grants to them (or those from under whom they respectively hold) the same messuages, tenements, lands or hereditaments, were made or given.

Corporation may hold real estate to the amount of \$2000 per annum, within or without the city.

And further, of our especial grace, certain knowledge and mere motion; we do for us, our heirs and successors, give, grant, ratify and confirm, to the said Mayor, Aldermen and Commonalty of our said city of Saint John, and to their successors forever, full, special and free liberty, licence, power and authority, to take, receive, have, hold, and enjoy, to them and their successors forever, in fee simple, any manors, messuages, lands, tenements, hereditaments, rents and other possessions and real estate, within or without the same city, as well of and from us, our heirs and successors, as of and from all and every other person and persons whomsoever; so as the manors, messuages, lands, tenements, hereditaments, rents, and other possessions, and real estate, which the Mayor, Aldermen and Commonalty of the city of Saint John shall or may have in their possession and feizin, at any one time, exceed not, in the whole, the clear yearly rent or value of two thousand pounds, money of our realm of Great-Britain, beyond and above all charges and reprises, without any hindrance of us, our heirs or successors, or the justices, escheators, sheriffs, coroners, bailiffs or other the ministers of us, our heirs or successors, and this without any other letters patent, liberty, licence or power from us, our heirs or successors, the statute of Mortmain or any other act, law or statute, or any other cause, thing or matter whatsoever to the contrary thereof in any wise notwithstanding; and the same manors, messuages, lands, tenements, hereditaments, rents, and other possessions, or any part thereof, to demise, grant, lease and let over, assign and dispose at their own will and pleasure, and to make, seal and accomplish any deed or deeds, lease or leases, evidences or writings, for or concerning the same or any part thereof.

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motion; have given and granted, and by these presents do, for us our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the city of Saint John, and to their successors forever, that the Mayor, Recorder and Aldermen of the said city for the time being, be, and shall be, at all times forever hereafter, and hereby are assigned to be justices, and each of them a justice of us, our heirs and successors, the peace of us, our heirs and successors, within the city and county of Saint John aforesaid, and the limits, jurisdictions and extent thereof to keep; and that they the said Mayor, Recorder and Aldermen of the said city for the time being, and such other person and persons, as we, or our heirs and successors shall from time to time assign to be justice and justices of us, our heirs and successors, the peace of us, our heirs and successors within the said city and county of Saint John to keep, or any four or more of them, (whereof we will the Mayor, Recorder, or any one of the Aldermen of the said city for the time being, to be one) shall and may forever hereafter, hold and keep four courts of General Sessions of the peace in and for the said city and county of Saint John, to begin at certain times in the year, to wit, one of them to begin on the first Tuesday in June, another on the first Tuesday in September, another on the first Tuesday in December, and the other on the (3) first Tuesday in March, in every year; each of which sessions of the peace shall and may last, continue and be held any time not exceeding five days; and also that the said Mayor, Recorder, and Aldermen of the said city for the time being, and such other justice and justices so to be assigned by us, our heirs and successors, or any four or more of them (whereof we will the Mayor or Recorder, or any one of the Aldermen of the said city for the time being, to be one) shall and may forever hereafter, have full power and authority, to enquire of, and hear and determine, within the city and county aforesaid, all and all manner of felonies, imprisonments, riots, routs, oppressions, extortions, forestallings, regratings, trespasses, offences, and all singular other evil deeds and offences whatsoever within the city and county aforesaid, from time to time, perpetrated, done, arising or happening, which to the office of justices of the peace are incumbent, or do in any manner belong, or which hereafter shall happen to belong, or be incumbent on them, or which in any manner before the justices of the peace at the sessions of the peace ought or may be enquired into, heard and determined, together with the correction and punishment thereof; and to do and execute all other things within the city and county aforesaid, and the liberties and precincts thereof, as fully, freely and entirely, and in as ample manner and form, as justices of the peace of us, our heirs and successors, any where within that part of our kingdom of Great-Britain called England, by the laws, statutes or customs of England, or by any other legal method whatsoever, heretofore had or exercised, or hereafter to be had or exercised, could, might or can do, and in as ample manner and form, as if the same had been in these our letters particularly and by special words expressed, contained and mentioned. And that the said justices of the peace of us, our heirs and successors in the city and county aforesaid, may have and exercise jurisdiction in all causes, matters and things whatsoever, which to justices of the peace of our said city and county in any manner do or ought to belong. And further, that the Mayor, Recorder and Aldermen of the said city, for the time being, and every of them, from time to time, and at all times forever hereafter, shall be justices assigned of oyer and terminer and of the gaol delivery, of all and every the gaols now being and hereafter to be in the said city and county, and either of them, and shall be named in every commission

Aldermen to be justices of the peace, for the city and county of Saint John.

With other justices to be appointed, may hold courts of general sessions.

On the first Tuesdays in June, September, December and March.

Mayor, Recorder and Aldermen to be named in every commission of oyer and terminer for the city and county.

[8] This Term altered by the Prov. Stat. 31 Geo. 3, c. 9, to the third Tuesday in March.

commission thereof to be made. And we do hereby for us, our heirs and successors, grant order, and appoint that the sheriff and other ministers and officers of the said city for the time being, shall and may, and they are, and each of them is hereby commanded, authorized and fully empowered, to execute and return, all and every the precepts and commands of the Mayor, Recorder and Aldermen of the said city for the time being, and either or any of them, from time to time and all times, as fully and effectually, as any sheriff, minister or officer of any county or city any where in that part of our kingdom of Great-Britain called England, the mandates or commands of any justice of the peace, justice of oyer and terminer or gaol delivery, of or in any county, there hath used to make, return or execute, in any manner whatsoever.

Inferior court of common pleas to be held by the Mayor, Recorder, or one of them on the first Tuesdays in June, September, December and March.

Subject to writ of error to the Supreme Court in all causes except those which shall not exceed £10, actions of slander and assault and battery.

To hold pleas of all causes above 40s. and under £50 in which titles of land shall not come in question.

Subject to writ of error to the Supreme Court in all causes except those which shall not exceed £10, actions of slander and assault and battery.

May hold the court in vacation not exceeding once a month, to try actions unfinished at the preceding term.

And moreover of our abundant grace, certain knowledge and mere motion, we have willed, ordained and constituted, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said city of Saint John, and their successors, that there shall be forever hereafter one court of Record or Inferior of Common Pleas for the said city and county of Saint John, to be held before the Mayor and Recorder of the said city for the time being, or one of them, at the court-house or city-hall of said city and county of Saint John, at four terms in each year, to wit, on the first Tuesday of June, September, December and (9) March in every year forever; and that the said Mayor and Recorder, or any one of them, the other of them not being present, shall, and may in the name of us, our heirs and successors, hold plea, and have cognizance of all, and all manner of plaints, actions and pleas whatsoever, arising or accruing, within our said city and county, and the limits thereof, which shall be brought in the said court, and which shall be for more than (10) forty shillings and shall not exceed fifty pounds in value, and in which the title to lands shall not come in question; together with full power and authority to hear and determine all and every the same plaints, actions, and pleas, and judgments thereon to render, and execution thereof to award and make; and that the said Mayor and Recorder, or either of them, the same court may hold for so long time as circumstances shall require, and as they or either of them shall think fit, not exceeding five days in each term; and at the end of each of the said terms shall adjourn the said court unto the term then next ensuing; and to act and do every thing therein in such manner and form, and by such and the like methods, process and proceedings, and as fully and amply as in our other courts of Record, in such or the like cases is used or can or may be acted and done according to the laws of that part of our kingdom of Great-Britain called England, and of our said province of New-Brunswick, subject nevertheless to a writ or writs of error, returnable in our Supreme Court of jurisdiction for our said province of New-Brunswick, which they are hereby directed and required to allow, except in those causes which shall not exceed ten pounds, or in actions of slander and assault and battery. And we further ordain and hereby authorize the said Mayor and Recorder by any adjournment at the end of any the said stated terms, to call and hold the said court in the vacation of the said terms (not exceeding once a month) over and above the said stated terms, as they or either of them the said Mayor or Recorder shall think expedient for the dispatch of, and the trying and determining the actions and causes that were depending, undetermined in the said county; and judgment in all and any such causes and actions to render, and executions

[9] This Term altered by the Prov. Stat. 31 Geo. 3, c. 9, to the third Tuesday in March.

[10] By the Prov. Stat. 35 Geo. 3, c. 2, § 2, the jurisdiction of this Court is enlarged to all transitory actions of any value.—And by the same Statute, and also the Stat. 42 Geo. 3, c. 7, this Court is authorised to proceed in a summary way in actions where the sum in demand does not exceed £20: and no action is to be removed by Habeas Corpus from thence to the Supreme Court, unless for a larger value.

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tions thereon to award and make as of the term preceding, as fully, amply and effectually as if the same was or had been heard, tried and determined at such preceding term; and for that purpose that all process necessary for the trial of causes at such adjourned sittings of the said court, shall and may be made returnable at such sittings; and the said Mayor and Recorder, or either of them, at the said sittings, shall and may make such rules and orders for dispatch of the said causes and actions as they could or might make in term time in the said court.

And further of our abundant grace, certain knowledge and mere motion, we have willed, ordained and directed, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said city of Saint John and their successors, that the court-house, and gaol or gaols of and for the said city and county of Saint John, which shall be erected and built by the freeholders and inhabitants of the said city and county, shall be, and forever hereafter shall remain, continue, and be within the limits of the said city of Saint John, and in such part and parts of the said city as the Mayor, Aldermen and Commonalty of the said city shall think fit and proper; and that until the freeholders and inhabitants of the said city and county shall be enabled to erect and build a court-house and gaol for the said city and county, we do hereby declare, that the house, situate in Germain-street in Queen's ward, lately occupied by our supreme court of judicature, of our said province, in Hilary and Easter terms last, is the court-house as well for the said city as for the city and county of Saint John aforesaid, and as such may be appointed by the said Mayor, Aldermen and Commonalty of the city aforesaid; and that the block-house near Fort-Howe, in our said county of Saint John, and the guard room in the said fort, are hereby declared to be the gaol, as well of the said city, as of the city and county of Saint John, until other gaol or gaols in and for the said city, and city and county aforesaid, shall be erected and built, by virtue of the powers before given, or to be given hereafter, and shall be appointed and appropriated by the said Mayor, Aldermen and Commonalty, or their successors, for the uses and purposes aforesaid. And further for us, our heirs and successors, we do hereby appoint the said *Bartholomew Grannell*, to be clerk of the peace of us, our heirs and successors, and of the sessions of the peace for and in the city and county of Saint John, and also clerk of the said inferior court of common pleas, of and for the said city and county, and keeper of the memorandums, rolls, records, minuments and other writings, as well of the said city, as of the said courts of the city and county aforesaid, and every of them respectively; and to continue in the said offices, and to act and execute the same by himself, or his sufficient deputy or deputies, and have, take and enjoy, the fees, perquisites and profits to the said offices, or either of them belonging or appertaining, during our pleasure. And further, we do, for us, our heirs and successors, grant to the said Mayor, Aldermen and Commonalty of the said city of Saint John and their successors, and we do hereby will and ordain, that the common clerk of the said city of Saint John, shall be forever hereafter clerk of the peace and of the sessions of the peace, and clerk of the inferior court of common pleas, and keeper of the memorandums, rolls, records, minuments and other writings of the said city, and of the said city and county respectively. And we do further for us our heirs and successors, will and grant, that so often as the said office shall be vacant, the Common Council of the said city for the time being, shall and may appoint one other honest and discreet citizen, being an inhabitant and freeman of the said city, and of good capacity and understanding, and skilful in the laws of England and of the said province of New-Brunswick, to be common clerk of the said city, and clerk of the said court of record, in and for the said city, and clerk of the peace and of the sessions of the peace, in and for the said city and county of Saint John, to act and execute the said offices, and who shall and may execute, do and receive, all and whatsoever to

Court-house and gaols to be within the city.

Clerk of the Peace & Keeper of the Rolls appointed.

Clerk of the city for the time being to be clerk of the peace and of the sessions, and of the inferior court of common pleas.

Common Council to appoint a Common Clerk pro tempore, to fill any vacancy.

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the said offices and every of them belongs, or shall belong or appertain, till another, an inhabitant and freeman of the said city and of good capacity and understanding, and skilful in the laws of England, and of the said province of New-Brunswick, shall be appointed and sworn into, or for the said offices, by the Governor or Commander in Chief of the said province for the time being, and shall have taken such an oath as is hereby directed for every such person so to be appointed to take, and so from time to time, and as often, as the case may or shall so happen.

Sheriff of the city to be Sheriff of the city and county.

And further, we do for us, our heirs and successors, will, ordain and grant that the said Sheriff of the said city, shall be Sheriff of the said city and county so long as he shall be and continue Sheriff of the said city; and that the Sheriff of the said city hereafter to be appointed, shall forever hereafter be Sheriff of the said city and county, and hold, exercise and enjoy, the said office of Sheriff, in and throughout all and every the parts and districts of the said city and county of Saint John: And that the said Coroner of the said city of Saint John, shall be Coroner of the said city and county, so long as he shall be and continue Coroner of the said city; and that the Coroner of the said city, hereafter to be appointed, shall forever hereafter be Coroner of the said city and county, and hold, exercise and enjoy the said office of Coroner in and throughout all and every the parts and districts of the said city and county of Saint John.

Coroner of the city to be Coroner of the city and county.

And we do further, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, by these presents, give and grant unto the foresaid Mayor, Aldermen and Commonalty of the said city of Saint John and their successors forever, that they and their successors, all and singular the rights, privileges, franchises, preeminences, advantages, authorities, jurisdictions, liberties, offices, courts, powers, immunities, ferries, fairs, fees, profits and perquisites herein before mentioned, or intended to be hereby granted, shall and may forever hereafter have, hold, enjoy and use happily and in peace, freely and quietly, fully and honorably, with all liberties and free customs to the same appertaining, without the hindrance or impediment of us, our heirs or successors, or any of the justices, sheriffs, escheators, coroners, bailiffs or other officers or ministers whatsoever of us, our heirs or successors whatsoever.

The Corporation shall hold and quietly enjoy all the rights, franchises, &c. hereby granted.

And further, we do of our more abundant grace, certain knowledge and mere motion, will, declare, and signify, and by these presents for us, our heirs and successors, do grant unto and covenant with the said Mayor, Aldermen and Commonalty of the city of Saint John and their successors, not only that they and their successors forever hereafter, may and shall have, hold, use, possess and enjoy, all the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, fines, amerciaments, perquisites, profits, immunities and also the rents, possessions, lands, tenements and hereditaments, and all other the premises in these presents mentioned and intended to be hereby granted, but also that these our letters being entered upon record, as is herein after appointed, and the record or enrollment thereof and either of them, and all and every thing therein contained from time to time, and at all times hereafter, be and shall be, firm, valid, good, sufficient and effectual in law, towards and against us, our heirs and successors, according to the true intention thereof; and in and through all things shall be construed, taken and expounded most benignly and in favour, and for the most and greatest advantage, profit and benefit of the said Mayor, Aldermen and Commonalty of the city of Saint John, and their successors, as well in all courts as elsewhere, without any confirmation, licences, tolerations procured, or to be procured of us, our heirs or successors, notwithstanding that any writ or writs of *ad quod damnum* hath or have not issued, or is or are not returned, before the making of these presents, and notwithstanding the not reciting, misreciting, or not rightly or certainly

This Charter being enrolled to be of force, and be construed most benignly and in favor of the Corporation, notwithstanding any imperfection, &c.

ly reciting, franchises, ju- rics, fairs, fe- fessions, land- or by these- granted, or- ing, or ill o- tion or inqu- tended to be- our title in- should or o- and notwith- grant or gr- or not upon- naming, mi- wherein the- any defect- ing the nar- chies, juri- fairs, fees, fions, land- granted o- the yearly- part there- of any of- notwithsta- or for the- mentione- notwithsta- title, of o- notwithsta- mentione- any of the- statute or- standing a- or thing- section, it- scruple o- ing the p- shall and- great feal- Brunwic- Saint Joh- charges, and bette- it shall b- city of S- presents- they sha- feal or c- or makin- fame, al- value, or- gifts or- Lieuten- vinces o- the said- name st- whatfoe-

ly reciting, or ill or wrong reciting the said rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, amerciaments, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, and any other the premises in or by these presents granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, and notwithstanding the not finding, or ill or not right or certain finding of any office or offices, inquisition or inquisitions of the premises hereby granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, by which our title in and to the said premises, or any part thereof might, could, should or ought to have been found, before the making of these presents, and notwithstanding any defect in not reciting or ill reciting of any lease, grant or grants of the premises, or any part thereof, being upon record or not upon record, or otherwise howsoever, and notwithstanding the ill-naming, misnaming, or not right or certain naming, any place or precinct wherein the premises or any part thereof are or is, and notwithstanding any defect in not mentioning, or not fully, rightly or certainly mentioning the name or names of all or any the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices authorities, markets, ferries, fairs, fees, amerciaments, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, or other the premises hereby granted or intended to be granted, or any part or parcel thereof, or of the yearly or other rent of, or reserved in and upon the premises, or any part thereof, by any former grant or grants, by or under our great seal of any of our said provinces, to any person or persons whatsoever, and notwithstanding any defect for the want of a computation or declaration, or for the omission of the true value of the premises in these presents mentioned or intended to be hereby granted, or any part thereof, and notwithstanding any defect in not mentioning our true right, estate or title, of or to the same premises, or any part or parcel of them, and notwithstanding the not mentioning, or not fully, rightly or certainly mentioning, the natures, kinds, species or quantities of the premises, or any of them, or any part or parcel of them, and notwithstanding any act, statute or ordinance of Parliament, or any act of Assembly, and notwithstanding any other defects, defaults or imperfections, or any other cause or thing whatsoever. And further, that if any fault, mistake or imperfection, in time to come shall be found in these presents, or any doubt, scruple or question be, or shall be made, or shall happen to arise concerning the premises or any part thereof, that we, our heirs and successors, shall and will vouchsafe to make any other grant or assurance under the great seal of us, our heirs or successors of the said province of New-Brunswick, to the Mayor, Aldermen and Commonalty of the city of Saint John for the time being, and their successors, at their own proper charges, for the better giving, granting and confirming, and for their safe and better enjoying the premises aforesaid, and every part thereof, when it shall be desired by the same Mayor, Aldermen and Commonalty of the city of Saint John, or their successors. Also, we will, and by these presents grant unto the said Mayor, Aldermen and Commonalty, that they shall and may have these presents made and sealed under the great seal or our said province of New-Brunswick, without rendering, paying, or making any fine or fee, great or little, to us, or to our use, for the same, although no express mention is made of the true, yearly or other value, or of the certainty of the premises or any part thereof, or of the gifts or grants heretofore by us, or our ancestors, or by any Governor, Lieutenant-Governor, or Commander in Chief, of either of the said provinces of Nova-Scotia or New-Brunswick, or to any of the inhabitants of the said city of Saint John, or other person or persons whatsoever, by the name stile or title of any country, town, city, parish, place, or district whatsoever, or any other statute, act, ordinance, proclamation, provision

If any fault or imperfection shall be found in this Charter, the Crown will make any other grant to the Colonists upon their application.

or restriction, made, published, ordained or provided to the contrary, or any other cause or matter whatsoever, in anywise notwithstanding. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province of New-Brunswick, to be hereunto affixed, and the same to be entered of record in our Secretary's office of our said province, in one of the books of patents there remaining. Witness our trusty and well beloved THOS. CARLETON, Esquire, our Captain-General and Governor in Chief of our said province of New-Brunswick, and territories thereon depending, at Saint Johns, this eighteenth day of May, in the year of our Lord, one thousand seven hundred and eighty five, and in the twenty fifth year of our reign.

THOS. CARLETON.

By his Excellency's Command,
JON. ODELL, Sec'y.

I HAVE perused this CHARTER, and find nothing therein prejudicial to the interest of His MAJESTY.

WARD CHIPMAN, Attorney-General.

30th APRIL, 1786.

16th Geo. III, c. 46.

AN ACT for Confirming unto the City of SAINT JOHN its Rights and Privileges.

Mayor, Aldermen & Commonalty of the City of Saint John to be a body corporate & continue and to sue, &c.

I. **B**E it enacted by the Governor, Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John, shall and may forever hereafter remain, continue, and be a body corporate and politic, *in re, facto et nomine*, by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, and by that name sue and be sued, plead and be impleaded, answer and be answered unto, without any seizure or forejudger for or upon any pretence of any forfeiture or misdemeanor at any time heretofore done, suffered or committed.

And that all and singular Letters patent, Grants, Charters and Gifts, sealed under the Great Seal of this Province, heretofore made and granted unto the Mayor, Aldermen and Commonalty of the City of Saint John, be, and are hereby declared to be, and shall be, good, valid, perfect authentic and effectual in the Law, and shall stand and be taken, reputed, deemed and adjudged good, perfect, sure, available, authentic and effectual in the Law, against the King's Majesty, his heirs and successors, and all and every person or persons whomsoever, according to the tenor and effect of the said Letters patent, Grants, Charters and Gifts, and that the same be and are to all intents and purposes hereby ratified and confirmed.

such rights heretofore granted.

II. *And be it further enacted*, That the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, shall and may forever hereafter, peaceably have, hold, use, and enjoy, all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen and Commonalty of the city of Saint John, by any Letters patent, Grant, Charter or Gift, sealed under the Seal of this Province.

This Act shall be accepted, &c. to be a public Act.

III. *And be it further enacted*, That this present Act shall be accepted, taken and reputed to be a public Act of which all and every the Judges and Justices of this Province, in all Courts and all other persons shall take notice on all occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province, any thing herein contained to the contrary thereof in anywise notwithstanding.



