

James Keilsoe
THE
March 1866

ORDINANCES

OF THE

CITY OF NEW BRUNSWICK.



Published by Authority of the Common Council.

NEW BRUNSWICK, N. J.:
A. R. SPEER, Printer.
1865.

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THE

ORDINANCES

CITY OF NEW BRUNSWICK

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NEW BRUNSWICK, N. J.

A. R. SPEER, Printer.

1885

ORDINANCES
OF THE
CITY OF NEW BRUNSWICK.

AN ORDINANCE for the appointment of a City Guager and
City Prover.

SECTION 1. *Be it ordained by the Mayor, Recorder, Alder-*<sup>City guager
and prover to
be appointed,
and his duty.</sup>
men and Common Councilmen of the City of New Brunswick, in Common Council convened, and it is hereby ordained by the authority of the same, That there shall be appointed a city guager and city prover, who shall hold his office during the pleasure of common council, whose duty it shall be, whenever called upon for that purpose, to examine and inspect all tuns, pipes, hogsheads, barrels, and other vessels containing spirituous liquors, or liquids of any other description, within this city, and to give them a mark of allowance as containing lawful measure, and ascertain and try the quality and proof of all spirits they may contain; and to put upon the vessel or vessels containing the same, a mark denoting its or their quality or proof; for which services he shall be entitled to receive ten cents for each and every barrel or vessel contain-<sup>His compen-
sation, by
whom paid.</sup>ing any quantity not exceeding forty gallons, and twenty-five cents for every larger vessel or hogshead so guaged and proved as aforesaid, to be paid by the person or persons employing him.

SEC. 2. *And be it further ordained,* That if any person shall take upon himself, without authority from common council, to perform the said duties of city guager or prover, and<sup>Penalty for
persons acting
without au-
thority.</sup>

take for such services any compensation or reward, he or they so offending shall forfeit and pay the sum of five dollars for each and every offence, to be sued for and recovered for the use of the corporation.

Repealer.

SEC. 3. *And be it ordained*, That all ordinances and parts of ordinances coming within the purview of this ordinance, be and the same are hereby repealed.

Passed July 5, 1839.

AN ORDINANCE for regulating the Inspecting and Measuring of Lumber in the City of New Brunswick.

Inspector, &c.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened*, That an inspector of lumber shall be appointed, who shall hold his office during the pleasure of common council, whose duty it shall be to measure and inspect all the lumber in the city of New Brunswick that may be required to be measured or inspected by a public officer, and any person or persons infringing on the rights and privileges of the said inspector, by measuring or inspecting lumber as aforesaid, shall be liable to and incur a penalty of ten dollars for each and every offence.

His duty.

SEC. 2. *And be it further ordained*, That it shall be the duty of said inspector to measure the full length and size of sawed timber, marking each piece with the quantity of superficial feet contained therein, giving to that which is merchantable and refuse each such a mark as shall be understood by the buyer and seller, to designate the quality of each piece, and it shall be the duty of said inspector to render to his employer a bill of such inspection.

Raft logs, &c.

SEC. 3. *And be it further ordained*, That it shall be the duty of the said inspector to measure the full length and size of raft logs and spars, except where by express agreement

they are required to be measured and inspected, and in such cases there shall be no other deduction made than what in his judgment is the exact quantity of unsound timber contained therein, and said inspector shall render to his employers such bills as shall express whether the lumber has been measured only, or whether it has been both measured and inspected, together with the number of feet contained therein.

SEC. 4. *And be it further ordained*, That the inspector ^{Mark, &c.} shall mark with a marking iron on all timber by him measured, the number of feet contained therein either in cubic or superficial measure, except on mahogany, red cedar and live oak, the number of feet in which shall be expressed in said bills severally annexed to the number of each log. And all raft timber shall be numbered and the bills made in like manner, and the said inspector shall be entitled to receive as a compensation for his services, the following sum, viz: ^{Compensation} On all raft timber inspected and measured, for every ton, consisting of forty cubic feet, fourteen cents; on all raft timber only measured, for every ton eight cents; for every thousand feet superficial measure, of boards, plank, scantling, or sawed timber, thirty-seven and a half cents; for every thousand feet superficial measure of mahogany, one dollar; and in all cases where those fees cannot be calculated by reference to the ordinance, the said inspector may receive such fees as his employer may agree to pay; *provided*, the inspector first makes ^{Proviso.} known the fees allowed by this ordinance; *provided, also*, that the purchaser shall pay one-half of said inspection and the seller the other half.

SEC. 5. *And be it further ordained*, That the said inspector ^{Oath.} shall, before he enters on the duties of his office, take and subscribe before any person legally qualified to administer the same, an oath or affirmation for the faithful discharge of all the duties of his office; and that no inspector shall employ any deputy to inspect in his name, neither shall he purchase or sell lumber except for his own use, under the penalty of ten dollars for each offence and the forfeiture of his office.

SEC. 6. *And be it further ordained*, That all ordinances ^{Repealer.}

and parts of ordinances coming within the purview of this ordinance, be and the same are hereby repealed.

Passed August 2, 1839.

AN ORDINANCE to regulate the Boiling of Varnish and Oil within the limits of the City of New Brunswick.

Boiling of varnish, &c.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened, and it is hereby ordained by the authority of the same, That from and after the passage of this ordinance it shall not be lawful for any person to boil varnish or oil within fifty feet of any building, except the building used for the boiling said varnish or oil in; and the building used for the boiling said varnish or oil shall not in any case stand or be erected within fifty feet of any other building in this city, under a penalty of twenty dollars for each and every offence.*

Repealer.

SEC. 2. *And be it further ordained, That the ordinance passed June eighteenth, eighteen hundred and thirty-two, regulating the boiling of varnish and oil in this city, be and the same is hereby repealed.*

Passed August 2, 1839.

AN ORDINANCE to provide for and regulate a Night Watch.

Captain of night watch.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened, That there shall be appointed*

by common council a captain of the night watch, who shall hold his office during the pleasure of common council.

SEC. 2. *And be it further ordained,* That it shall be the ^{His} duty. duty of the said captain, when required by the mayor, recorder, or one of the aldermen, to summon for a watch such number of the inhabitants of this city as shall be directed by the officer requiring the same, to assemble at the watch house, at such hour as he shall direct, (not later than ten o'clock, P. M.) to perform the duties of a watch for the city for one night; and it shall be the duty of said captain to attend at the watch house at the time appointed for the said watch to meet, and besides taking his turn at watching and preserving regular order among the watchmen, shall within fifteen minutes thereafter, call over the names of the persons contained on the list as watchmen for the night, who shall have been duly summoned, and shall note if any do not attend in their own person or by some good and sufficient substitute, approved of by the said captain, the name or names of such delinquents, and shall on the following day, or within three days thereafter, return the name or names of such delinquent to the mayor, recorder, or one of the aldermen, whose duty it shall be to proceed without delay against such delinquent as by this ordinance is directed.

SEC. 3. *And be it further ordained,* That the marshal shall ^{Duty of the} make once in two years a correct list of all the white male inhabitants of twenty-one years of age and upwards residing in that part of the city being within the line of buildings, to which the taxes for ordinary purposes are usually extended, and return the same to common council: a copy of which list shall be rendered by the clerk of common council to the captain of the watch, from which he shall from time to time select a watch, correctly noting the service of each person, that a regular rotation of duty may be performed by all the inhabitants, excepting, nevertheless, the captain and men comprising the different fire engine companies in this city accepted as such by common council, and also the students attached to the theological seminary in this city; for which service the ^{marshal.}

ORDINANCES OF THE

marshal shall be entitled to the sum of two cents for each name contained in said list.

Compensation
of captain.

SEC. 4. *And be it further ordained*, That the captain of the night watch shall be entitled to receive the sum of one dollar and fifty cents for every night he may be employed as aforesaid for summoning a watch and conducting the same through the night, and shall be subject to a penalty of five dollars for every neglect or refusal of any of the duties by this ordinance assigned him; and that every person who shall refuse or neglect to attend when required and summoned by the captain aforesaid, shall be subject to a penalty of two dollars for every night's refusal or neglect, unless a sufficient excuse is rendered to the satisfaction of the officer by whom process may have been issued; in which case such delinquent shall be liable to be again summoned to perform his tour of duty as a watchman, so soon as the cause for which he shall have been excused shall be removed.

Penalties.

Watch regula-
tions.

SEC. 5. *And be it further ordained*, That the watchmen shall commence their watch immediately after the time of their assembling as prescribed in this ordinance; the one-half of the watchmen shall go out at a time and patrol the streets of this city in regular order for the space of two hours, so divided that the whole city shall be kept under an equal and constant inspection of the watch, the district or walk of each patrol to be more particularly described and pointed out by the captain aforesaid; that upon any cause of alarm, the watchman, on discovering the same, shall cry it aloud, whereupon the rest of the watchmen in hearing shall repair to his assistance and unite their exertions to suppress the cause thereof; and in case of fire shall, besides the cry of fire on its first appearance, ring the fire bell at the watch house, and continue ringing the same as long as there is danger of the fire spreading, and by every other means in their power spread the alarm through the city; and that the watch so regulated as aforesaid shall continue on duty until half an hour after daylight; *provided*, that if in the opinion of the captain of the watch circumstances shall require it, he may and is hereby

authorized at his discretion to keep out such additional number of the watchmen as he may judge necessary.

SEC. 6. *And be it further ordained,* That the watchmen shall, and it is hereby made their duty, during the time of their watching, to examine every person they may meet in the street who has the appearance of a suspicious character or demeanor, and they are hereby authorized to apprehend and safely keep any such person who cannot or will not give a satisfactory account of him or herself, until morning, and then take such person so apprehended before the mayor, recorder, or one of the aldermen of the said city, for examination, who is hereby required to examine such person or persons, and if upon oath or affirmation of any person it shall appear that the said suspected person or persons is or are guilty of any crime or breach of the peace of the city, to pursue the legal measures to bring him or them to justice.

Duty of
watchmen.

SEC. 7. *And be it further ordained,* That the said watchmen shall have authority and are hereby authorized and required to enter into any house where a number of negroes may be suspiciously assembled, and in their discretion to disperse or secure them as aforesaid; and also to enter into any house or place where any other persons may be collected, and who are behaving in a disorderly manner, tending to the disturbance of the neighborhood or a breach of the peace, and to disperse them; and in such case it shall be the duty of the captain of the watch to enter a complaint thereof the next morning to the mayor, recorder, or one of the aldermen of the said city, who is hereby required to proceed against the said persons who had been assembled in a disorderly manner, as the law in such cases directs.

Authority of
watchmen.

SEC. 8. *And be it further ordained,* That if any person or persons shall oppose a watchman in the execution of his duty, he shall be considered guilty of a misdemeanor, and on conviction thereof be liable to a penalty in a sum not exceeding thirty dollars, to be imposed at the discretion of the officer before whom he shall be convicted.

Resisting
watchmen.

SEC. 9. *And be it further ordained,* That if the said cap-

Penalties.

tain of the watch shall be charged with neglect of duty, or any mal-practice while on duty, and shall be convicted thereof, he shall be fined in the sum of ten dollars; and that if any of the watchmen shall be charged with neglect of his duties, or any mal-practices as above, and shall be convicted thereof, he shall be fined in the sum of five dollars.

Repealer.

SEC. 10. *And be it further ordained,* That the ordinance entitled "An Ordinance to provide for and regulate a night watch," passed January seventh, eighteen hundred and thirty, and all other ordinances and parts of ordinances coming within purview of this ordinance, be and the same are hereby repealed.

Passed August 16, 1839.

AN ORDINANCE for Cleansing the Water Course from the Barrack Spring to the River.

Duty of lot owners.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened,* That it shall be the duty of the proprietors of the lots through which the water course from the barrack spring to the river passes, within thirty days after receiving notice from the city surveyor, to dock, plank or wall up said water course on the sides, under the direction of the said city surveyor, in a uniform manner, not less than three feet wide, and to clear it out, so as to give free vent to the water at all times, and to dig down so deep as to clear the drains from the different cellars, and if the proprietor, being an occupant, shall neglect or refuse to perform the duties hereby enjoined within the prescribed time, he shall forfeit and pay the sum of five dollars for every ten days' neglect thereafter.

Penalty.

SEC. 2. *And be it further ordained*, That if any proprietor, ^{Duty of city surveyor.} having received notice as aforesaid, shall neglect or refuse to perform the duties prescribed in the first section of this ordinance, it shall then be the duty of the city surveyor to give notice to the tenant residing on said lot, with instructions in like manner as to the proprietor aforesaid, who shall perform the like duties within twenty days after said notice, and shall be entitled to deduct the expenses from the rent due, or which may become due; and if said tenant shall neglect or refuse ^{Penalty.} so to do, he shall forfeit the sum of five dollars for every ten days' neglect or refusal thereafter.

SEC. 3. *And be it further ordained*, That after the said ^{Water course to be kept open.} water course shall be docked or walled up in manner before directed, it shall be the duty of each and every of the tenants, or, if there be no tenants, of the owners of the lots through which the same passes, to keep the same open and free to vent the water through their respective lots, and if they shall at any time cause or suffer any obstruction to the free vent of the water therein, they shall remove the same immediately, on notice from the overseer of the streets, under the penalty of one dollar for each and every omission to remove after notice as aforesaid.

Passed November 15, 1839.

AN ORDINANCE to regulate the weighing of Anthracite Coal at the Public Scale belonging to the Corporation, recently put up in the Market Square.

SECTION 1. *Be it ordained by the Mayor, Recorder, Alder-* ^{Coal to be weighed.} *men and Common Councilmen of the City of New Brunswick, in Common Council convened*, That all Lehigh, Schuylkill or other anthracite coal, hereafter sold in the city of New Brunswick, shall, before it is delivered to the purchaser or

penalty. purchasers, be taken by the owner or seller thereof to the public scale recently erected in the Market Square, and weighed thereon by the person or persons who may have the same in charge; and the owner or seller shall obtain from the person weighing such coal, a certificate of the net weight of such coal; and if any owner or seller of coal shall sell and deliver coal in this city without having the same weighed, and without having such certificate as aforesaid, he shall, upon conviction, forfeit and pay for each and every such offence, the sum of five dollars, together with the costs of such conviction.

Weight to be entered. SEC. 2. *And be it further ordained*, That the person having the said scale in charge shall provide, at the expense of the city, a book, in which he shall correctly and regularly enter the weight of all coal weighed by him, and the date of such weighing, and the name of the seller of such coal; and the certificate of the weight of coal weighed, as directed in the first section of this ordinance, shall also contain the name of the seller thereof and the date of weighing the same, shall be delivered to the purchaser of the coal.

Coal carts, &c. to be weighed and numbered. SEC. 3. *And be it further ordained*, That all carts, wagons, sleighs, sleds, or other carriages, shall, before they are used to cart and deliver coal, be taken to said public scale, and weighed and numbered, and the weight and number thereof marked thereon in some conspicuous place, in a durable manner; and if any person or persons shall sell and deliver any coal in this city in a cart, wagon, sleigh, sled, or other carriage which shall not have been first numbered, weighed and marked as aforesaid, such person or persons, for each such offence, shall forfeit and pay on conviction the sum of one dollar, with the costs of such conviction.

Re-weighed, SEC. 4. *And be it further ordained*, That any purchaser of coal shall and may have the cart, wagon, sleigh, sled or other carriage in which coal shall be delivered to him, re-weighed and re-marked at his option, either before or after such coal shall have been delivered, or at any time during the delivery thereof.

SEC. 5. *And be it further ordained*, That if any owner of ^{Penalty.} any cart, wagon, sleigh, sled, or other carriage, weighed, numbered and marked as aforesaid, intentionally alter, change or deface such number and weight, or shall fraudulently, intentionally and improperly increase the weight thereof, without immediately giving notice thereof to the person having said scale in charge, and having such cart, wagon, sleigh, sled, or other carriage, immediately re-weighed and re-marked as aforesaid, each person so offending shall, for each and every such offence, forfeit and pay the sum of twenty-five dollars upon conviction thereof, with the costs of such conviction.

SEC. 6. *And be it further ordained*, That the seller or ^{Fees, &c.} sellers of all coal as aforesaid shall pay to the person having charge of said scale the following fees, viz :

For weighing each cart, wagon, sleigh, sled, or other carriage, and numbering and marking the weight thereof upon the same, the sum of fifty cents ;

For weighing each load of coal and entering the same in the book to be provided for that purpose, and making out a certificate thereof as aforesaid, the sum of ten cents, one-half of which sum the seller shall be entitled to charge to the purchaser ;

For re-weighing and re-marking each cart, wagon, sleigh, sled, or other carriage, as provided for in the fifth section of this ordinance, the sum of fifteen cents ;

For weighing any cart, wagon, sleigh, sled, or other carriage, as provided for in the fourth section of this ordinance, the sum of fifteen cents ;

Provided, that if the weight marked on such cart, wagon, ^{Proviso.} sleigh, sled, or other carriage, upon such re-weighing, be found to be correct or less than the weight marked, then said cost of such weighing shall be paid by the purchaser at whose instance such weighing was had.

SEC. 7. *And be it further ordained*, That nothing in this ^{Coal by cargo.} ordinance shall be construed to apply to any sale or sales of

any such coal by the cargo, in cases where the seller delivers the same upon any wharf in this city from boats.

Moneys received, &c.

SEC. 8. *And be it further ordained,* That all moneys received under this ordinance by the person having charge of said scale, shall be reserved to and for the use of the city, and shall be by him paid over to the city treasurer on the first day of each month; and at the same time said person having such scale in charge, with the money, shall hand over to said treasurer a fair and correct abstract of the book hereinbefore required to be kept by him, from the time of the next preceding payment and the termination of the last abstract, which abstract shall be preserved by the treasurer, and by him laid before the common council at the annual settlement of his account, and oftener, if common council require; *provided,* that such person having said scale in charge shall and may retain of the said moneys fifty per centum in full satisfaction of all charge for his said services.

Compensation

Passed November 7, 1842.

AN ORDINANCE for the appointment of a City Surveyor, in and for the City of New Brunswick, and describing his duties.

City surveyor to be appointed, and his duty.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened,* That a city surveyor shall be appointed in and for the said city, by the said common council thereof, who shall hold his office during the pleasure of the said common council; whose duty it shall be to ascertain and fix the proper grade of any street in the said city, which may be directed by the said common council to be regulated and graded, or the grade thereof to be ascertained and established—to reduce such grade to writing, and report the same, to—

gether with a profile map thereof, to the said common council as soon as conveniently may be, after such direction; to superintend the grading of such street; to preserve the proper grade and regularity of such streets, the grade of which has heretofore been established, and to ascertain such grade when required; to report to common council all such encroachments upon any street or public square, or such violations of the grade of any street in the said city, as shall come to his knowledge; to see that the provisions of this ordinance shall be strictly observed and enforced, and report all violations thereof to common council; to give direction for the digging of cellars, and the erection of buildings adjoining on such streets as are hereinafter specified; and to discharge such other duties as are required of him by this ordinance.

SEC. 2. *And be it further ordained,* That when any person shall intend to erect a building adjoining on any of the streets of the said city, which shall be at the time unopened, he shall apply to the city surveyor to lay out the line of the street in front of the lot on which he shall intend to erect his said building; and the city surveyor shall give such applicant the necessary information, and shall also inform such person how much it will be necessary for him or her to fill up the lot on which he or she shall intend to erect his or her said building, or to reduce the same, in order to preserve the regularity of the grade in such street; and for such service the city surveyor shall be entitled to receive the sum of one dollar from such applicant. And if any person shall erect any building adjoining on any such street as aforesaid, without having first obtained such information as aforesaid, and shall thereby destroy or impair the regularity of the grade of such street, he or she shall be liable to a fine of twenty-five dollars; and if his or her said building shall encroach upon the street, the same shall be liable to be removed by the common council of the said city.

Persons intending to build on unopened streets to apply to city surveyor to lay out line of street, &c.

His fee, and by whom paid

Penalty on such as impair the regularity of streets by building, &c.

Building liable to be removed

SEC. 3. *And be it further ordained,* That it shall not be lawful for any person or persons to pave the street or sidewalk in front of his, her, or their lot or lots; or dig or make

Persons about to pave, or dig cellars, or erect buildings in certain parts of the city to apply to city surveyor by notice, for line of street, &c.

Duty of city surveyor in such cases.

His fees, and by whom paid

Penalty on any person for neglect.

Penalty for encroaching on any street.

Regulations to be observed in laying out streets.

Proviso.

any cellar; or build or erect any house or other building of any kind next to or adjoining on, any street or road which shall be at the time unpaved, and marked and specified upon a certain map, drawn by Daniel Ewen, City Surveyor, September, Anno Domini eighteen hundred and thirty-six, which said map was adopted by the said common council, January thirteenth, eighteen hundred and thirty-seven, and is now in the possession of the said common council, without first giving at least six days' notice thereof to the city surveyor, and the said surveyor shall, within six days after receiving such notice, make out and give to such person the true line of the street, the whole length of the building to be erected; and shall also inform such person how much it will be necessary for him or her to fill up the lot on which he or she shall intend to erect his or her said building, or to fill up the said street, or to reduce the same, in order to preserve the regularity of the grade in such street; and for such service the city surveyor shall be entitled to receive the sum of one dollar from such applicant. And if any person shall erect any building, or dig any cellar, adjoining on any such street as aforesaid, or pave as aforesaid, without having first obtained such information as aforesaid, and shall thereby destroy or impair the regularity of the grade of such street, or encroach upon the said street, or if any person shall by any building or cellar hereafter erected or dug, encroach upon any of the streets of the said city, he, she, or they shall be liable to a fine of twenty-five dollars.

SEC. 4. *And be it further ordained,* That in laying out and preparing the ground in any of the unopened streets of the said city, for paving, the following regulations shall be observed, to wit: the carriage way of the street shall be three-fifths of the whole width of the street; and the remaining two-fifths shall be reserved for, and appropriated to, the sidewalks of such street; *provided, nevertheless,* that no irregularities or projections in the general line of the buildings heretofore erected, shall alter or affect the course of the gutters along the sidewalks, as provided for in this ordinance.

SEC. 5. *And be it further ordained,* That the edge of the sidewalks in the said city, next to the carriage way aforesaid, shall be supported by curbstone, and be so constructed as to form one side of a gutter along such sidewalks. Sidewalks to be curbed.

SEC. 6. *And be it further ordained,* That any posts which shall be placed in the streets of this city, and all trees which may be placed therein, shall be placed or planted in regular order on the edge of the sidewalk, next to the carriage way of the street. Posts and trees, how placed and planted.

SEC. 7. *And be it further ordained,* That whenever any person shall desire or intend to pave or repave the street or sidewalk adjoining his or her property, without an ordinance of common council to that effect, the same shall be done under the superintendence of the city surveyor, and so as to preserve the proper grade of such street, or the level of the sidewalk thereof. And if any person shall pave or repave as aforesaid, without first consulting the city surveyor, and shall thereby impair the grade of such street, or the level of the sidewalk, he or she shall be liable to a fine of five dollars; and shall also be liable to a further fine of one dollar for each and every day he or she shall neglect or refuse to amend and rectify the same after due notice given to him or her by the city surveyor, to that effect. How repaving without ordinance to be done.
Penalty for neglect.
Further penalty.

SEC. 8. *And be it further ordained,* That no person shall take up the pavement in any of the paved streets in the said city, for the purpose of carrying any drain under said pavement, or for any other purpose, without first consulting the city surveyor, whose duty it shall be to direct that the same, if necessary, be done with the least damage to the street and inconvenience to the public; and who shall also direct that the pavement be relaid in such manner as to be level with the other pavement of the same street. And any person who shall take up such pavement as aforesaid, without first consulting the city surveyor as aforesaid, shall be liable to a fine of five dollars; and if he or she shall relay the same so that it shall not be level with the other pavement of the same street, such person shall be liable to a fine of one dollar for Pavement of streets not to be taken up without consulting city surveyor.
His duties in such cases.
Penalty.

Further penalty.

each and every day's neglect or refusal to amend and rectify the same, after notice given to him or her, by the city surveyor, to that effect.

Wells not to be dug in any street without consent of common council.

SEC. 9. *And be it further ordained*, That no person shall sink any well in any street of the said city, without the consent of common council first obtained for the purpose, under a penalty of ten dollars for each and every offence.

Earth from the streets not to be removed and penalty.

SEC. 10. *And be it further ordained*, That if any person shall remove any dirt out of any of the streets in this city, (except such dirt as may be collected by the cleansing of the said streets,) unless directed so to do by the common council, such person or persons so offending shall be liable to a fine of five dollars for each and every offence.

Compensation of city surveyor.

SEC. 11. *And be it further ordained*, That the city surveyor shall be entitled to receive such compensation for the services he may perform in pursuance of this ordinance, not otherwise provided for, as shall be allowed by common council, on his account being presented to them for settlement.

Repealer.

SEC. 12. *And be it further ordained*, That the ordinance entitled "An Ordinance to provide for appointing a city surveyor, and describing his duties," passed July fifth, eighteen hundred and thirty-nine, and all other ordinances and parts of ordinances coming within the purview of this ordinance, be and the same are hereby repealed.

Passed June 8, 1849.

AN ORDINANCE to regulate proceedings for the punishment of such persons as shall offend against or be liable to any fine or penalty by any ordinance of the Common Council of the City of New Brunswick.

Complaint, how made.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick,*

in Common Council convened, That upon complaint being made to the mayor, or recorder, or either of the aldermen of the said city, by any person, upon oath or affirmation, of a breach of, or an offence committed against, any ordinance of the common council of the said city, whereby any person or persons shall be liable to any fine, penalty or punishment, it shall be the duty of the officer to whom any such complaint shall be made as aforesaid, to issue under his hand and seal, a summons, in case the offender shall be a freeholder and resident in the city of New Brunswick; and in case the offender shall not be a freeholder and also a resident in the said city, then and in such case to issue a warrant under his hand and seal; which said summons shall be directed to the marshal of the said city, commanding him to summon the offender or offenders to be and appear before the officer issuing the summons, at a certain time and place therein mentioned, not less than two nor more than five days from the date of such summons, to answer the complaint; which complaint shall be recited in the said summons; and the said warrant shall be directed to the marshal of the said city, commanding him to take the body of the offender or offenders and forthwith to convey such offender or offenders before the officer who issued the same, to answer the complaint, which complaint shall be recited in the said warrant.

Summons,
when issued.

Warrant,
when issued.

Summons,
how directed
and what to
contain.

Warrant, how
directed.

Warrant,
what to con-
tain.

SEC. 2. *And be it further ordained,* That the said summons shall be served by the said marshal on such offender or offenders, personally, at least two days before the time of appearance mentioned therein, by reading the same to such offender or offenders, and delivering to him, her or them a copy thereof when required; and the said marshal shall, on the oath of his office, endorse on the said summons the time and manner of serving the same, and sign his name thereto; and if any such offender or offenders shall not appear at the time and place expressed in such summons, and it shall appear by the return endorsed thereon that the summons was duly served, then the officer who issued the summons may proceed to try and convict or acquit such offender or offenders, on such com-

Summons,
how served.

Return.

Summons
served and of-
fender not ap-
pearing officer
to proceed.

plaint, upon the evidence of any lawful witness or witnesses, the same as if such offender or offenders was or were personally present, and had pleaded not guilty to the complaint.

Warrant, how served.

SEC. 3. *And be it further ordained*, That the marshal shall serve such warrant as aforesaid according to the tenor thereof, and forthwith convey such offender or offenders before the officer who issued the warrant; and the said officer shall thereupon, at his discretion, either cause the offender or offenders to enter into a recognizance before him to the State of New

Recognizance, when.

Jersey, in such sum and with such sureties as the said officer shall deem reasonable and proper, conditioned for the appearance of such offender or offenders before such officer at some future day, to be fixed by such officer, to answer such com-

Commitment, when.

plaint; or on neglect or refusal, shall command the said marshal to convey the said offender or offenders to the jail of the county of Middlesex, to be there detained in custody until time may be had for the hearing and trial of the complaint, not exceeding three days from the time of the return of the said warrant; or such officer may proceed at once to the hearing and trial of the said complaint; and the marshal shall, on the oath of his office, endorse on the said warrant the execution of the same, and sign his name thereto.

Trial, when.

Return.

Judgment, when, &c.

SEC. 4. *And be it further ordained*, That upon the conviction of any offender or offenders upon any such complaint, the officer before whom such conviction shall be had shall render judgment against such offender or offenders, adjudging him or her to pay such fine or penalty, or to be committed to the jail of the county of Middlesex for such period of time, or both, as the ordinance or part of the ordinance offended against may prescribe or require, and also to pay the costs of the conviction.

Warrant on judgment, sections eight and nine.

SEC. 5. *And be it further ordained*, That immediately upon the rendition of such judgment, (except in the case hereinafter excepted,) it shall be the duty of the officer by whom the same shall be rendered, to issue his warrant, directed to the marshal of the said city, commanding him, in case such offender be sentenced to imprisonment, to convey him or her to

the jail of the county of Middlesex, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution shall be paid; and in case such offender shall be adjudged to pay a fine, commanding such marshal to levy and make such fine and the costs of the goods and chattels of such offender, and for want of sufficient goods and chattels, to take and convey such offender to the said jail, there to remain until such fine and the costs be paid; and the said marshal shall execute such warrant as aforesaid according to the tenor and command thereof, giving at least five days' notice of the sale of any goods and chattels, by putting up such notice in three public places in the said city; and shall return such warrant within twenty days after the same shall be delivered to him, with his proceedings endorsed thereon or annexed thereto, under his hand; and all such fines, when collected, shall be paid to the city treasurer for the use of the said city.

Warrant on judgment, what to contain.

Execution of warrant.

Return.

SEC. 6. *And be it further ordained*, That it shall be the duty of the marshal, upon the return of any warrant, or the time of appearance mentioned in any summons issued to him, to attend upon the court of the officer who issued the same, and await and carry into execution his further order in the premises.

Marshal to attend court, &c.

SEC. 7. *And be it further ordained*, That the mayor, or recorder, or either of the aldermen of the said city, before whom any such complaint and proceeding or conviction shall be made and had as aforesaid, shall make and keep a complete record of the same; and that any such proceeding shall be entitled by the description of "The Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick" against ———, (the name of the offender or offenders.)

Officers to keep record, &c.

Title of proceedings.

SEC. 8. *And be it further ordained*, That upon an appeal being demanded by any offender or offenders, from any judgment rendered by the mayor, or recorder, or either of the aldermen of the said city, against such offender or offenders, such officer by whom the said judgment shall be rendered shall grant the appeal, and thereupon make out and certify under

Appeal.

Transcript: his hand and seal a true transcript from the book of record of such proceeding, and deliver the same to such offender or offenders; *provided*, that no such appeal shall be granted or transcript furnished unless such offender or offenders shall first execute and deliver such bond or enter into such recognizance as is hereinafter specified, to wit: In case such offender or offenders shall be adjudged to pay a fine, then such offender or offenders shall execute to "The Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick," a bond with at least one good and sufficient surety, being a freeholder in the city of New Brunswick, to be approved of by the officer who shall render the judgment, in the sum of one hundred dollars, conditioned to pay such fine as shall be imposed on such offender or offenders by the appellate court,* together with such costs as he, she or they shall be adjudged to pay by such appellate court, and shall deliver such bond to the said officer, and thereupon all proceedings upon the judgment rendered by such officer shall be stayed until the determination of the appellate court shall be made in the premises.

See supplement, page 32.

Stay of proceedings.

In case of imprisonment.

SEC. 9. *And be it further ordained*, That in case such offender or offenders shall be adjudged to be imprisoned by the mayor, or recorder, or aldermen before whom the said conviction shall be had, then such offender or offenders, immediately upon the rendition of the judgment, shall enter into recognizance before the officer before whom the conviction may be had, to the State of New Jersey, with two sufficient sureties, in the sum of two hundred and fifty dollars, with condition that the offender or offenders shall and will appear and prosecute his appeal in the appellate court, and without delay and in all things abide and perform the judgment and order of the appellate court; and thereupon such officer shall grant the appeal and make and deliver such transcript as aforesaid; *and further*, such officer shall not issue his warrant for committing such offender or offenders, but his judgment of imprisonment shall remain unexecuted until the decision of the appellate court shall be made in the premises; *provided always*,

Stay of proceedings.

that no appeal shall be allowed, in any case, unless the same When no appeal allowed.
be brought within thirty days after conviction.

SEC. 10. *And be it further ordained,* That all appeals from Appeals, where tried, &c.
the judgment of the mayor, recorder, or either of the aldermen of the said city, rendered upon any such complaint as aforesaid, shall be heard, tried and determined by the common council of the said city, who shall, upon examination of the evidence, affirm or reverse the judgment of the inferior tribunal; and upon any such judgment being affirmed by the When judgment affirmed, what, &c.
said common council, the transcript, with a proper certificate of the fact thereon endorsed, shall be remitted to the officer who rendered the said judgment, and such officer shall thereupon proceed to carry his judgment into execution, by issuing the warrant as aforesaid.

SEC. 11. *And be it further ordained,* That the officer who Fees, &c.
shall perform any of the duties required of him by this ordinance, or who shall perform any judicial or ministerial duties by virtue of the charter or any of the ordinances of the said city, shall be entitled to demand and receive for such of the following services performed by him, the fees to the same hereinafter annexed, and no more, to wit:

To the mayor, or recorder, or aldermen, as the case may be, who shall perform the services:

Drawing every complaint, twelve and a half cents;

For every summons or warrant, twenty-five cents;

Every oath or affirmation, five cents;

Every recognizance, twenty-five cents;

Every subpoena, seven cents;

Trial fee, fifty cents;

Entry of proceedings and judgment, twenty-five cents.

TO THE MARSHAL.

Serving every summons and return, forty cents on the first defendant, twenty cents on every additional defendant;

Serving every warrant and return, whether against one or more persons, for every person, fifty cents;

Advertising goods and chattels, twenty-five cents;
 Selling goods and chattels, fifty cents;
 Every copy of execution delivered to the jailer, twelve and
 a half cents;
 Serving every subpoena, twenty-five cents.

Repealer.

SEC. 12. *And be it further ordained*, That the ordinance entitled "An Ordinance for the enforcement and collection of fines, penalties, forfeitures and amercements," passed July fifth, eighteen hundred and thirty-nine, and all other ordinances and parts of ordinances coming within the purview of this ordinance, be and the same are hereby repealed.

Passed June 11, 1849.

A SUPPLEMENT to an ordinance entitled "An Ordinance to regulate proceedings for the punishment of such persons as shall offend against or be liable to any fine or penalty by any ordinance of the Common Council of the City of New Brunswick," passed June eleventh, eighteen hundred and forty-nine.

When venire
 facias shall
 issue.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened*, That if upon any such complaint made to the mayor, or recorder, or either of the aldermen of the said city, as is mentioned in the first section of the ordinance to which this ordinance is a supplement, and a summons or warrant issued thereupon, the offender or offenders mentioned in such complaint and summons or warrant, appear personally before the officer who issued such summons or warrant, and at any time before the commencement of the trial before such officer demand a trial by jury, such officer shall grant the same, and shall therefore issue a venire facias to the marshal of the said city, commanding him to summon

a jury of twelve men, being citizens of this state, above the age of twenty-one years and under the age of sixty-five years, and freeholders in the said city, and in no wise akin to the defendant, to be and appear before the said officer at such time and place as shall be expressed in the venire, to make a jury for the trial of the complaint: and the marshal shall, at the return of the said venire, return annexed thereto a panel containing the names of the jurors whom he shall have summoned by virtue thereof, under his hand; and if on the return of the venire it shall appear that one or more of the jurors are disqualified to serve, or do not appear, then it shall be lawful for the marshal who served the same, by order of the court, immediately to summon others who shall serve in their stead.

Who to be jurors.

Panel returned.

Other jurors, &c.

SEC. 2. *And be it further ordained,* That to the jurors and each of them who shall be returned to try the said complaint as aforesaid, the said officer to whom the said venire is returned shall administer the following oath or affirmation:

You do swear, in the presence of Almighty God, (or do affirm, as the case may require,) that you will well and truly try the matter in difference between The Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick and ———, and a true verdict give according to evidence.

Jurors' oath.

To every witness produced at the said trial the said officer shall administer the following oath or affirmation:

You do swear, in the presence of Almighty God, (or do affirm, as the case may require,) that the evidence you shall give to the court and jury in this matter in difference between The Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick and ———, shall be the truth, the whole truth, and nothing but the truth.

Witnesses' oath.

And to the marshal who shall be appointed to attend the jury, the said officer shall administer the following oath or affirmation:

You do swear, in the presence of Almighty God, (or do affirm, as the case may require,) that you will, to the utmost of your ability, keep every person sworn (or affirmed) on this

Marshal's oath.

jury, together in some private or convenient place, without meat or drink, (water excepted,) that you will not suffer any person to speak to them, nor speak to them yourself, except by order of the court, unless it be to ask them whether they have agreed on their verdict, until they have agreed on their verdict.

Penalty on juror or witness for default.

SEC. 3. *And be it further ordained,* That every person summoned as a juror, or subpoenaed as a witness, who shall not appear, or appearing, shall refuse to serve or give evidence on any such trial as aforesaid, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine not exceeding ten dollars, nor less than one dollar, as the said officer who issued the process shall think proper to impose.

Fees.

SEC. 4. *And be it further ordained,* That the persons hereinafter mentioned shall be entitled to demand and receive for such of the following services performed by them, the fees to the same respectively annexed, and no more, to wit :

To the mayor, or recorder, or aldermen, as the case may be, who shall perform the service :

Every venire facias, twenty-five cents ;

Swearing every jury, twenty cents.

TO THE MARSHAL.

Summoning every jury, sixty cents ;

Attending jury till agreed on their verdict, twenty-five cents.

JURORS.

For all cases tried, twelve and a half cents a man.

WITNESSES.

Every witness attending court, for each day fifty cents.

Passed August 6, 1849.

AN ORDINANCE to regulate the Licensing of Shows, Circuses and Exhibitions in the City of New Brunswick.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened,* That upon application being made to the mayor and recorder and any one of the aldermen of the said city, or to any three of the aldermen of the said city, by any person or persons at any time hereafter, when the common council of the said city shall not be in session, for a license to hold, perform, or exhibit within the limits of the said city any interlude, farce, or play of any kind; or any menagerie or collection of beasts or animals; or any circus; or any game, trick, juggling, sleight-of-hand, or feats of dexterity and agility of body; or any bear-baiting or bull-baiting, or any such like show or exhibition whatever, the said mayor and recorder and any one of the aldermen of the said city, or the said three aldermen of the said city, as the case may be, to whom application may be made, may grant such license, in their discretion, under the seal of the said city, subject to the condition hereinafter mentioned.

Shows, &c.,
how licensed.

SEC. 2. *And be it further ordained,* That the said mayor and recorder and any one of the aldermen of the said city, or any three of the aldermen of the said city, as the case may be, to whom application may be made for any such license as aforesaid, if they shall grant the same, shall, at the time of granting any such license as aforesaid, require the person or persons to whom the same shall be granted, to pay such sum of money as assessment for the same, as to them, in each particular case, shall seem equitable, just and proper, besides the usual common council license fee, which assessment shall be paid to the city treasurer, to and for the use of the said city.

Fees, &c.

SEC. 3. *And be it further ordained,* That if any person or persons shall exhibit, or be concerned in exhibiting, or cause

Penalty.

to be exhibited within the said city, any such interlude, play, menagerie, circus, show, or exhibition whatsoever, or any other matter or thing hereinbefore in the first section of this ordinance specified, without having first obtained a license for that purpose from the common council of the said city, or from the mayor and recorder and one of the aldermen of the said city, or from any three of the aldermen of the said city, he, she or they so offending shall be subject to a fine of fifty dollars for each and every offence.

Passed October 15, 1849.

AN ORDINANCE relative to the Burial of the Dead within the City of New Brunswick.

Dead not to be buried in church yard without leave, &c.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened,* That if any person or persons shall hereafter bury, or cause to be buried, or be aiding or assisting in burying the body or bodies of any deceased person or persons in any of the grave yards or cemeteries within the corporate limits of the said city, without the knowledge and approbation of the proper authority of the religious society, or of the sexton of the church with which the grave yard or cemetery in which the body of any such deceased person shall be buried as aforesaid, is connected, all and every person or persons so offending shall be liable to a fine of fifty dollars.

Nor in others field.

SEC. 2. *And be it further ordained,* That if any person or persons shall hereafter bury, or cause to be buried, or be aiding or assisting in burying the body or bodies of any deceased person or persons in the public burying ground in this city, commonly called "potters-field," or in any ground which may hereafter be appropriated by the said city for that purpose,

without the knowledge of the marshal, or in case of his absence, the mayor, or recorder, or one of the aldermen of the said city for the time being, and the consent of such marshal, and in case of his absence, of the mayor, or recorder, or one of the aldermen of the said city, first had and obtained, all and every person or persons so offending shall be liable to a fine of fifty dollars.

SEC. 3. *And be it further ordained,* That if any person or persons shall hereafter bury, or cause to be buried, or be aiding or assisting in burying, the body or bodies of any deceased person or persons, in any place within the corporate limits of the said city, not being at the time of such burial a burying ground or cemetery, appropriated at the time for the purpose of burying dead bodies, all and every person or persons so offending shall be liable to a fine of fifty dollars.

To be buried only in burying ground or cemetery.

SEC. 4. *And be it further ordained,* That all bodies of deceased persons hereafter buried within the corporate limits of the said city, shall be buried a depth of not less than four feet under the surface of the ground where buried; and if any person or persons shall hereafter bury, or cause to be buried, or be aiding and assisting in burying, the body of any deceased person or persons, at a less depth than four feet under the surface of the ground where buried, all and every person or persons so offending shall be liable to a fine of fifty dollars.

And four feet under surface of ground.

Passed January 21, 1850.

AN ORDINANCE to provide for the proper numbering of Dwelling Houses and Stores in the City of New Brunswick.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick,* in Common Council convened, That the owner or owners, oc-

Houses, &c., to be numbered.

cupant or occupants of each and every dwelling house or store which now fronts or which may hereafter front upon any of the public streets within the line of buildings of the said city, shall, within three months after the passage and publication of this ordinance, cause the proper number of such dwelling house, or of the building in which such store may be, to be placed in figures in some conspicuous place on the front part of such dwelling house or building, so as to be plainly visible from the sidewalk of the street on which such dwelling house or building may front, under a penalty of one dollar for each and every offence.

Order of numbering.

SEC. 2. *And be it further ordained*, That in numbering the dwelling houses and buildings as aforesaid, the following order shall be observed, to wit: the numbers in such streets as run a northerly and southerly course shall begin at the house or building standing or which may stand at the southeasterly extremity of each and every street which runs such course as aforesaid, and within the line of buildings aforesaid; which said house or building shall be numbered one; and the house or building standing, or which may stand, at the southwest-erly extremity of each and every street which runs such course as aforesaid, and within the line of buildings as aforesaid, shall be numbered two; the house or building next adjoining number one shall be number three; the house or building next adjoining number two shall be number four; and so in progressive numerical order: the numbers in such streets as run an easterly and westerly course shall begin at the house or building standing or which may stand at the northeasterly extremity of each and every street which runs such course as last aforesaid, and within the line of buildings aforesaid, which said house or building shall be numbered one; and the houses or buildings in each and every street which runs such course as last aforesaid, shall be numbered in progressive numerical order, in the same order as is hereinbefore specified; *provided always*, that whenever any vacant lot or lots shall occur in numbering the houses or buildings in any street of the said city, the adjacent houses or buildings shall be so numbered

Proviso.

that when such vacant lot or lots shall be built upon, the house or houses so built may be appropriately numbered in proper numerical order.

SEC. 3. *And be it further ordained*, That in case of any difficulty or doubt concerning the proper number of any lot, house, or building in the said city, the owner, or occupier, or any person interested may apply to the mayor of the said city for the time being, in order to a determination of the question; and the order and decision of such mayor shall be final and conclusive in the premises. Mayor to determine.

SEC. 4. *And be it further ordained*, That it shall be the duty of such committee of the said common council as may be appointed by them for the purpose, to see that the provisions of this ordinance are properly carried into effect. Duty of committee.

Passed March 8, 1850.

A SUPPLEMENT to an ordinance entitled "An Ordinance to regulate the Police of the City of New Brunswick," passed August sixteenth, eighteen hundred and thirty-nine.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened*, That the marshal and each and every member of the police force of the said city of New Brunswick, shall, at all hours of the day and evening, when upon duty as such member or members of the city police, wear upon the left breast, in an open and conspicuous place, a badge or mark of designation, in the form and shape of a star, and made of brass, German silver, or some other metal or composition of a bright and shining appearance, and appropriately marked and lettered as a badge of the police of this city. Marshal and police to wear stars.

SEC. 2. *And be it further ordained*, That if any person or

No other person to wear such badge.

Penalty.

persons, not a member or members of such police, shall wear, or cause or procure any person to wear any imitation or counterfeit of such said star or badge of the said police in the streets or other public places of resort in the said city, such person or persons so offending shall be liable to, and upon conviction thereof shall be punished by, a fine not to exceed the sum of ten dollars for each and every such offence, or by imprisonment in the county jail not to exceed the term of sixty days, or both; such fine to be sued for and recovered in accordance with the provisions of an ordinance entitled "An Ordinance to regulate proceedings for the punishment of such persons as shall offend against or be liable to any fine or penalty by any ordinance of the common council of the city of New Brunswick," approved June eleventh, eighteen hundred and forty-nine.

Ordinance to be published.

SEC. 3. *And be it further ordained,* That the clerk of common council shall, within ten days after the passage of this ordinance, cause the same to be published in one of the newspapers printed in this city.

Passed November 13, 1854.

SUPPLEMENT to an ordinance entitled "An Ordinance to regulate proceedings for the punishment of such persons as shall offend against or be liable to any fine or penalty by any ordinance of the Common Council of the City of New Brunswick," passed June eleventh, eighteen hundred and forty-nine.

Assistant marshal or police officer may serve process.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened, and it is hereby ordained by the authority of the same,* That it shall be and may be lawful for any assistant marshal or police officer of the said city to

serve and return any summons, warrant, or any other process mentioned in the said ordinance to which this ordinance is a supplement, or in the supplement to the said ordinance passed August sixth, eighteen hundred and forty-nine; and any such summons, warrant or process may be directed to any such assistant marshal or police officer, who shall upon the return thereof attend upon the court of the officer who issued the same; *provided*, such assistant marshal or police officer shall be required to give bond in such sum and with such security as shall be approved by said common council. To give bond.

SEC. 2. *And be it further ordained*, That upon an appeal being demanded from any judgment rendered by the mayor, or recorder, or either of the aldermen of the said city, in pursuance of the eighth section of the said ordinance to which this ordinance is a supplement, the bond therein and thereby required to be executed shall be further conditioned to prosecute the said appeal with effect and without delay in the appellate court. Appeal bond, further conditions.

SEC. 3. *And be it further ordained*, That in case of affirmation by the common council of any judgment hereafter appealed from by virtue of the said ordinance to which this ordinance is a supplement, the same shall be affirmed with the costs of the said appeal; and on the trial of any such appeal the same and no other documents, proofs and witnesses shall be produced and examined in the appellate court as had been previously produced and examined in the court below, except where illegal evidence shall have been admitted or legal evidence rejected in the court below, and then such appellate court on the hearing of the said appeal shall reject such illegal evidence so admitted, and admit such legal evidence so rejected by the court below. Costs on appeal. Evidence on trial of appeal.

Passed September 10, 1855.

AN ORDINANCE to regulate the Police Department of the City of New Brunswick.

Common council shall and may appoint police, &c.

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened, and it is hereby ordained by the authority of the same,* That common council shall and may appoint from time to time hereafter as many police officers or assistant marshals in and for the said city as the said common council shall deem necessary and proper; all of which said police officers or assistant marshals shall hold their respective offices during the pleasure of common council.

Shall take oath.

SEC. 2. *And be it further ordained,* That each of the said police officers or assistant marshals shall, before he enters upon the duties of his office, take and subscribe an oath faithfully to perform all the duties of his office as such police officer or assistant marshal, and file the same with the recorder of the said city for the time being.

Their duty.

SEC. 3. *And be it further ordained,* That it shall be the duty of each and all of the said police officers or assistant marshals at all times to preserve the peace of the said city; to aid and assist the city marshal in preserving and restoring the peace of the said city; to execute and return all lawful process issued and delivered to them respectively by the mayor, recorder, or either of the aldermen of the said city; and on all occasions to arrest any person or persons who shall be conducting himself, herself or themselves in a disorderly or unlawful manner, in violation of the laws of this state or the peace of the said city, and him, her or them convey before any officer having cognizance of the offence, to be dealt with according to law.

Compensation

SEC. 4. *And be it further ordained,* That each of the said police officers or assistant marshals shall receive as compensation for his services while in office at the rate of fifty dollars per annum.

SEC. 5. *And be it further ordained,* That the marshal of the said city shall also be a police officer, and is hereby required to perform all the duties hereinbefore prescribed, and shall receive as compensation therefor the sum of seventy-five dollars yearly. Marshal a police officer. Compensation

SEC. 6. *And be it further ordained,* That the ordinance entitled "An Ordinance to regulate the police of this city," passed August sixteenth, eighteen hundred and thirty-nine, and all other ordinances and parts of ordinances coming within the purview of this ordinance, be and the same are hereby repealed; *provided, however,* that the present police officers of the said city shall retain their several offices during the pleasure of common council. Repealer. Proviso.

Passed July 20, 1857.

AN ORDINANCE in reference to the Raritan River and that part commonly called "The Basin."

SECTION 1. *Be it ordained by the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, in Common Council convened,* That it is the duty of the Delaware and Raritan Canal Company, and they are hereby directed and required to remove and take from and out of that part of the Raritan River commonly called "The Basin," all the accumulations and wash of earth, dirt, sand and bars therein, by or before the first day of January next. Delaware and Raritan Canal Company required to remove earth, dirt, &c.

SEC. 2. *And be it further ordained,* That the said Delaware and Raritan Canal Company are hereby required to keep the said canal and basin free from the said earth, dirt, sand and bars therein, and from time to time, and as often as may be necessary, remove and take the same from and out of said basin. Canal and basin to be kept free from earth, &c.

SEC. 3. *And be it further ordained,* That if the said Dela- Penalty.

ware and Raritan Canal Company do not perform their duty as stated in the first section of this ordinance, and obey the directions and requirements therein contained, they shall forfeit and pay for such offence the sum of fifty dollars, together with the costs of conviction; and they shall also forfeit and pay for each day's neglect after the time limited in the first section, the sum of twenty dollars, with costs of conviction.

Penalty.

SEC. 4. *And be it further ordained*, That if the said Delaware and Raritan Canal Company do not perform their duty and the requirements as contained in the second section of this ordinance, they shall forfeit and pay for each neglect thereof, the sum of fifty dollars, together with the costs of prosecution.

Suits.

SEC. 5. *And be it further ordained*, That in all suits that may be brought under this ordinance, the first process, upon complaint made, shall be a summons, which shall be served upon the president or any one of the directors of the said Delaware and Raritan Canal Company, in the manner prescribed in the ordinance entitled "An Ordinance to regulate proceedings for the punishment of such persons as shall offend against or be liable to any fine or penalty by any ordinance of the Common Council of the City of New Brunswick," passed June eleventh, eighteen hundred and forty-nine; and the execution that may issue on any conviction shall be against the goods and chattels.

Passed August 30, 1858.

AN ORDINANCE relating to the City Attorney and the enforcement of the Ordinances of the City.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows :

SECTION 1. The city attorney is charged with the prosecution of all actions for violations of the ordinances of the city, or arising under the city charter, or under the laws of this state, where a penalty is given to the corporation or to the overseer of the poor. To prosecute all actions.

SEC. 2. He shall institute an action in any of the cases mentioned in the foregoing section, when instructed to do so by the common council, the mayor, or chief of police, or upon the complaint of any other person, when in his judgment the public interest requires that the same should be prosecuted. No action shall be commenced against any person or persons for the violation of any city ordinance, before any of the police justices of the city of New Brunswick, unless such action shall be advised and instructed by the city attorney, or in his absence, by the mayor or chief of police. To institute actions, when and by whom.

SEC. 3. He may compromise, with the advice and consent of the mayor, with the party complained of, either before or after an action shall have been brought for any violation of a city ordinance, where the penalty does not exceed twenty-five dollars, and where, in his judgment, the public interest does not require that an action should be prosecuted therefor. May compromise with consent of the mayor.

SEC. 4. In all actions which he is required by this ordinance to prosecute, he shall appear as the attorney of the corporation: in cases of importance, he is authorized to obtain the advice and assistance of counsel. How to prosecute actions.

SEC. 5. At the end of each month he shall make out and present to the common council, at its first regular meeting thereafter, a full and detailed statement of the actions instituted by him and settled before judgment; of the complaints compromised by him in which no action shall have been com- Monthly report to be made.

menced, and of all actions prosecuted to judgment, with the result thereof, whether for or against the city, and whether an execution has been issued thereon, and if so, whether it has been collected; and shall include therein a particular account, item by item, of all penalties or other moneys which he may have received for the city, and from whom they were received, respectively, and on what account, and when paid: he shall also state therein, item by item, an account of officers' or justices' fees paid or allowed by him, and on what account, and when they were respectively paid or allowed; and shall exhibit at the foot of the account the balance thereof, whether for or against the city: such statement shall also contain the certificate of the city treasurer that the balance in favor of the city, if any, has been duly paid to him.

Compensation SEC. 6. No moneys received by the city attorney, belonging to the city, shall be retained by him, in whole or in part, as compensation for his official services; but all charges for such services shall be presented to the common council, at least once in three months, and such compensation shall be made thereof as the common council shall allow.

To make annual report of all actions prosecuted. SEC. 7. He shall, on the first day of May, each year, report to the common council the titles of all the actions in his hands which he is authorized by this ordinance to prosecute on behalf of the city, then pending and undetermined, with the state thereof, and with such other information in respect thereto as he may deem necessary and proper.

Register. SEC. 8. He shall keep, in proper books to be provided for that purpose, a register of all actions prosecuted by him pursuant to the provisions of this ordinance, and of all proceedings had therein.

Books and papers to be delivered to successor. SEC. 9. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the city attorney shall, forthwith, on demand, deliver to his successor in office all papers in his hands belonging to the city, or delivered to him by any city officer for and on behalf of the city, and all papers in actions prosecuted by him, pursuant to the provisions of this ordinance, and which are then pending and un-

determined, together with his register thereof, and of the proceeding therein, and a written consent of substitution of his successor in all actions then pending and undetermined.

SEC. 10. The recorder, justices of the peace, and constables of the city shall be entitled to receive for their services such fees as are allowed by law, for the like services, to justices of the peace and constables of the several counties and townships of this state: the fees of police officers, for such services, shall be collected for the use of the city.

Fees of police justices and constables.

SEC. 11. All moneys received by the recorder or justices of the peace for penalty and costs, except for recorder or justices' fees, in any action or complaint for the violation of the ordinances of the city, or arising under the city charter, or under the laws of this state, where a penalty is given to the corporation or to the overseer of the poor, shall be paid by the said justices, respectively, without delay, to the city attorney.

Relating to moneys received by recorder and police justices.

SEC. 12. Every constable or police officer employed by the city attorney to serve process in any action instituted or prosecuted by him in the name of the corporation, shall pay to the recorder or justices by whom such process was issued, or to the city attorney, all moneys which he may receive, both for penalty and costs, upon a judgment, and the city attorney shall, at least once in each month, pay every constable so employed by him his legal costs and fees.

Relating to moneys received by constables and police officers.

Passed June 15, 1863.

JOHN V. HENRY, *Pres't Common Council.*

A. R. SPEER, *Clerk.*

Approved June 15, 1863.

R. MC DONALD, *Mayor.*

AN ORDINANCE in relation to the Harbor Master.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows:

SECTION 1. That a harbor master shall be appointed in and

Appointed by
common
council.

for the said city by the common council thereof, who shall hold his office during the pleasure of the said common council, and shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation before any person authorized to administer the same, for the just and faithful discharge of the duties of his office.

Authority.

SEC. 2. That the said harbor master may give such order and direction, from time to time, to the owner, master or person having charge of any sloop, boat, or other vessel whatsoever, which may lie at or off any wharf, dock, or pier, or slip, being within the corporate limits of the said city, or to any seaman, mariner or person employed on board any such sloop, boat or vessel, as he shall think necessary, just and proper, touching the position, removal, fastening or berth of any such sloop, boat or vessel whatsoever, so as to prevent collision with any other boat or vessel, confusion or accident, or injury to or improper encroachment upon any vessel or property; *provided always*, that no such order or direction shall extend to remove any vessel or vessels from any wharf, dock, pier or slip which shall be the property of the owner of such vessel or vessels.

Proviso.

Penalty for
not obeying
orders of har-
bor master.

SEC. 3. That for every neglect or refusal to comply with any such order or direction mentioned in the last preceding section of this ordinance, the owner, master, or the person employed on board, and to whom the said order or direction may be given, shall be liable to a fine of twenty-five dollars.

Collect wharf-
age.

SEC. 4. That the said harbor master shall have the superintendence of all docks, wharves and slips belonging to the said city; shall prevent the same from being improperly encumbered or maliciously injured; shall collect wharfage from the owner, or master, or person having charge of any boat or vessel which shall lie at any such dock, wharf or slip, and also from the owner, consignee, or person having charge of any commodity or thing which shall be landed, or placed, or stored upon any such wharf or dock; and in default of payment by any such owner or master, consignee or person, shall prevent such owner or master, consignee or person so making

default from using any such dock or wharf as aforesaid until all arrears of wharfage shall be paid.

SEC. 5. That in case the said harbor master shall be at any time applied to by the owner or possessor of any dock, wharf or slip in the said city for the purpose, it shall be the duty of the said harbor master to give such orders touching the removal of any sloop, boat or vessel from the dock, wharf or slip of any such person so applying to him as aforesaid, or touching the removal of any commodity or thing whatsoever, from the dock or wharf of any such person as aforesaid, as to the said harbor master shall be deemed just and proper; and if any owner or master or person having charge of any sloop, boat or vessel, or any person employed on board of such sloop, boat or vessel, or if the owner or consignee or person entitled to the possession of any such commodity or thing as aforesaid, shall neglect or refuse to comply with the order or direction of the harbor master in such case, as in this section before mentioned, such person or persons shall be liable to a fine of ten dollars for each and every offence.

SEC. 6. That if any person or persons shall neglect or refuse to remove, without delay, any sloop, boat or vessel from any wharf or slip which may belong to this city, when ordered to do so by the harbor master, or shall neglect or refuse to remove without delay any commodity or thing whatsoever which may belong to such person or persons on any such dock or wharf, from and off of such dock or wharf when ordered so to do by the said harbor master, such person or persons so offending shall be liable for each and every offence to a fine of ten dollars.

SEC. 7. That the said harbor master shall receive as a compensation for the services rendered by him in pursuance of this ordinance, such sum as may be hereafter allowed him by resolution of common council.

PASSED, June 15, 1863.

APPROVED, June 15, 1863.

AN ORDINANCE in relation to the City Treasurer.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

To receive and deposit all moneys belonging to the city.

SECTION 1. All moneys belonging to the city shall be paid to the city treasurer, and it shall be the duty of the treasurer to deposit to the credit of the city all moneys received by him, in one of the banks in the city of New Brunswick, selected by him for that purpose, and approved by the committee on finance of the common council.

Pay all warrants drawn by the mayor.

SEC. 2. All moneys drawn from the treasury shall be paid by the treasurer on warrants drawn by the mayor.

Preserve all deeds, conveyances, &c.

SEC. 3. He shall take charge of and preserve all deeds, conveyances, leases, policies of insurance, bonds, mortgages, notes, and other evidences of indebtedness belonging to the corporation, and shall report to the common council, or to the committee on finance, whenever in his opinion any action may be necessary in relation thereto.

Keep accurate accounts.

SEC. 4. He shall keep accurate accounts, in proper books, of the receipts and disbursements of the treasury.

Duties in relation to the collection of assessments and arrears of taxes.

SEC. 5. The treasurer shall, in compliance with the provisions of the city charter, take prompt and efficient measures for the collection of all assessments and arrears of taxes which may devolve upon him by virtue of his office; and he shall keep an accurate and complete record in appropriate books to be provided for the purpose, of all collections made by him, and all proceedings, of what kind soever, instituted or performed by him in relation to the sale or redemption of lands and real estate for taxes and assessments.

Notice of assessment to be given.

SEC. 6. Whenever any certificate of assessment shall be delivered to the city treasurer according to the provisions of the ninety-eighth section of the city charter, it shall be the duty of the treasurer, in addition to the notice to the owners of land and real estate required to be given by the provisions of the section aforesaid, to cause a notice to be served

personally, at his residence or place of business, upon the owner or owners of the lands and real estate assessed in such certificate, if resident in the city of New Brunswick; and if not resident in the city of New Brunswick, then to cause a notice to be served upon the agent or agents of said owner or owners, where the same can be ascertained, or to be affixed openly and publicly to or upon the house or other improvement on the premises assessed in such certificate. Such notice shall specify in each case the number of the lot on the assessment map, the nature of the improvement, the amount of the assessment, and the time when the same is payable, and shall be served or affixed as aforesaid, at least thirty days prior to the time of payment mentioned therein.

Description of
notice.

PASSED, June 15, 1863.

APPROVED, June 15, 1863.

AN ORDINANCE in relation to the City Clerk.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

SECTION 1. The city clerk by virtue of his office, is clerk of the common council, and it shall be his duty to attend the meetings of the common council, and keep correct journals and minutes of the proceedings thereof, and record the same in separate books, to be kept in his office.

Powers and
duties.

SEC. 2. He shall have the custody and charge of the city seal, and shall cause it to be affixed to such instruments and writings as he may be authorized to do by any ordinance or resolution of the common council, or as may be necessary to exemplify any document or record in his office, or to certify any act or paper, which from the records in his office shall appear to have been a public act of this corporation or a public document. He shall not affix the said seal, or cause or

City seal.

permit it to be affixed to any instrument or writing or other paper, except as in this section provided, unless required to do so by some statute of the State.

Public records

SEC. 3. He shall have the custody and charge of, and shall safely keep all records, documents, papers and maps in proper files in his office, except such as shall pertain to the business of any other department or office, or be transferred thereto by order of the common council.

Ordinances to be engrossed.

SEC. 4. He shall cause all the ordinances passed by the common council to be carefully and fairly engrossed in books to be provided for the purpose; and when so engrossed, the record of each ordinance shall be signed by the mayor, the president of common council, and the city clerk. He shall engross after each ordinance, a copy certified by himself, of the proof of the due publication thereof; but his omission to engross any such ordinance or proof of publication thereof as hereby directed, shall not impair or affect its validity in any respect.

Proof of publication.

Ordinance to be published before final passage.

SEC. 5. He shall, between the second and third reading of any ordinance, or upon the final passage thereof, prepare a copy of such as require publication under the city charter, or by the provisions of such ordinance, and cause the same properly attested, to be published in two newspapers, and shall file in his office the requisite proofs of such publication; and in all cases, where the passage of any ordinances has, according to the provisions of the city charter, been preceded by the publication of a notice of intention on the part of the common council, he shall also file in his office the requisite proofs of such publication.

All ordinances and resolutions to be presented to the mayor.

SEC. 6. He shall, without delay, present to the mayor, for his approval, every ordinance or resolution passed by the common council, duly certified; and as soon as practicable, after final action shall be had in the passage of any special ordinance or resolution, deliver a statement of the same to the department or officer of the city, to whom such ordinance or resolution may refer, and to all committees, such resolu-

tions and communications as may be referred to them by the common council.

SEC. 7. He shall enter in a book to be provided for that purpose, the names of all persons from whom he may receive moneys for the city, the time when received, the amounts so received, and the object thereof, and shall render a faithful and distinct account of all such moneys to the common council, and pay over the same to the city treasurer prior to the making of said report.

SEC. 8. He shall furnish the certificates required to be furnished to the officers and members of the fire department, without fee or reward.

PASSED, June 15, 1863.

APPROVED, June 15, 1863

AN ORDINANCE in relation to the Street Commissioner.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows:*

SECTION 1. The street commissioner shall have supervision over all the streets, avenues, roads, highways, public lanes and alleys, public parks and squares, sewers and drains, bridges, and public places of the city, and over all improvements thereon and repairs thereto, made under and by virtue of any ordinance of the city, or by any order of the common council, or of any authorized committee thereof.

SEC. 2. He shall prepare or cause to be prepared, and shall have the supervision of all contracts for the construction of sewers or drains, for regulating, grading and paving streets, and for all other improvements in and upon the streets, avenues, roads, highways, public lanes and alleys, public parks and squares, bridges, and public places of the city; and all such contracts, when duly executed by the mayor, shall be recorded and filed in his office.

Notices to be published by him.

SEC. 3. He shall publish, without delay, in the cerporation newspapers, all notices relative to local improvements, required to be published by the charter and ordinances of the city, or by resolution of the common council. Whenever he shall be authorized by the common council to advertise for proposals by contractors to furnish the labor and materials necessary to carry out any such improvements, he shall cause an advertisement to be inserted in two newspapers, not less than two weeks, once in each week, which advertisement shall specify such particulars in relation to the nature and quality of the materials to be furnished, and the work to be performed, the terms of payment, the penalties for non-performance, and such other conditions, as he may be directed by the common council, or as he may deem for the interest of the city. All proposals by contractors shall be sealed proposals in writing, and shall be opened in the presence of the street committee.

Advertisements for proposals by contractors.

Provision to be inserted in contracts for street improvements, relating to the removal of improper materials.

SEC. 4. He shall insert in all contracts for regulating and grading, or for regulating, grading and paving any street, or section of a street, and all such contracts shall contain a provision, that if the contractor or any other person shall bring or cause to be brought on said street or avenue, any materials which do not strictly conform to the contract or city ordinances, the street commissioner shall, on behalf of the city, have the right to order the same to be removed forthwith from such street or avenue, and in case of the neglect or refusal of the contractor, or those employed by him to remove such materials, to cause the same to be removed at the expense of the contractor, and to deduct the costs of such removal and all other expenses thereon, from the amount of the contract. In case of the violation of any such provision, such amount shall be deducted by him from the final estimate of the amount due to such contractor on the contract in which such provision is contained, before the same is presented to the common council.

Penalty for neglect in the completion of contracts.

SEC. 5. He shall insert in all contracts for improvements payable by local assessment, and such contracts shall contain

a provision, that the penalty for each day's neglect to complete the work according to the contract beyond the time fixed therein, shall be three dollars, where the gross amount to be paid the contractor shall be less than three thousand dollars; and two dollars per day additional for every two thousand dollars beyond that sum, to be specified in the contract. All penalties incurred under such provision shall be deducted by him from the final estimate of the amount due to such contractor on the contract in which such provision is contained, before the same is presented to the common council.

SEC. 6. He shall promptly report all delinquent contractors to the common council, and also all contractors who shall neglect or refuse to perform any part of their contracts, or shall neglect or refuse to execute any contract which may be awarded to them.

Delinquent contractors to be reported to council.

SEC. 7. He shall have power to remove, or cause to be removed, any obstructions or incumbrances from all the streets, avenues, roads, highways, public lanes and alleys, public parks and squares, and public places of the city. He shall report the person causing any such obstruction or incumbrance to the city attorney for prosecution.

He may remove obstructions or incumbrances.

SEC. 8. He shall have power to grant permits to builders and others, to occupy not to exceed one-third of the width of the carriage-way of any street or avenue with building materials, if in his opinion the public interest and convenience will not suffer thereby. All such permits shall expressly provide, that they are given upon condition that the sidewalks and gutters shall at all times be kept clear and unobstructed, and that all dirt and rubbish shall be promptly removed, from time to time, by the party obtaining such permit; and all such permits may be revoked by him at pleasure.

He may grant permits to builders to occupy a portion of any street with building materials.

SEC. 9. It shall be the duty of the street commissioner, by order of the common council, and under the direction of the committee on streets, to cause the streets and highways to be properly cleaned, from time to time, and to be kept in good repair; and to that end, he shall report to said committee, or

Duties relating to streets and highways

to the common council, whenever in his opinion any action is necessary in relation thereto.

Sewers and drains.

SEC. 10. It shall be his duty, by order of the common council, and under the direction of the committee on sewers, to cause the public sewers or drains to be properly cleaned, from time to time, and to be kept in good repair; and to that end, he shall regularly and carefully examine the same, at least once in three months, and report the state and condition thereof to said committee, or to the common council.

Public parks and squares.

SEC. 11. It shall be his duty, by order of the common council, and under the direction of the committee on streets, to cause the public parks and squares, and all other public grounds belonging to the corporation, to be kept at all times in good and proper condition, and to superintend all necessary grading thereto, and the planting and trimming of ornamental and shade trees thereon.

He shall keep an account of all expenditures, &c.

SEC. 12. He shall enter in suitable books to be kept in his office, an account of all the expenditures of his department, authorized as aforesaid, and of each separate branch for which distinct appropriations shall be made, and he shall in no case incur any expense for any object for which an appropriation shall not have been made. He shall keep an accurate account in said books of the names of all persons employed by him, the work upon which they shall be engaged, the time during which they shall be employed, and the amount of wages severally paid to them, with the date of each payment.

Examine and certify estimates for work done by contract.

SEC. 13. He shall examine the estimates for work done by contract, prepared by the city surveyor and duly certified by him, and shall make such reductions in the said estimates as may be required by ordinance, and approve the same, prior to the presentation thereof to the common council. He shall also certify upon every final estimate for work done by contract, prepared by the city surveyor, that such work or improvement has been duly completed according to the true intent and meaning of the specifications and plans of said work or improvement, and according to the terms of the contract.

SEC. 14. At the end of each month he shall make out and

present to the common council, at its first regular meeting thereafter, a full and true account of all moneys belonging to the city received and paid out by him during the month; showing, particularly, the amount in his hands at the beginning of the month, and the amount received by him from the city treasury during the month, applicable to the several branches of expenditure in his department; the names and time of the persons employed by him, the work upon which they were engaged, and the amount of wages severally paid to them; the amount expended by him in the said several branches of expenditure, and the balance remaining in his hands at the end of the month.

Monthly report required to be made to council.

SEC. 15. He shall keep in his office a complaint book, wherein shall be entered all matters of complaint made to him at his office aforesaid, relating to the condition of the streets, avenues, roads, highways, public lanes and alleys, public parks and squares, sewers and drains of the city. He shall ascertain the facts in relation to all such matters of complaint, and take such action thereon as may be necessary and proper in the faithful discharge of his official duties.

Complaint book.

PASSED, June 16, 1863.

APPROVED, June 17, 1863.

AN ORDINANCE to repeal certain Ordinances and parts of Ordinances.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows:

SECTION 1. That all ordinances and parts of ordinances inconsistent with the "Ordinance in relation to the City Clerk;" the "Ordinance in relation to the City Treasurer;" the "Ordinance in relation to the Harbor Master;" and the "Ordinance in relation to the Street Commissioner," approved June fifteenth, eighteen hundred and sixty-three; and the

Ordinances and parts of ordinances repealed.

“Ordinance to regulate Weights and Measures, and to prescribe the duties of the City Sealer of Weights and Measures,” approved June twenty-ninth, eighteen hundred and sixty-three; and the “Ordinance relating to the City Attorney,” approved June twenty-ninth, eighteen hundred and sixty-three, be and the same are hereby repealed.

PASSED, June 29, 1863.

APPROVED, June 29, 1863.

AN ORDINANCE for the appointment of a Weigher and Measurer, and prescribing his duties.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows :

City weigher
and measurer
to be appointed
by com-
mon council.

SECTION 1. There shall be appointed by the common council of the city of New Brunswick a weigher and measurer, whose duty it shall be to measure all cord wood and weigh all hay which shall hereafter be brought to this city for sale, and who shall hold his office during the pleasure of common council.

Duty of seller.

SEC. 2. After the passage of this ordinance, it shall be the duty of every person who shall bring cord wood to this city for sale, before he shall sell the same, to take it to the Market Square, and there have it measured by the weigher and measurer, and receive his certificate as to the quantity thereof, which certificate the holder of said wood, upon the sale of the same, shall deliver to the person or persons to whom such wood shall be sold.

Duty of mea-
surer.

SEC. 3. It shall be the duty of the weigher and measurer to be appointed under this ordinance, before he enters on the duties of his office, to make and subscribe an oath or affirmation before the mayor or city clerk, faithfully and impartially to execute the same pursuant to the provisions of this ordinance, according to the best of his skill and understanding;

and it shall be further his duty at all times to attend at the said Market Square, and to measure all such wood as shall be brought there for that purpose, and to make out and deliver to the seller of such wood a certificate in writing specifying the exact quantity thereof, and sign his name thereto; for which service he shall be entitled to receive for each load so measured, from the seller thereof, the sum of four cents, with the one-half of which such seller shall be allowed to charge the purchaser.

SEC. 4. It shall be the duty of the weigher and measurer ^{Deputy.} appointed in pursuance of this ordinance, in case of his temporary inability to perform the duties of the same, to employ a competent person as his deputy to perform said duties during the time of his inability so to perform them, or until the common council shall take some order on the subject.

SEC. 5. If such weigher and measurer, after having taken ^{Penalty.} the oath or affirmation aforesaid, shall neglect or refuse to perform any of the duties imposed on him by this ordinance, he shall forfeit and pay for every such offence the sum of two dollars; and if any person or persons shall sell or cause to be sold within this city any quantity of such wood without first having the same measured and certified as aforesaid, he shall forfeit and pay for every such offence the sum of five dollars; *provided nevertheless*, that no part of this ordinance shall ^{Proviso.} apply to any wood which shall be brought to this city and sold, to be transferred to a foreign market; *and provided also*, ^{Proviso.} that the provisions of this ordinance shall only apply to wood brought for sale within the range of buildings of this city.

SEC. 6. From and after the passage of this ordinance, all hay brought to this market for sale, or that may have been contracted for before it is brought in, shall, before it is delivered to the purchaser, be taken by the owner or person who may have it in charge, to the public scale of this city, and there have it weighed by the person appointed and commissioned as aforesaid, and obtain from him a certificate of the weight of hay contained in the load; and if any person shall neglect or refuse to take such hay to the said scale and there

have it weighed, and obtain a certificate of the weight thereof as aforesaid, before it is delivered, such person or persons shall be and is hereby made liable to a penalty of two dollars for every load of hay so sold and delivered, without being first weighed, and a certificate of the weight thereof obtained as aforesaid for the same; and any person or persons who shall purchase or receive any hay previous to its having been weighed and a certificate obtained as aforesaid, shall be liable to a like penalty of two dollars for every load of hay so purchased and received.

Book to be provided.

SEC. 7. The person appointed as aforesaid weigher and measurer shall provide a book, at the expense of the corporation, in which book he shall regularly and correctly register the weight of all the hay weighed by him, and the date, together with the name of the person for whom it was weighed, in which book he shall divide off a margin sufficiently wide to contain a duplicate copy of the name of the person, the weight of hay, and date, the certificate of which he shall give to the person for whom the hay was weighed, leaving a copy thereof in the margin aforesaid; for which service he is hereby authorized to take and receive thirty-two cents for each load so weighed and the certificate given, which shall be paid by the person for whom the hay was weighed, with one-half of which the owner of the hay is hereby entitled to charge the purchaser, unless a previous agreement was made between them to the contrary; *provided always*, that if any load of hay offered and weighed at the said hay scale shall weigh more than one ton, the weigher and measurer is hereby authorized to demand and receive at the rate of three cents per hundred, in addition to the thirty-two cents, for all and every hundred net weight the said load of hay may weigh over and above twenty hundred.

Proviso.

Carts, &c., to be weighed.

SEC. 8. It shall be the duty of the city weigher and measurer to number and weigh all carts, sleds, wagons, or other carriages, with their tackle, brought to him with hay to be weighed, and number the same, and mark the weight of each in some conspicuous place upon the said sled or carriage, in a

durable manner, and register the same with the owner's name in some part of the book aforesaid, for which service he is hereby authorized to demand and receive sixteen cents; and if any person shall, after having the carriage weighed and marked as aforesaid, alter the mark so placed thereon, so as to make it appear to weigh either more or less than it was marked and registered, without reporting the same to the weigher and measurer, such person shall, on being convicted thereof, be liable for every such offence to a penalty of five dollars; and the book aforesaid shall be given up by the weigher and measurer to common council at the expiration of the term for which he was appointed.

SEC. 9. If any person shall challenge the weight of a car-^{Re-weighed.}riage marked as aforesaid, to be incorrect, it shall be the duty of the owner thereof to take his carriage to the public scale and have it weighed, for which service the weigher and measurer shall be entitled to receive sixteen cents, to be paid by the owner if the weight shall exceed that marked upon the carriage, as provided in the preceding section; otherwise the said sum of sixteen cents shall be paid by the person at whose instance the weighing may have been required; and if the weigher and measurer neglects or refuses to perform the duty of weighing the same, the fees being tendered to him, he shall be liable to a fine of two dollars for every such neglect or refusal.

SEC. 10. If any person, after having his sled or carriage,^{Penalty.} with the tackle, weighed and marked as aforesaid, shall improperly increase the weight thereof to the extent of fifty pounds, without giving notice thereof to the weigher and measurer previous to his having any other hay weighed thereon, shall forfeit and pay for every such offence the sum of ten dollars.

SEC. 11. It shall not be lawful for any person or persons to weigh, or suffer or permit any hay brought to this market for^{Corporation scale only to be used.} sale, to be weighed in any scale or scales now erected or that may hereafter be erected within the corporation, other than the corporation hay scale, or to give a certificate of the weight

of such hay whereby a purchaser might be deceived into a belief that the said hay had been lawfully weighed by the weigher and measurer; and every person who shall, contrary to this ordinance, suffer or permit any hay to be weighed in any such scale or scales, other than the corporation scale, shall be and he is hereby made liable to a penalty of five dollars for every such load of hay weighed or certified, except such hay as is to be sent to a foreign market, and in that case only the owner of the hay press may weigh the said hay.

SECTION 12. All ordinances and parts of ordinances inconsistent with this ordinance, are hereby repealed.

PASSED, July 13, 1863.

APPROVED, July 15, 1863.

AN ORDINANCE to regulate Weights and Measures, and to prescribe the duties of the City Sealer of Weights and Measures.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

Duties of sealer of weights and measures.

SECTION 1. It shall be the duty of the city sealer of weights and measures, and he is hereby authorized to inspect and examine, at least once in each and every year, and as much oftener as he may think proper, all weights, measures, scalebeams, patent balances, steelyards, and other instruments used in weighing or measuring any article intended to be purchased or sold in the city of New Brunswick.

All weights and measures to be sealed by him.

SEC. 2. All persons using weights, measures, scalebeams, patent balances, steelyards, or any other instrument, in weighing or measuring any article intended to be purchased or sold in the city of New Brunswick, shall cause the same to be sealed and marked by the city sealer of weights and measures in said city. All measures of extension on counters or other fixtures shall be marked by brass headed nails, or nails of

such other material and of such size as may be plainly seen and distinguished.

SEC. 3. Any person who shall, in weighing or measuring any article for purchase or sale within the city of New Brunswick, use any weight, measure, scalebeam, patent balance, steelyard, or other instrument, not sealed and marked as is required by the second section of this ordinance, shall forfeit and pay twenty-five dollars for every such offence. Penalty for violation.

SEC. 4. All weights, measures, scalebeams, patent balances, steelyards, and other instruments for weighing or measuring, to be sealed and adjusted by the city sealer of weights and measures in the city of New Brunswick, shall be made conformable to the standard of weights and measures of this state, and shall be marked by him with the initials of his name and the year in which the same shall be sealed and marked. Weights and measures to be conformable to State standard.

SEC. 5. If any person shall use, in the city of New Brunswick, in weighing or measuring as aforesaid, any weight, measure, scalebeam, patent balance, steelyard, or other instrument, which shall not be conformable to such standard, or shall use in weighing, as aforesaid, any scalebeam, patent balance, steelyard, or other instrument, which shall be out of order or incorrect, or which shall not balance, he, she or they shall forfeit and pay twenty-five dollars for every such offence. Penalty for using incorrect weights and measures.

SEC. 6. No person shall refuse to exhibit any weights, measures, scalebeams, patent balances, steelyards, or other instrument, to the city sealer of weights and measures, for the purpose of being examined and inspected as aforesaid, under the penalty of twenty-five dollars for every such offence. Penalty for refusing to exhibit.

SEC. 7. No person shall in any way or manner obstruct, hinder or molest the said sealer of weights and measures in the performance of his duties as hereby imposed upon him, under the penalty of twenty-five dollars for every such offence. Penalty for molesting city sealer.

SEC. 8. The city sealer of weights and measures shall be entitled to demand and receive the following fees for inspect- Fees.

ing and examining weights, measures, scalebeams, patent balances, steelyards, and other instruments for weighing or measuring used in the city of New Brunswick :

For every weight of fourteen pounds or upward, three cents ;

For every weight of a smaller denomination, one cent and a half ;

For every liquid measure, two cents ;

For every yard and dry measure, three cents ;

For every scalebeam, patent balance, steelyard, or other instrument used for weighing, three cents.

Weights and
measures to
be inspected
where used.

SEC. 9. All weights, measures, scalebeams, patent balances, steelyards, and other instruments used for weighing or measuring, shall be inspected and examined at the stores and places where the same may be used ; but in case they, or any of them, shall be found not conformable to the standard of this state, they may be adjusted, sealed and marked by the said city sealer of weights and measures, at the store or place where the same may be used, or they shall be sent by the owner thereof, at his expense, to the office of the city sealer, for the purpose of being adjusted, sealed and marked, within three days after the owner thereof shall be required so to do, in writing, by the said sealer, under the penalty of ten dollars for every such neglect.

Fees, when to
be charged.

SEC. 10. It shall not be lawful for the said sealer of weights and measures to make the aforesaid charges for inspecting and examining weights, measures, scalebeams, patent balances, steelyards, or other instruments used for weighing or measuring, more than once in each year, unless they shall be found to be not conformable to the said standard.

Fees.

SEC. 11. The said sealer of weights and measures shall be entitled to demand and receive the following fees for sealing and marking weights, measures, scalebeams, patent balances, steelyards, and other instruments for weighing or measuring, used in the city of New Brunswick :

For sealing and marking any scalebeam, patent balance, steelyard, or other instrument used for weighing in the city

of New Brunswick, as follows: if the same be gauged to weigh one hundred pounds and under, twelve cents; and if from one hundred pounds to two hundred and fifty pounds inclusive, twenty-five cents; from two hundred and fifty pounds to five hundred pounds inclusive, fifty cents; from five hundred pounds to one thousand pounds inclusive, seventy-five cents; from one thousand pounds to fifteen hundred pounds inclusive, one dollar; from fifteen hundred pounds to two thousand pounds inclusive, one dollar and fifty cents; and over two thousand pounds, two dollars;

For sealing and marking measures of extension on any counter or other fixture, for one yard, together with its subdivisions so measured, and sealed and marked, the sum of twenty-five cents, and for every additional yard, with its subdivisions so sealed and marked, the sum of twelve cents; the owner of such counter or other fixture shall furnish the proper nails for marking such measures, or if furnished at the request of the owner, by the sealer, such compensation shall be paid to him as may be mutually agreed upon by the parties;

For sealing and marking all other measures of extension, at the rate of twelve cents per yard, but not to exceed fifty cents for any measure;

For sealing and marking every weight, three cents;

For sealing and marking liquid and dry measures: for every measure under one gallon, three cents; for one gallon and over, five cents each;

For sealing and marking every measure of half a bushel, ten cents; and for every measure of one bushel, or over, twenty-five cents;

The said sealer of weights and measures shall also be entitled to a reasonable compensation for making such weights and measures conformable to the standard established by law.

SEC. 12. It shall be the duty of the said sealer of weights and measures to keep a register of all the weights, measures, scalebeams, patent balances, steelyards, and other instruments used for weighing or measuring, inspected and examined by him, in which he shall state the names of the owners of

Register to be kept.

the same, and whether the same, on inspection, were found to be correct; and, if found to be incorrect, whether the same were properly adjusted, sealed and marked by him: such register shall be kept in his office, in a book to be provided for that purpose; and at the close of each and every fiscal year he shall file a duplicate of said register in the office of the city clerk.

Fees by, whom
paid.

SEC. 13. The fees of the said sealer of weights and measures shall be paid by the owner or person in possession of the weights, measures, scalebeams, patent balances, steelyards, or other instruments used in weighing or measuring, at the time the same shall be inspected and examined, or sealed and marked, as aforesaid, and in default thereof the said sealer may recover the same by action, in any court of competent jurisdiction.

Not to sell
weights and
measures.

SEC. 14. It shall not be lawful for the city sealer of weights and measures to sell any weights, measures, scalebeams, patent balances, steelyards, or other instruments to be used for weighing or measuring, or to offer or expose the same for sale in the city of New Brunswick, under the penalty of fifty dollars for every such offence.

Standard
beams, &c.,
belonging to
the city.

SEC. 15. The city sealer of weights and measures shall have charge of all the standard beams, weights and measures belonging to the city, and shall carefully keep and preserve the same; and upon the expiration of his term of office, or his resignation thereof, or removal therefrom, he shall forthwith, on demand, deliver the same to his successor in office, or to any person duly authorized by the common council to take possession thereof.

PASSED, July 13, 1863.

APPROVED, July 15, 1863.

AN ORDINANCE to prevent Vice and Immorality, and to preserve the peace and good order of the City of New Brunswick, and for other purposes.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

SECTION 1. If any person or persons shall hereafter trans-^{Sunday to be}act or be engaged in, or cause to be done, performed or trans-^{observed.}acted on the Christian Sabbath, or first day of the week, commonly called Sunday, within the corporate limits of the city of New Brunswick, any worldly employment or business, or ordinary or servile labor or work (works of necessity and charity excepted,) or any kind of fishing, whether with a net or otherwise, sporting, racing, dancing or fiddling, singing or other music for the sake of merriment ; or playing at ball or any other kind of play, sport, pastime or diversion ; or shall, on the first day of the week, commonly called Sunday, within the corporate limits of the said city, cry, show forth, sell or expose for sale, or cause or permit to be bartered, sold or exposed for sale, any wares or merchandise, (except medicines,) or any vegetables, fruit, herbs, meat, fish, oysters, beer, ale, cider, porter, wine, rum, brandy, gin, whiskey, cider spirits, intoxicating liquor or ardent spirits of any kind, mixed or unmixed ; or shall on the said first day of the week, commonly called Sunday, within the corporate limits of the said city, keep open any place of business, (except for the sale of medicines,) or frequent any tippling house, or behave in a riotous or disorderly manner, or profanely swear or curse, or become intoxicated or drunk by the excessive use of spirituous, vinous or other strong liquor, all and every person or persons so offending shall, for every such offence, be liable to a fine not exceeding thirty dollars, or imprisonment in the jail of the county of Middlesex not exceeding thirty days, or both, in the discretion of the court, together with the costs of conviction ; *provided*, that nothing in this ordinance shall be ^{Penalty for} ^{violating Sun-} ^{day.} ^{Proviso.}

construed to make any person who uniformly keeps the seventh day of the week as the Sabbath, and who habitually abstains from following his or her usual occupation or business, and from all recreation on that day, and who devotes that day to exercises of religious worship, liable for such work or labor done in his or her dwelling house or workshop, or on his or her premises, as has not disturbed other persons in the observance of the first day of the week as the Sabbath.

Liquors not to be sold without license.

SEC. 2. No person or persons, unless duly licensed according to law to keep an inn and tavern or a victualing house, with the privilege of retailing spirituous liquors, shall sell, dispose of, or deliver for money, or anything of value, or on credit, or shall knowingly permit, or cause to be sold, disposed of or delivered, for money or anything of value or on credit, on his, her or their account, or on the account of any other person or persons whatsoever, by less measure than one quart, any distilled or ardent spirits, or spirituous liquors, or any other liquid, of which distilled or ardent spirits or spirituous liquors form a component part, except such as are compounded, used and approved for medicines; or having sold, disposed of, or delivered as aforesaid, to one or more persons, one quart, or any greater measure than one quart of any distilled or ardent spirits or spirituous liquors or any other liquid, of which distilled or ardent spirits or spirituous liquors shall form a component part, shall encourage, permit or allow any person or persons to drink and tittle thereon, in his, her or their house, outhouse, shed, garden, tenement, or in any place in his, her or their occupancy, and any person or persons so offending against any of the provisions of this section of the ordinance shall, for each and every offence, be liable to a fine not exceeding fifty dollars, or imprisonment in the jail of the county of Middlesex not exceeding sixty days, or both, in the discretion of the court, together with the costs of conviction.

Disorderly houses, penalty for keeping.

SEC. 3. No person or persons shall keep or maintain a disorderly house or a house of ill-fame within the corporate limits of the city of New Brunswick, under the penalty of a fine not to exceed fifty dollars, or imprisonment in the jail of the

county of Middlesex not exceeding sixty days, or both, at the discretion of the court, together with costs of conviction : and every person or persons who shall allow or permit his, her or their house, shop, store, or other place connected therewith, to be used, frequented or resorted to by riotous or disorderly persons, gamblers, vagrants, or common mendicants, between the hours of five o'clock in the evening and seven o'clock in the morning, shall forfeit and pay a sum not to exceed fifty dollars for each and every offence ; and every person who shall make or assist in making any riot, noise or disturbance at any house, shop, store, or other place within the city of New Brunswick, shall forfeit and pay a fine not to exceed fifty dollars, or be imprisoned in the jail of the county of Middlesex not exceeding thirty days, or both, at the discretion of the court, together with the costs of conviction, for each and every offence.

SEC. 4. No person or persons shall set up, keep or maintain, or permit to be set up, kept or maintained in any house or premises occupied by him, any faro table, faro bank, roulette, or other device or game of chance, hazard or address, for the purpose of gaming ; or any boxing rings, cockpit, or other place for the exhibition of animals in fight, under the penalty of a fine not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex for a period not exceeding sixty days, or both, at the discretion of the court, for each and every offence, together with costs of conviction. And it shall be the duty of the police, and they are hereby authorized and empowered to enter upon any place or premises where any instruments or devices employed in gaming shall be used, contrary to the provisions of this ordinance ; and, except in cases of ball alleys, bowling alleys, and billiard tables, to carry away and destroy the same.

SEC. 5. No person or persons shall deal, play or engage in faro, roulette, or other device or game of chance, hazard or address, either as banker, player, dealer or otherwise, for the purpose of gaming, under the penalty of ten dollars for each offence, or imprisonment in the county jail for the space of

Gambling
houses, penal-
ty for keeping.

Duty of police

Gambling, how
punished.

ten days, or both, in the discretion of the court, together with the costs of prosecution.

Drunkness,
how punished.

SEC. 6. If any person or persons shall be drunk, or shall be in a state of intoxication, in any street, highway, thoroughfare, or public place within the city, or in any private house or place, to the annoyance of any citizen or person, he shall, on conviction thereof, forfeit and pay the sum of two dollars, or be imprisoned in the county jail for a term not exceeding ten days, or both, at the discretion of the court, together with the costs of prosecution. It shall be the duty of each and every police officer to arrest, on his personal view, any person so drunk or intoxicated, and him or her forthwith to bring, or cause to be brought, before the recorder in and for the city of New Brunswick; and it shall be lawful for the recorder, before whom such person or persons shall be brought, on his own personal view, or on the confession of such person, or on due proof that such person or persons has been so drunk or intoxicated, to convict such person or persons thereof, and, on such conviction, to sentence such person or persons to forfeit and pay a fine as aforesaid, or imprisonment as aforesaid, or both as aforesaid, and to pay as the costs of such arrest and conviction, to the recorder, the sum of one dollar, and to enforce said sentence according to law.

Arrests, how
made.

Penalty and
costs.

Vagrants, how
punished.

SEC. 7. Each and every person, being a vagrant, common mendicant or street beggar, shall, on conviction thereof, forfeit and pay a sum not exceeding ten dollars, or be imprisoned in the jail of the county of Middlesex for a term not to exceed sixty days, or both, at the discretion of the court, together with the costs of prosecution.

Indecent ex-
posure and
conduct.

SEC. 8. No person or persons shall appear in any street or public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent act or behavior, or shall exhibit or perform any indecent, immoral or lewd play or other representation, under the penalty of ten dollars for each and every offence, or imprisonment in the jail of the county of Middlesex not

exceeding sixty days, or both, in the discretion of the court, together with costs of prosecution.

SEC. 9. Any person or persons who shall make, aid, countenance or assist in making any improper noise, riot, disturbance or breach of the peace in the streets and highways or elsewhere, within the city, and all persons who shall collect in bodies or crowds, for idle or unlawful purposes, to the annoyance or disturbance of citizens or travellers, shall severally forfeit and pay a fine not to exceed twenty-five dollars, or imprisonment in the jail of the county of Middlesex not exceeding thirty days, for each and every offence, or both, at the discretion of the court, together with the costs of prosecution.

Improper noises prohibited.

Penalty.

SEC. 10. Any person or persons who shall disturb or disquiet any congregation or assembly met for religious worship in any church or other building, by making a noise, or by rude and indecent behavior, or profane discourse, within or without their place of worship, shall forfeit and pay a sum not to exceed fifty dollars, or be imprisoned in the jail of the county of Middlesex for a term not to exceed sixty days, or both, at the discretion of the court, together with the costs of prosecution.

Religious worship not to be disturbed.

Penalty.

SEC. 11. If any person or persons shall at any time hereafter, in any street, building or other place in the said city, make an unusual and unnecessary noise, either vocal or otherwise, in such manner as to disturb the peace of the said city; or if any person or persons shall at any time hereafter in the said city, in any manner maliciously molest, annoy or terrify any peaceable inhabitant of or other person within the said city; or if any person or persons shall at any time hereafter improperly molest, disturb, injure or destroy any property within the said city, not his, her or their own property, all and every person or persons so offending, his, her or their aiders, procurers, advisers or abettors shall, for each and every such offence, be subject to a fine not exceeding fifty dollars, or imprisonment in the jail of the county of Middlesex

Peace of the city not to be disturbed or property damaged.

not exceeding thirty days, or both, together with costs of conviction.

Cruelty to animals.

SEC. 12. No person shall inhumanly, unnecessarily or cruelly beat, injure, or otherwise abuse any dumb animal, under the penalty of ten dollars for each and every offence, or imprisonment in the jail of the county of Middlesex for a term not exceeding ten days, or both, in the discretion of the court, together with costs of conviction.

Frightening horses or other animals prohibited.

SEC. 13. No person shall engage in any practice, sport, or exercise having a tendency to frighten horses or other animals, or to annoy persons passing in the streets or on the sidewalks of the city, under the penalty of a fine not to exceed five dollars for each and every offence, or imprisonment in the jail of the county of Middlesex not exceeding ten days, or both, at the discretion of the court, together with the costs of prosecution.

Swimming and bathing.

SEC. 14. No person or persons shall swim or bathe in the water of or bounding the city, by day, or in such waters within two hundred yards of any dwelling house, at any time, under the penalty of two dollars for each offence, or imprisonment in the jail of the county of Middlesex not exceeding two days, or both, at the discretion of the court, together with costs of prosecution.

Injury to bridges and other property

SEC. 15. Any person or persons who shall injure or destroy, or assist in injuring or destroying, any bridge or its appurtenances, or public building, or other property belonging to the city, shall forfeit and pay a fine not to exceed twenty-five dollars, or be imprisoned in the jail of the county of Middlesex not exceeding ten days, or both, at the discretion of the court, and shall, furthermore, be liable for all damages or injury done, together with the costs of conviction.

Policemen authorized to arrest offenders and detain till daylight.

SEC. 16. It shall be the duty of the police, and they are hereby authorized and empowered to apprehend and detain "in the county jail, or some other place provided for that purpose," until daylight, all offenders against the peace, and all persons who may obstruct or endanger them, or any of them, in the execution of their office, or who shall be guilty

of any disorderly conduct, or shall be engaged in any riots, rows, unlawful assemblages, outcries, noises, insurrections, or other alarm or disturbance whatever, or shall aid, abet or assist, or countenance others in the commission of either of the said offences. The policemen are also authorized to enter any dwelling house, store, shop or other building where any felon is harbored or secreted, or where persons are who have during the night, and in their presence or hearing, committed any breach of the peace, or where any felony or breach of the peace is about to be committed, or where any noise or alarm, outcry, or other disturbance shall be made, in like manner as constables and other peace officers are authorized by law.

May enter dwellings where felons are secreted.

SEC. 17. That all ordinances or parts of ordinances in any wise inconsistent or conflicting with the provisions of this ordinance, be and the same are hereby repealed.

Repealer.

PASSED, July 13, 1863.

APPROVED, July 15, 1863.

AN ORDINANCE for Cleansing the Streets and the removal of snow, ice and hail, and for other purposes.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows:

SECTION 1. The owner, occupant or person having charge of each and every dwelling house or other building, or lot or lots of ground adjoining any of the paved streets in the city of New Brunswick, shall, on every Saturday from the first Saturday in May to the first Saturday in November, before the hour of ten o'clock in the morning of said days, cause all dirt from the sidewalk and gutter, and one-half the carriage way of the street opposite such dwelling house, store, building, lot or lands, to be swept up in convenient heaps for removal, under the penalty of one dollar for every three hours' neglect or refusal thereafter; and on the first Saturday of each month

Streets, sidewalks and gutters to be kept clean.

from the first Saturday in November until the first Saturday in May, shall cause the gutters and one-half the carriage way opposite such dwelling house, store, building, lot or lands to be scraped and cleaned, and the dirt therefrom placed in convenient heaps for removal, under the penalty of one dollar for every twenty-four hours' neglect or refusal thereafter; which penalties shall be forfeited and paid by the said owner, occupant or person having charge thereof, severally and respectively.

Duty of street commissioner

SEC. 2. In case the owner, occupant or person having charge of such dwelling house, store, building, lot or lands, shall neglect or refuse to cause the dirt from the sidewalk or gutter and one-half the carriage way opposite such dwelling house, store, building, lot or lands to be swept, scraped and cleaned as provided in the preceding section, it shall be the duty of the street commissioner to cause the said dirt to be swept up, or scraped, and removed, and the said owner, occupant or person having charge shall be liable for the cost of such sweeping, scraping and removal, together with the penalties prescribed for non-compliance with the first section of this ordinance.

Removal of snow, ice, &c.

SEC. 3. The owner, occupant or person having charge of each and every dwelling house, store, or other building, or lot or lots of ground in the city of New Brunswick shall, within the first six hours after every fall of snow or hail, or after the formation of any ice upon the sidewalks and in the gutters, unless the same shall have been covered with sand or ashes, cause the same to be removed entirely from off the sidewalks, and to the width of one foot out of the gutter opposite such dwelling house, store, building, lot or lands, under the penalty of three dollars for every such neglect, to be forfeited and paid by the said owner, occupant or person having charge thereof, severally and respectively.

Gutters to be cleaned.

SEC. 4. In case the gutters opposite to any dwelling house, store, or other building, or lot or lots of ground in the city of New Brunswick shall at any time become obstructed with snow, ice, dirt, or anything whatever, the owner, occupant or

person having charge thereof shall cause the said gutter to be cleaned out to the width of two feet, so that the water may run freely along the same, under the penalty of two dollars for every such neglect, to be forfeited and paid by the owner, occupant or person having charge thereof, severally and respectively.

SEC. 5. The owner or occupant of each and every dwelling house, store, or other building in the city of New Brunswick, now or hereafter to be erected or built directly on or near the line of any public street or highway, shall provide a suitable leader or leaders, gutter or gutters, for conveying the rain water from the front of such dwelling house, store, or other building, to the ground, and thence to the gutter in the street, under the penalty of ten dollars for each and every violation of any of the provisions of this section, to be forfeited and paid by the owner or occupant thereof, severally and respectively.

SEC. 6. Any contractor or contractors, or other person or persons who shall cause or permit any cart or wagon or other vehicle to be heaped up with manure, sand, earth, mud, clay or rubbish, so that the contents, or any part thereof, shall be scattered in any street, highway, public lane or alley, or other public place in this city, shall forfeit and pay five dollars for each and every offence.

SEC. 7. No person, without the permission of the street commissioner, shall take up, remove, or carry away, or cause to be taken up, removed or carried away, any turf, stone, sand, clay or earth from any public street or highway in the city of New Brunswick, under the penalty of ten dollars for each and every offence.

SEC. 8. No person or persons, without the permission of the street commissioner, shall dump or deposit any earth, dirt, rubbish, or other article, contrary to the provisions of this ordinance, either upon the carriage way or sidewalks of any public street or highway in the city of New Brunswick, under the penalty of ten dollars for each offence.

SEC. 9. That all ordinances and parts of ordinances incon-

Rain water
from buildings
how conveyed

Scattering ma-
nure or dirt in
the streets.

No earth or
dirt to be re-
moved
without per-
mission.

No earth or
dirt to be de-
posited in the
streets.

Repealer.

sistent and conflicting with the provisions of this ordinance be and the same are hereby repealed.

PASSED, August 31, 1863.

APPROVED, September 2, 1863.

AN ORDINANCE relating to Streets and Highways, the construction and repair of sidewalks, the construction of vaults, cisterns and areas, and obstructions and incumbrances in the streets, public places, and encroachments therein.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows :

ARTICLE I.

OF THE CONSTRUCTION AND REPAIR OF STREETS AND HIGHWAYS.

Streets and
highways to
be graded, &c.

SECTION 1. All streets and highways in the city of New Brunswick shall be graded, gravelled, paved, flagged, macadamized, or otherwise improved or regulated, as the common council shall, from time to time, by special ordinance direct, in conformity with the provisions of the city charter.

Sidewalks or
footpaths and
carriage way.

SEC. 2. Every street in the city of New Brunswick which shall be graded, gravelled, paved, flagged, macadamized, or otherwise improved or regulated, by special ordinance as aforesaid, or in any manner whatsoever, shall have the sidewalks or foot-paths thereof, on each side of such street, levelled, graded, curbed, paved, flagged or gravelled, as prescribed by ordinance: and the middle or remaining part of every such street shall be and remain as a carriage way for public use, and shall have a gutter or kennel on each side thereof next adjoining the sidewalk or foot-path, and be arched in such a manner as the street commissioner shall direct.

SEC. 3. The grades of all streets and highways in the city

of New Brunswick shall be regulated and established from time to time by resolution of the common council, and a profile thereof, with the regulations distinctly marked thereon, shall be deposited and kept in the office of the city surveyor.

Grades of streets, how established.

SEC. 4. No ordinance shall hereafter be introduced or reported to the common council, to provide for regulating, grading, gravelling, paving, flagging, macadamizing, or otherwise improving or regulating any streets, or section of a street, unless said ordinance shall be accompanied by a certificate in writing, signed by the city surveyor, or by a majority of the committee on streets, setting forth that a suitable and proper grade for such street, or section of a street, has been duly established by the common council.

No ordinance to be introduced for improvement until grade is established.

SEC. 5. Whenever the street commissioner shall be directed by the common council to advertise for proposals to furnish the materials and labor necessary to prosecute and complete any work or improvement duly authorized by any ordinance to provide for grading, gravelling, paving, flagging, macadamizing, or otherwise improving or regulating any street or section of a street, or for flagging the sidewalks or any portion thereof, or for digging down, draining, filling up or fencing any lot, pieces or parcels of ground in the city of New Brunswick, it shall be the duty of the street commissioner to cause an advertisement for proposals, as aforesaid, signed by him, to be inserted and published, not less than two weeks, once in each week, in two newspapers printed and published in the city of New Brunswick. Such advertisement shall specify in general terms the nature of the work or improvement for which proposals are to be received, and request contractors and other persons intending to make proposals therefor to examine the plans and specifications of such work or improvement at the office of the street commissioner. Sealed proposals in writing may be received by the street commissioner, which shall be opened in the presence of the committee on streets, and said committee, by a majority of the whole number of members, may award the contract for such materials and labor to such person or persons making proposals there-

Proposals to be advertised.

Street committee may award contracts.

for, as they may deem best for the interest of the city. The mayor is hereby authorized to execute such contract on behalf of the city, and no materials or labor shall be furnished by the contractor or contractors, or compensation be made thereof until such contract shall be duly signed and executed by the contracting parties.

Proposals for regulating and grading streets to include curb stone and setting and re-setting the same.

SEC. 6. Whenever any special ordinance shall be passed by the common council, to provide for regulating and grading any street or section of a street in the city of New Brunswick, and the street commissioner shall be directed to advertise for proposals to furnish the materials and labor necessary to prosecute and complete such improvement, such proposals shall in all cases contain bids for furnishing and setting curb stone, or for re-setting curb stone, if the same be necessary in prosecuting and completing such improvement according to ordinance; and the committee on streets shall award the contract for all the materials and labor, including curb stone and setting or re-setting the same, as required in the specification of such improvement, prepared and exhibited in the office of the street commissioner, to the same party or parties, and not otherwise; and such contract shall be executed accordingly.

Proposals for paving streets to include bridge stone and laying and re-laying the same.

SEC. 7. Whenever any special ordinance shall be passed by the common council, to provide for regulating, grading and paving any street or section of a street in the city of New Brunswick, and the street commissioner shall be directed to advertise for proposals to furnish the materials and labor necessary to prosecute and complete such improvement, such proposals shall in all cases contain bids for furnishing and laying bridge stone, or for relaying bridge stones, if the same be necessary in prosecuting and completing such improvement according to ordinance; and the committee on streets are hereby authorized and empowered to locate such and so many crosswalks of good and sufficient blue or gray granite bridge stone, and of such dimensions and width as they may deem necessary, in any such street or section of a street; and the cost of furnishing and laying such bridge stone, or of relaying the same, as the case may be, shall constitute a part of

the whole amount of the costs and expenses of regulating, grading and paving such street or section of a street, to be assessed upon the owners of lands and real estate upon the line of such street or section of a street, according to law.

SEC. 8. In all the streets in the city of New Brunswick, of Width of sidewalks in streets, lanes and alleys. the width of thirty feet and upward, the sidewalks or foot-paths between the lines of the streets and the kennels shall be one-fifth of the width of the street, on each side thereof, in the case of each street respectively. In all streets, public lanes and alleys less than thirty feet in width, such proportion thereof as may be directed by the city surveyor and street commissioner, or by special ordinance, shall be used and flagged or paved for sidewalks and foot-paths.

SEC. 9. No sidewalk or foot-path in any street in the city of New Brunswick, heretofore constructed and made under the authority of the common council, or by permission of any city officer duly authorized to act in the premises, shall be altered in width so as to conform to the provisions of this ordinance, unless by special ordinance or direction of the common council. Sidewalks heretofore constructed.

SEC. 10. No sidewalk, or any part of a sidewalk, laid with brick or flagging, in any part of the city of New Brunswick, shall hereafter be taken up, or the brick or flagging removed therefrom, for any purpose whatever, without the written permission of the street commissioner, under the penalty of twenty-five dollars for every such offence. Sidewalks not to be taken up or removed without consent of street committee.

SEC. 11. The owner or owners of any dwelling house, store or other building, or lot or lots of ground, fronting on any street or section of a street in the city of New Brunswick, whereof the sidewalks have been levelled, graded and curbed, shall, at his, her or their charge and expense, well and sufficiently pave or flag the sidewalks, according to the ordinances, and keep and maintain in good repair the sidewalks and curb and gutter of such street, in front of any such dwelling house, store, or other building, or lot or lots of ground. Owners of property to pave sidewalks in front thereof.

SEC. 12. Whenever the common council shall, by resolution or by special ordinance, direct the sidewalks of any street or Notice to be given by the street commissioner.

section of a street, or any portion thereof, to be paved or flagged, repaved or reflagged or repaired, it shall be lawful for the street commissioner, under the direction of the common council, to give notice thereof in writing to the owner or owners of any dwelling house, store, or other building, or lot or lots of ground, in front of which such sidewalk, or any portion of such sidewalk, shall be, and to order the said work to be done within a time mentioned in such notice; and in case of the default of any owner or owners, to comply with the order contained in such notice, he shall report the same to the city attorney, and also to the common council; and for every such default such owner or owners shall forfeit and pay the sum of twenty-five dollars, severally and respectively.

Penalty.

Proviso relating to preceding sections.

SEC. 13. Nothing contained in the last preceding section of this ordinance shall be construed in any manner to affect or impair the right and authority of the common council to take such other proceedings for the prosecution and completion of any such improvement in conformity with the provisions of the city charter, as they may deem advisable.

Obstructions may be placed in streets by persons employed in paving or repairing the same.

SEC. 14. It shall be lawful for the persons employed to pave or repave any street or section of a street in the city of New Brunswick, to place proper obstructions across such street or carriage way, for the purpose of preserving the pavement then newly made, or to be made, until the same shall be fit for use, leaving at all times a sufficient passage for foot passengers, and giving at least three days' notice of such obstruction by written or printed notices put up in at least three of the most conspicuous places in said street.

Not to be displaced without permission.

SEC. 15. No person or persons shall, without the consent of the street commissioner, in writing, or without the consent of the person superintending said paving, throw down, displace or remove any such obstruction mentioned in the last preceding section of this ordinance, under the penalty of ten dollars for every such offence.

Power of obstruction limited.

SEC. 16. Nothing contained in the fourteenth section of this ordinance shall be construed to authorize any person or persons to stop up or obstruct more than the space of one

block and one intersection at the same time in any one street, or to keep the same so stopped up for more than two days after the carriage way is finished.

SEC. 17. Whenever any person or persons shall have authority, under any contract with the corporation, or any officer thereof, or under any permit authorizing the same, to remove the pavement or flagging from, or to excavate, or to occupy or use any part of the public streets and highways in the city, so as to obstruct the travel in any streets or highways, and to prevent the same from being used for the time being for the purposes of travel, such person or persons shall erect, or cause to be erected, in conspicuous positions, at the several points of intersection of such street or highway so obstructed, with the cross streets nearest to such obstruction, a suitable notice of such obstruction; which notice shall be in such manner and form as the street commissioner may at any time direct.

When streets are obstructed by contractors or others notice of obstruction to be given.

SEC. 18. Every person who shall violate any provision of the last preceding section of this ordinance, shall forfeit and pay ten dollars for every such offence.

Penalty.

SEC. 19. It shall be the duty of every person or persons engaged in digging down any street or highway, in paving any street or section of a street, building any sewer or drain, digging any trench for gas pipes or water pipes, or digging and building any cistern or well in any of the public streets or highways, under contract with the corporation of this city, or any officer thereof, or by virtue of any permission which may have been granted to them by the common council, or the street commissioner, where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavation or work, in such a manner as to prevent danger to passengers who may be travelling such streets or highways, and to continue and uphold the said railing or fence until the work shall be completed, or the obstruction or danger removed; and it shall also be the duty of such person or persons to place on such railing or fence, at twilight in the evening, suitable and sufficient lights, and keep them burning

Railing or fence to be erected to prevent danger to passengers.

Lights to be placed at night.

through the night, during the performance of such work, under the penalty of fifty dollars for every neglect or violation of any of the provisions of this section.

Ordinance to be enforced by street commissioner.

SEC. 20. It shall be the duty of the street commissioner to see that the provisions and requirements of this ordinance in regard to the erection of fencing or railing and placing lights, in all such cases, be complied with, and to report all violations thereof to the city attorney for prosecution.

Gas and water companies not to break up or displace paved streets without permission.

SEC. 21. It shall not be lawful for the New Brunswick Gas Light Company, or the New Brunswick Water Company, or any other gas or water company, or any person or persons employed by them, or either of them, to break up or displace any of the paved streets of this city, without the permission of the street commissioner, and such permission shall not be given until the party applying therefor shall enter into a stipulation, satisfactory to the street commissioner, to repair and replace the said pavement to the satisfaction of the street commissioner, at his and their own expense, by a day to be named in such permit; and if any person or persons shall neglect and refuse to repair and replace the same, in accordance with such stipulation and permit, he or they shall forfeit and pay the sum of fifty dollars for each offence, and in addition thereto shall be liable to pay the expense of repairing and replacing such pavement, which shall be done by and under the direction of the street commissioner.

Monument stones not to be removed.

SEC. 22. No person shall cover up or remove any of the monument stones for designating the streets and highways in the city of New Brunswick, without first giving three days' notice thereof, in writing, to the city surveyor, under the penalty of fifty dollars for each offence.

To be raised or lowered by city surveyor.

SEC. 23. It shall be the duty of the city surveyor, on receiving such notice, forthwith to take the necessary measures to raise or lower such monument stone to the proper grade of the city, and to cause such alteration to be noticed on maps or profiles, to be kept in the office of the city surveyor.

If removed to be replaced by city surveyor.

SEC. 24. Whenever the city surveyor shall ascertain that any monument stone has been removed, he shall, forthwith,

cause the same to be placed in its proper position, and shall note the same on the map or profile, in the manner before stated.

ARTICLE II.

OF THE CONSTRUCTION OF VAULTS, CISTERNS AND AREAS.

SEC. 25. The street commissioner, on application for that purpose, is hereby authorized and empowered to give permission, in writing, to construct any vaults or cisterns in the streets and highways of the city of New Brunswick, provided in his opinion no injury will come to the public thereby.

SEC. 26. Every application for permission to erect such vault or cistern shall be in writing, signed by the person making the same, and shall state the location of the vault or cistern for which such application is made, and the intended length and width of the same.

SEC. 27. No person shall cause or procure any vault or cistern to be constructed or made in any street or highway in the city of New Brunswick, without the written permission of the street commissioner, under the penalty of fifty dollars, to be forfeited and paid by such person and the master builder or person who constructed or made the same, severally and respectively.

SEC. 28. No person shall construct or make, or cause or permit to be constructed or made, any vault or cistern which shall extend further than the line of the sidewalk or curb stone in any street, under the penalty of fifty dollars for every such offence.

SEC. 29. All vaults or cisterns shall be constructed of brick or stone, and the outward side of the grating or opening into the street shall be either within twelve inches of the outside of the curb stone of the sidewalk, or within twelve inches of the coping of the area in front of the dwelling house, store or other building to which such vault shall belong, under the

penalty of fifty dollars, to be forfeited and paid by the owner or builder thereof, severally and respectively.

Grates and vaults.

SEC. 30. All grates to vaults shall be made of iron, the bars whereof shall be three-fourths of an inch wide and one and a half inch thick, and not more than three-quarters of an inch apart, under the penalty of twenty-five dollars, to be forfeited and paid by the owner of the vault or occupant of the dwelling house, store or other building to which the same shall belong, severally and respectively.

Excavations to be lighted at night.

SEC. 31. Every owner or occupant of any building or lot within the city of New Brunswick, before which any vault, pit, hole, cistern or well shall be opened or uncovered, and every person making or having charge of such vault, pit, hole, cistern or well, shall, during the whole of every night while such vault, pit, hole, cistern or well shall be opened or uncovered, cause a lighted lamp or lantern to be placed and kept at some convenient spot, so as to cast its light upon such vault, pit, hole, cistern or well, under the penalty of ten dollars for each and every violation of any of the provisions of this section.

Time of completion of vaults.

SEC. 32. All vaults or cisterns shall be completed, and the ground closed over them, within four weeks after they are commenced, under the penalty of five dollars for every day thereafter during which the same shall remain unenclosed, to be forfeited and paid by the owner or builder of the same, severally and respectively.

Railings.

SEC. 33. No area in front of any building in the city of New Brunswick shall extend more than one-fifteenth part of the width of any street, nor in any case more than five feet, measuring from the inner wall of such area to the building; nor shall the railing of such area be placed more than six inches from the inside of the coping on the wall of such area, under the penalty of fifty dollars, to be forfeited and paid by the owner or builder of the same, severally and respectively.

Enclosure of areas.

SEC. 34. Every area shall be enclosed with a railing, the gates of which shall be so constructed as to open inwardly, under the penalty of twenty-five dollars, to be forfeited and

paid by the owner or builder of the same, severally and respectively, and the additional penalty of two dollars for every day such area shall remain unenclosed in the manner provided in this section.

SEC. 35. Every description of opening below the surface of the street, in front of any dwelling house, store, or other building, whether covered or open, shall be considered and held to be a vault or cistern, within the meaning of this ordinance; and the master builder or owner or person for whom the same shall be constructed or made shall be subject and liable to the provisions and penalties of this ordinance, severally and respectively. What shall be considered a vault or cistern.

SEC. 36. The last preceding section of this ordinance shall not be construed to refer to those openings which are used exclusively as places of descending to the cellar floor of any building or buildings by means of steps. Proviso.

SEC. 37. No person shall remove, or cause or procure, or suffer or permit to be removed, or insecurely fixed, so that the same can be moved in its bed, any grate or covering to the opening or aperture of any vault in the city of New Brunswick, under the penalty of ten dollars for every such offence. Grates to vaults not to be removed or insecurely fixed.

SEC. 38. The last preceding section of this ordinance shall not be construed to prevent the removal of such grate or covering; *provided*, the opening or aperture shall be enclosed with a strong box or curb, at least twelve inches high, or be otherwise suitably and properly protected during the period of such removal. Proviso.

SEC. 39. No person shall suffer or permit any grate or covering to any vault to be removed therefrom, or insecurely fixed thereon, so that the same can be moved in its bed, for any period within one hour before sunset on any day and sunrise the next morning, under the penalty of ten dollars, to be forfeited and paid by the owner or occupant of the dwelling house, store, or other building, to which such vault shall belong, severally and respectively. Grates to vaults to be kept closed during certain hours.

SEC. 40. Nothing contained in this ordinance shall be construed to apply to any public cistern or well, which shall be Proviso relating to cisterns

constructed or made by the consent and under the authority of the common council.

ARTICLE III.

OF OBSTRUCTIONS AND ENCUMBRANCES IN THE STREETS AND PUBLIC PLACES, AND OF ENCROACHMENTS THEREON.

Streets not to be obstructed without permission of street commissioner.

SEC. 41. No person shall encumber or obstruct any street, highway, public lane or alley, or other public place in the city of New Brunswick, by placing therein or thereon, any building materials, or any article or thing whatsoever, without having first obtained the written permission of the street commissioner, under the penalty of five dollars for every day such encumbrance or obstruction shall continue.

Obstructions may be removed.

SEC. 42. The street commissioner, the mayor or chief of police, is hereby authorized and empowered to order any article or thing whatsoever, which may encumber any street, highway, public lane or alley, or other public place to be removed; and if such article or thing shall not be removed within two hours after notice to the owner thereof to remove the same, or if the owner cannot be readily found for the purpose of such notice, to cause the same to be removed to some suitable place, to be designated by the said street commissioner, mayor or chief of police; and the owner of any article or thing so removed, shall forfeit and pay five dollars in addition to the cost of such removal.

Not claimed in thirty days to be sold.

SEC. 43. Any article or thing which may be removed in accordance with the provisions of the last preceding section, shall be advertised and sold by the street commissioner at the end of thirty days after such removal, unless the same shall be sooner reclaimed, and the penalty and costs paid by the owner thereof; and the street commissioner making such sale, shall immediately thereafter pay the proceeds into the city treasury and furnish the treasurer with a statement of the article or thing sold, and the amount for which the same was sold; and the balance, if any, after deducting the penalty

and costs, shall be paid to any person or persons furnishing satisfactory proof of ownership. Proceeds, how disposed of.

SEC. 44. No person shall remove or cause to be removed, or aid or assist in removing any building into, along or across any street, highway, public lane or alley in the city of New Brunswick, without having first obtained the written permission of the street commissioner, and conforming to such restrictions and conditions as he may prescribe, under the penalty of twenty-five dollars, to be forfeited and paid by the owner of the building, or any person aiding or assisting in its removal, and the further penalty of twenty-five dollars for every day the same shall remain in or upon any street, highway, public lane or alley. Buildings not to be removed in streets without permission of street commissioner.

SEC. 45. Every such permit granted by the street commissioner shall specify the time to be occupied in such removal, which time shall in no case be longer than is actually necessary; but such time may be extended for good and sufficient cause. Permits to specify time of removal.

SEC. 46. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in or upon any street, highway, public lane or alley, for any time longer than that specified in the permission of the street commissioner, shall forfeit and pay the sum of ten dollars, and the further sum of ten dollars for every day the same shall continue. Penalty.

SEC. 47. No person shall erect or place any building, in whole or in part, upon any street, highway, public lane, or alley, or other public ground within the city of New Brunswick, under the penalty of fifty dollars for each offence. Buildings not to be erected on any street.

SEC. 48. The owner of any building, fence, or other encroachment or obstruction now standing, or which may hereafter be erected or placed upon any street, highway, public lane or alley, or other public ground within the city of New Brunswick, shall remove the same within thirty days from and after the time when he shall be required to remove the same by a notice in writing, signed by the street commissioner, under the penalty of fifty dollars for every such offence. Encroachments on streets to be removed by owner after notice.

In case of neglect, to be removed by street commissioner.

SEC. 49. Whenever the owner of any building, fence, or other encroachment or obstruction upon any street, highway, public lane or alley, or other public ground within this city, shall refuse or neglect to remove the same, after notice as provided in the last preceding section, the same shall be deemed a nuisance, and it shall be lawful for the street commissioner to cause the same to be removed or taken down; and any person who shall oppose or resist the orders of the street commissioner in the premises, shall forfeit and pay the sum of fifty dollars.

Proviso.

SEC. 50. The provisions of the forty-eighth and forty-ninth sections of this ordinance shall not be construed to apply to any building or part of a building in the city of New Brunswick, the removal of which is provided for by the one hundred and first section of the act entitled "An act to revise and amend the charter of the City of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

Construction of platforms, stoops, &c., regulated.

SEC. 51. No person or persons shall construct or continue any platform, stoop or steps in any street in the city of New Brunswick, which shall extend more than one-tenth part of the street, nor more than seven feet, nor with any other than open bands or sides or railing, nor of greater width than is necessary for the purpose of a convenient passage way into the dwelling house, store or other building, under the penalty of fifty dollars for each offence: *provided*, that in all streets not more than forty feet in width the platform stoop or steps shall not extend more than three feet.

Proviso.

Bay windows and other windows.

SEC. 52. No person or persons shall construct or continue any bay window, or other window, which shall extend into any street more than two feet from the wall of any dwelling house, store or other building, under the penalty of fifty dollars for each offence, to be forfeited and paid by the owner or owners thereof, or the person or persons who constructed the same, severally and respectively.

Cellar doors.

SEC. 53. No person or persons shall construct or continue any cellar door which shall extend more than one-twelfth part

of any street, nor more than five feet into any street, under the penalty of fifty dollars for each offence.

SEC. 54. No person or persons shall hereafter construct any porch over a cellar door, in any street, under the penalty of fifty dollars for each offence. Porches over cellar doors.

SEC. 55. Nothing contained in the preceding sections of this ordinance shall be deemed to prohibit the continuation of any porches, door, stoops, platforms or steps, which have been heretofore erected, unless the same shall be complained of to the common council or to the street commissioner, and the common council shall have directed the removal or alteration of the same within a reasonable time. Proviso.

SEC. 56. No portion or part of any cloth or canvass used as an awning, shall hang loosely down from the same, over the sidewalk or foot-path, under the penalty of two dollars for every day the same shall remain and continue, to be forfeited and paid by the owner or person using the same. Awnings.

SEC. 57. No owner or occupant of any dwelling house, store or other building or premises, shall fix, put up, hang or erect, or permit or suffer the same to remain fixed, put up, hung or erected any sign, show bill, show case, or other thing which shall project into or over the street or sidewalk, more than three feet in front of and from the wall of any such building or premises, nor within eight feet of any portion of the sidewalk, under the penalty of ten dollars, to be forfeited and paid by the owner or occupant thereof, severally and respectively. Signs, &c.

SEC. 58. No post shall be erected or put up in any street, highway, public lane or alley in the city of New Brunswick, unless under the direction of the street commissioner, under the penalty of five dollars for every such post, to be forfeited and paid by the owner or owners thereof, and the person or persons who erected or put up the same, severally and respectively. Posts.

SEC. 59. The street commissioner is hereby authorized and directed to take out, remove and abate, or cause to be taken out, removed and abated, any stoop, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign, Stoops, steps, &c., to be removed by the street commissioner.

tree, or any post, or erection, or any projection or otherwise, in over or upon any street or avenue, contrary to the provisions of this ordinance, and the expense thereof shall be recoverable of the owner or occupant of the premises appertaining to the same respectively.

Shade trees,
&c., where to
be placed.

SEC. 60. All ornamental or shade trees, or posts, hereafter placed or set out in any street in this city, shall be placed or set out within the outer line of the sidewalk, and within two feet of said outer line of the sidewalk of such street, and every person placing or causing to be placed, any tree or post contrary to the provisions of this section, shall forfeit and pay five dollars for each and every offence, and the further sum of two dollars for every week such tree or post shall be permitted to remain after notice shall have been given by the street commissioner to remove the same.

Trees, &c., not
to be injured.

SEC. 61. No person, except the owner, shall cut down, destroy, break or in any manner injure any tree or shrub standing in any public street or highway, unless by direction of the common council, or of the street commissioner, for the purpose of regulating and improving such street or highway, under the penalty of twenty-five dollars for each and every offence.

Horses not to
be fastened to
trees.

SEC. 62. No person shall at any time fasten any horse or other animal to any ornamental or shade tree in any of the streets of this city, or to any box or case around such tree, under the penalty of five dollars for each and every offence.

Crosswalks
not to be ob-
structed.

SEC. 63. No person shall obstruct the crosswalks laid across the public streets or highways, or at the head of the public slips in the city of New Brunswick, by placing or stopping his horse, or horses, cart, wagon, sleigh, sled, or other vehicle upon or across any of the said crosswalks, or by placing or putting any obstruction or things across or on the same, under the penalty of five dollars for each and every offence.

Reins or lines
in fastening
horses.

SEC. 64. No person shall at any time fasten any horse, or horses in such manner that the reins or lines shall be an obstacle to the free use of any sidewalk or crosswalk, under the penalty of five dollars for each and every offence.

SEC. 65. No person shall push, lead, ride, draw, back or

drive any horse, cart, wagon, sleigh, sled or other vehicle over or upon any sidewalk, unless it be in crossing the same to go into a yard or lot, under the penalty of ten dollars for each and every offence. Sidewalks not to be obstructed.

SEC. 66. No owner or occupant of any dwelling house, store, or other public building shall suffer or permit any horse, cart, wagon, sleigh, sled, or other vehicle, to be driven, or otherwise to pass or go over or upon the sidewalk or footpath, in front of such building for the purpose of loading or unloading such cart, wagon, sleigh, sled, or other vehicle, or for any other purpose whatever, under the penalty of five dollars for each offence. Owners or occupants to be liable for such obstruction.

SEC. 67. Nothing in the last preceding section of this ordinance shall be construed to prohibit any person or persons from having free access for horses and cattle, carts, wagons, or other vehicles belonging to them, or used or employed by them in going or returning across the sidewalk in front of any alley, gateway or passage way leading to their premises. Proviso.

SEC. 68. No person shall place or deposit any wood upon any sidewalk or foot path in the city of New Brunswick, previous to sawing the same and except while in the act of sawing, under the penalty of five dollars for each offence. Wood and coal.

SEC. 69. No owner or occupant of any dwelling house, store or other building, shall place or deposit, or suffer, or permit to be placed or deposited upon any sidewalk or footpath in this city, any coal or sawed wood, which shall remain on such sidewalk longer than two hours, under the penalty of five dollars for each offence.

SEC. 70. If any cartmen or other person or persons shall break or otherwise injure any sidewalk or footpath in this city, he or they shall cause the same to be well and sufficiently repaired and amended within twenty-four hours thereafter, under the penalty of five dollars for every such offence. Penalty for injury to sidewalks.

SEC. 71. That all ordinances and parts of ordinances inconsistent with this ordinance, and conflicting therewith, be and the same are hereby repealed. Repealer.

PASSED, September 28, 1863. APPROVED, September 30, 1863.

AN ORDINANCE in relation to the Public Use of the Streets.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows:*

Penalty for immoderate riding or driving.

SEC. 1. No person shall ride or drive any horse or horses in the city of New Brunswick, with greater speed than at the rate of six miles an hour, under the penalty of a sum not to exceed five dollars for each offence; or imprisonment in the jail of the county of Middlesex, for a term not exceeding six days, or both, in the discretion of the court.

For riding or driving faster than a walk or turning a corner.

SEC. 2. No person, upon turning the corner of any street in the city of New Brunswick, shall ride or drive any horse or horses, otherwise than on a walk, under the penalty of a sum not to exceed five dollars for each offence, or imprisonment in the jail of the county of Middlesex, for a term not exceeding six days, or both in the discretion of the court.

For leading or driving a horse on the sidewalk.

SEC. 3. No person shall suffer or permit to go or lead or drive any horse upon any sidewalk, in the city of New Brunswick under the penalty of a sum not to exceed five dollars for each offence, or imprisonment in the jail of the county of Middlesex, for a term not exceeding six days, or both, in the discretion of the court.

Horses attached to vehicles not to be left unfastened.

SEC. 4. No person shall leave any horse, horses or other animals, attached to any carriage, cart, wagon, sleigh, sled, or other vehicle, in any street, highway, public lane or alley in the city of New Brunswick, without securely fastening such horse or horses or other animals, under the penalty of a sum not to exceed five dollars for each offence, or imprisonment in the jail of the county of Middlesex, for the space of six days or both, in the discretion of the court.

Horse racing prohibited.

SEC. 5. No person shall run or race any horse in any public street or highway in the city of New Brunswick, nor shall consent to or suffer such racing, under the penalty of a sum not to exceed fifty dollars for each offence, or imprisonment

in the jail of the county of Middlesex for a term not exceeding thirty days, or both in the discretion of the court.

SEC. 6. The last preceding section of this ordinance shall be construed to prevent and punish the running, racing, or trotting of any horse or horses, for any trial of speed, or for the purpose of passing any other horse or horses, whether the same be founded upon any stake, bet or otherwise.

Whether for any stake, bet, or otherwise.

SEC. 7. It shall be the duty of the police to stop and detain any person or persons who shall be guilty of immoderate driving or riding in any street.

Police to stop any person so riding or driving.

SEC. 8. No person shall drive any horse and sleigh or sled, through any public street or highway in the city of New Brunswick, unless there shall be a sufficient number of bells attached to the harness of such horse and sleigh or sled, to warn persons of his approach, under the penalty of a sum not to exceed five dollars for each offence, or imprisonment in the jail of the county of Middlesex, for a term not exceeding six days, or both in the discretion of the court.

No horse and sleigh to be driven without bells.

SEC. 9. No person or persons shall drive or lead any horse, sheep, swine, goat, cow, calf, or cattle of any description, upon or along and lengthways thereupon, any sidewalk or foot-path within the city of New Brunswick, under the penalty of a sum not to exceed five dollars for each and every offence or imprisonment in the jail of the county of Middlesex for a term not exceeding six days, or both, in the discretion of the court.

Cattle not to be driven upon or along sidewalks.

SEC. 10. All ordinances and parts of ordinances inconsistent with this ordinance, and conflicting therewith, be and the same are hereby repealed.

Repealer.

PASSED, October 26th, 1863. APPROVED, October 23th, 1863.

AN ORDINANCE to regulate the speed and running of Locomotive Engines and Railroad Cars through the City of New Brunswick, and for other purposes.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

Engines and cars not to be run faster than eight miles an hour.

SECTION 1. No person shall run, drive, or propel, or cause to be run, driven, or propelled any locomotive engine or railroad car of any description, over or upon any railroad track, within the city of New Brunswick between the railroad bridge and New street, or such other streets as common council may from time to time by ordinance or special resolution direct, at a greater speed than at the rate of eight miles an hour, under the penalty of a sum not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding thirty days, or both in the discretion of the court.

Not to be placed across streets.

SEC. 2. No person or persons shall stop or place in a stationary condition, or cause to be stopped or placed in a stationary condition, any locomotive engine or railroad car, or train of cars, across, in, upon, or at the head of any street in the city of New Brunswick, under the penalty of a sum not to exceed fifty dollars or imprisonment in the jail of the county of Middlesex, for a term not exceeding thirty days, or both, in the discretion of the court.

Bell to be rung on crossing streets.

SEC. 3. No person or persons shall run, drive or propel, or cause to be run, driven or propelled, any locomotive engine, whether such locomotive engine be attached to any railroad car or cars, or not, across any street in the city of New Brunswick, without first ringing a bell sufficient to give notice of the approach of such locomotive engine, and continuing to ring such bell until such street shall have been crossed by such locomotive engine, under the penalty of a sum not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex for a

term not exceeding thirty days, or both, in the discretion of the court.

SEC. 4. Every railroad company whose track or tracks run through or cross any public street in the city of New Brunswick, is hereby ordered and required to keep in the day time, at every point where any public street crosses the railroad track or tracks of said company, a person stationed with a flag; and in the evening during such hours as the locomotive engines, or railroad cars of any description of said company may be running, a person with a lighted lamp or lantern to give warning of the approach of the locomotive engines, or railroad cars of said company, under the penalty of ten dollars for every time any locomotive engine or railroad cars shall pass at any such crossing without such person being stationed, and such warning being given, to be forfeited and paid by the said company, or the engineer or conductor in whose charge such locomotive engine or railroad cars may be, severally and respectively.

Flags at crossings.

Lighted lamp or lantern.

SEC. 5. No person or persons shall blow or let off, or cause to be blown or let off any steam from any locomotive engine or shall put on and use the blower of such locomotive engine anywhere between New Street and the railroad bridge, in this city, or such other streets as common council may from time to time, by ordinance or special resolution direct, unless such steam be blown or let off within a locomotive engine house, under the penalty of a sum not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex, not exceeding thirty days, or both, in the discretion of the court.

Steam not to be blown off except in engine houses.

SEC. 6. Nothing contained in the preceding section of this ordinance shall be construed to prohibit the blowing of the whistle of any locomotive engine, to give the customary signals used by railroad companies, or the blowing off of steam when necessary for the safety of any locomotive engine.

Proviso.

SEC. 7. No person or persons shall run, drive or propel, or cause to be run, driven or propelled, any locomotive engine, whether attached to any railroad car or cars, or not, or any railroad vehicle whatever, within or through the corporate

Lights to be exposed on engines and cars during certain hours.

limits of the city of New Brunswick, after sunset and before sunrise of any day, without exposing to view on such locomotive engine, railroad car or vehicle, a good and sufficient light, so as to be fully and plainly visible in the direction in which such locomotive engine or railroad car, or railroad vehicle shall be advancing or retrograding, under the penalty of a sum not to exceed fifty dollars or imprisonment in the jail of the county of Middlesex, not exceeding thirty days, or both, in the discretion of the court.

Notice to be given to common council of laying down or altering track.

SEC. 8. No railroad company shall lay down any rail or rails or railroad track or tracks, or shall alter the grade or location thereof, without having first given thirty days notice to the common council, of the desire and intention of the said railroad company to lay down or alter the grade or location of such rail or rails, railroad track or tracks, under the penalty of fifty dollars for each and every violation of any provision of this section, to be forfeited and paid by the said company, and the person or persons laying down or altering the same, severally and respectively.

Railroad track at the intersection of streets to be paved, flagged or planked.

SEC. 9. At the several points or places where the railroad track or tracks of any railroad company shall or may cross, or intersect any street that is now, or may hereafter be regulated, curbed and graded, such railroad company shall cause the said railroad track or tracks to the full width of such street, to be paved, flagged or planked, and eight feet on either side thereof to be flagged with good and proper flagging stones, not less than four inches in thickness, or with round or paving stones, well and properly laid; all such paving, flagging or planking shall be executed to the satisfaction of the street commissioner, and shall be kept and maintained in good repair by the said railroad company.

Proviso as to penalties.

SEC. 10. In all cases where a fine is imposed for the violation of any of the provisions of the preceding sections of this ordinance, the same shall be forfeited and paid by the railroad company owning or using such locomotive engine, or railroad car, or train of cars or the agent or engineer, or the conductor

in whose charge such locomotive engine, or railroad car, or train of cars may be, severally and respectively.

SEC. 11. That all ordinances and parts of ordinances in- Repealer.
consistent with this ordinance and conflicting therewith, be,
and the same are hereby repealed.

PASSED, October 26, 1863.

APPROVED, October 28, 1863.

AN ORDINANCE for the correction of Nuisances, and the preservation of the Health of the City.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

SECTION 1. That all ponds, pools, or collections of still or stagnant water ; all sinks, cess-pools, privies, or excavations What shall be considered nuisances.
of any kind emitting noxious or unhealthy odors or smells ; all full or overflowing privies ; all heaps or quantities of manure or filth of any kind ; all pig styes and hog pens ; all carcasses of dead and putrifying animals, or the offals or putrifying parts of animals ; and all full, offensive and uncleansed sewers, gutters or ditches which may be in or upon any lot, garden or yard, street, lane, alley or place within the line and range of buildings in the city of New Brunswick, shall be and are hereby declared to be nuisances.

SEC. 2. That each and every of the above mentioned nuisances shall be abated or removed, either by the person or persons who created the same, or by the owner or occupant of the premises on or nearest to which the same shall be ; and if the person or persons creating such nuisance, or the owner or occupant of the premises on or nearest to which the same shall be, after having been duly notified in writing by either the mayor, chief of police, or one of the nuisance committee of the common council of this city, to abate or remove such nuisance, shall neglect or refuse, for the space of three days, How abated.

to abate or remove the same, he, she or they shall for every such offence, forfeit and pay a sum not less than five nor more than thirty dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding thirty days, or both, in the discretion of the court.

Power of mayor, &c., when not abated by owner of premises.

SEC. 3. That if any of the nuisances mentioned in the first section of this ordinance shall remain unremoved and unabated for the space of three days after the giving of the notice in the manner specified in the second section of this ordinance, the mayor, chief of police, or either of the nuisance committee of the common council may order and cause such nuisance to be removed or abated; and the person or persons creating such nuisance, or the owner or owners, occupant or occupants of the premises whereon, or nearest to which the same shall be, shall be liable for the costs incurred in such removal or abatement, in addition to the fine and imprisonment.

Ashes, &c. not to be thrown in the street.

SEC. 4. No person shall throw, place or deposit any ashes, vegetables, garbage, dross, cinders, shells, straw, shavings, dirt, dirty water, filth or rubbish of any kind whatever in any street, road, lane, alley or public place in the city of New Brunswick, under the penalty, for each offence, of a sum not to exceed five dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding five days, or both, in the discretion of the court.

Owners or occupants not to allow their premises to become nuisances.

SEC. 5. Any owner or occupant of any lot, house, building, shed, cellar or place within the city of New Brunswick, who shall suffer the same to become nauseous or detrimental to the health of the inhabitants of the city, shall forfeit and pay for each offence a sum not less than five nor more than fifty dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding thirty days, or both, in the discretion of the court.

Animals not to be thrown in the river or canal.

SEC. 6. No person or persons shall throw or cause to be thrown into the Delaware and Raritan canal or into the river Raritan, within the limits of this city, any living animal, with intent to drown the same, or the carcass of any dead animal,

or any part of a dead animal, or any shavings, or vegetable matter which may have a tendency to obstruct or render impure the waters thereof, under the penalty, for each offence, of a sum not to exceed ten dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding ten days, or both, in the discretion of the court.

SEC. 7. No person or persons shall throw, cast or leave, or cause to be thrown, cast or left, in, upon or adjoining any public street, highway, public lane or alley, wharf, slip, or public place, or in or upon any yard, lot, field or premises in the city of New Brunswick, the carcass of any horse or other animal, or the whole or part of any dead animal, or any putrid or unwholesome substance whatever, under the penalty for each and every offence of a sum not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex for a term not to exceed thirty days, or both, in the discretion of the court.

Dead animals not to be thrown in the streets or on any lot or premises.

SEC. 8. No sink, privy or cess-pool shall hereafter be constructed within the line and range of buildings in the city of New Brunswick, unless the same shall be of brick or stone, and be at least eight feet in depth from the surface of the ground, when such depth is practicable, under the penalty of twenty-five dollars, to be forfeited and paid by the owner and builder of the same, severally and respectively.

Sinks and privies, how constructed.

SEC. 9. No person or persons shall dig any sink or cess-pool, or build or erect any privy within the city of New Brunswick, without leaving at least two feet of solid earth, or solid mason work laid in mortar or cement, to be measured from the interior line of said sink, between such sink, cess-pool or privy and the adjoining lot, under the penalty of twenty-five dollars, to be forfeited and paid by the owner and builder of the same, severally and respectively.

Not to be constructed within two feet of adjoining lot.

SEC. 10. No person or persons shall dig any privy, sink, or build or erect any privy upon any lot in the city of New Brunswick, within ten feet of the line of any street, under the penalty of twenty dollars, to be forfeited and paid by the owner and builder of the same, severally and respectively.

Nor within ten feet of any street.

Privies not to remain within ten feet of any street nor discharge offensive matter in or upon adjoining premises.

SEC. 11. No person shall suffer or permit any privy or privy sink to be and remain upon any lot or premises in the city of New Brunswick, owned or occupied by him, within ten feet of the line of any street, or shall suffer or permit any privy or privy sink upon any lot or premises in the city of New Brunswick, owned or occupied by him, to be and remain in such condition, by reason of defective construction or otherwise, as to emit or discharge in or upon any adjoining lot or premises any foul, offensive and nauseous matter or thing, under the penalty of ten dollars for each and every offence, to be forfeited and paid by the owner or occupant of the lot and premises upon which such privy or privy sink shall be suffered and permitted to be and remain as aforesaid; and upon conviction thereof, the person or persons so offending shall be liable to an additional penalty of ten dollars for every week during which any such privy or privy sink shall be suffered to be and remain as aforesaid, from and after the date of such conviction.

No garbage or dead animals to be thrown into any sink or cess-pool or privy.

SEC. 12. No person shall throw or deposit, or cause or suffer to be thrown or deposited, in any sink, privy or cess-pool, any vegetable substance, or garbage, or offals of fish or poultry, or any dead animal, under the penalty, for each offence, of a sum not to exceed twenty-five dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding twenty days, or both, in the discretion of the court.

Contents not to be emptied or removed during certain hours.

SEC. 13. No owner or occupant of any house, lot or premises, and no person or persons whatsoever shall empty or remove, or cause or suffer or permit to be emptied or removed the contents of any sink or privy, or any part thereof, at any hour or time of the day or night except between the hours of eleven o'clock in the evening and four in the morning, under the penalty of a sum not to exceed fifteen dollars, or imprisonment in the jail of the county of Middlesex not exceeding fifteen days, or both, at the discretion of the court.

Nor except in vehicles that are covered and water-tight.

SEC. 14. No person or persons shall remove or carry, or cause to be removed or carried in or through any street, road, lane, alley or public lane, the contents of any sink, privy or

cess-pool, or any part thereof, in any cart, wagon, or any other vehicle or vessel, unless the same shall be effectually covered and water-tight, or at any time whatever except between the hours of eleven o'clock in the evening and four o'clock in the morning, under the penalty of a sum not to exceed fifteen dollars, or imprisonment in the jail of the county of Middlesex not exceeding fifteen days, or both, at the discretion of the court.

SEC. 15. All carts and other vehicles used by any person or persons to carry and transport any swill or garbage, shall have water tight boxes or other vessels, so as to prevent the contents from leaking, spilling or scattering on the street, under the penalty for each offence of a sum not to exceed five dollars or imprisonment in the jail of the county of Middlesex, for a term not exceeding five days, or both, in the discretion of the court.

Swill, garbage, &c. to be carried in water-tight boxes or vehicles.

SEC. 16. No person or persons shall expose himself or herself naked for the purpose of bathing, or for any other purpose, at any place on either bank of the Raritan river, or on either bank of the Delaware and Raritan canal, or upon any raft, boat or vessel of any kind whatever lying or being upon the said river or canal between the first mile post on said canal and a place known by the name of Deep Gully, below the steamboat dock in this city, under the penalty of a fine not to exceed ten dollars, or imprisonment in the jail of the county of Middlesex, not to exceed fifteen days, or both, at the discretion of the court.

Persons not to expose themselves naked for bathing within certain limits.

SEC. 17. No slaughter house shall hereafter be erected or carried on within the corporate limits of the city of New Brunswick, unless the same shall be at least four hundred feet from any dwelling house, except by the permission of a majority of two thirds of all the members of the common council; the vote shall in every case be taken by ayes and nays, and entered on the journal of its proceedings: such permission may at any time be revoked by the common council.

Slaughter houses prohibited within certain limits.

SEC. 18. In case five persons, residents in the neighborhood, shall protest in writing to the common council against

Slaughter
houses to be
removed on
protest of
neighbors.

the use or continuance of any place or premises as a place for the slaughtering of animals, it shall be the duty of the clerk of the common council, within twenty days thereafter, to notify the person or persons so using the same, to discontinue the use thereof, for the aforementioned purposes; and any person or persons who shall neglect or refuse to discontinue the slaughtering of animals on the place or premises complained of, after notification, shall be liable to a fine not exceeding one hundred dollars, or imprisonment in the jail of the county of Middlesex, not exceeding thirty days, or both in the discretion of the court.

Animals not to
be killed or
dressed in
markets or
dwelling
houses.

SEC. 19. No person or persons shall kill or dress any flesh or meat of any description in any public market or place of business for selling fresh meat, or in any dwelling house within the city of New Brunswick, under the penalty of a sum not to exceed fifty dollars, or imprisonment in the jail of the county of Middlesex not exceeding thirty days, or both at the discretion of the court.

Repealer.

SEC. 20. All ordinances and parts of ordinances inconsistent with this ordinance, are hereby repealed.

PASSED, December 7th, 1863. APPROVED, December 9th, 1863.

AN ORDINANCE to regulate the lighting and extinguishing of the public lamps, and for the preservation of the lamp posts and their appendages.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows:*

Lamp districts
defined and
contracts pro-
vided for.

SECTION 1. The city of New Brunswick shall be divided into three lamp districts, corresponding in number and location with the election districts of said city; and the committee on gas and lamps are hereby authorized to advertise for contracts for lighting and extinguishing the gas and fluid lamps in each district for one year.

SEC. 2. The persons to whom such contracts shall be awarded, shall severally and respectively enter into a bond with sufficient sureties satisfactory to the common council, and in such sums as common council may direct, for the faithful performance of their duties.

Bonds of lamp lighters.

SEC. 3. It shall be the duty of the persons to whom such contracts shall be awarded to take charge of, and light and extinguish the gas lamps of this city according to the terms of the contract made between the city of New Brunswick and the New Brunswick Gas Light Company; and to take charge of, and light and extinguish the lamps in which burning fluid or other material is used at such hours as the common council may, from time to time, by ordinance or special resolution direct.

Duties of lamp lighters.

SEC. 4. In case of a vacancy occurring in the person contracting for lighting and extinguishing the public lamps, by absence, death, or removal from office for non-fulfilment of contracts it shall be the duty of the committee on gas and lamps to appoint a suitable person or persons to fill the vacancy until common council shall take further action in the business.

Vacancies, how filled.

SEC. 5. The committee on gas and lamps of the common council is hereby charged with the supervision of the persons contracting with the city to take charge of the lighting and extinguishing the public lamps, and the enforcement of this ordinance, and it shall be their duty to report to the common council at its next meeting all derelictions of duty on the part of such persons as may come to their knowledge.

Committee on gas and lamps to have supervision of lamp lighters.

SEC. 6. Any person who shall carelessly or maliciously break, deface, or in any way injure or destroy any public lamp or lamp post in this city shall be liable, in addition to the amount of the injury or damage done thereto, to a penalty for each offence of ten dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding ten days, or both, at the discretion of the court.

Penalty for breaking or injuring public lamps.

SEC. 7. No person, except the regularly authorized contractors for lighting and extinguishing the public lamps, or

Lamp lighters only to light and extinguish public lamps.

Penalty for interfering with public lamp posts.

their agents, shall at any time light or extinguish any of the public lamps in this city, or shall turn the gas or stop cock connected with any gas lamp, so that the gas shall escape therefrom; and no person shall climb upon, or hitch any horse or other animal to any public lamp post, or hang or place any goods or merchandise therein, or place any goods, boxes, wood or any other heavy material upon or against the same, under the penalty for the violation of any of the provisions of this section of a sum not to exceed ten dollars, or imprisonment in the jail of the county of Middlesex for a term not exceeding ten days, or both at the discretion of the court.

Repealer.

SEC. 8. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

PASSED, January 4th, 1864.

APPROVED, January 6, 1864.

AN ORDINANCE to establish and regulate pounds and to restrain and regulate the running at large of Horses, Cattle, Swine, and other animals.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows:*

Horses and cattle not to run at large.

SECTION 1. No horse, sheep, goat, swine, geese or neat cattle of any description, shall be permitted to run at large, at any time, within the city of New Brunswick, under the penalty of five dollars for every such horse, sheep, or other animals which shall be found at large, to be forfeited and paid by the owner or person having the charge, care or keeping thereof, severally and respectively.

Pound masters appointed by common council.

SEC. 2. The common council may, from time to time, appoint one or more pound masters in and for the city of New Brunswick, each of whom shall furnish and maintain, without expense or charge to the city, a proper and sufficient enclosed yard for a public pound, and, the yards so furnished by the said pound master shall be established and designated by the

common council as the public pounds in and for the city of New Brunswick. Each of the persons so appointed, before entering upon the discharge of the duties of his office, shall enter into bond to the city, in the penal sum of two hundred dollars, conditioned for the faithful performance of his duty, which bond shall be duly executed and approved as required by the provisions of the city charter and the ordinances relating to city officers.

Bond to be given.

SEC. 3. All horses, sheep, goats, swine, geese, or neat cattle, of any description, found at large within the city of New Brunswick, may be taken by any person or persons and driven or carried to such yard or place as may have been established by the common council as a public pound; and it shall be the duty of the pound master, or person having charge of such public pound, to enter in a book to be kept by him for that purpose, the name and place of abode of all persons who may bring any such horse, sheep, or other animal to such pound, and the time of bringing the same respectively; and the said pound master shall pay to the person bringing any such horse, or neat cattle of any description, the sum of fifty cents: for any swine, goat or sheep, the sum of twenty-five cents; for any geese, the sum of twelve cents, for each animal or goose so brought to said pound; and the owner, keeper or person claiming any horse, sheep or other animal, which shall have been driven or carried to the pound, shall pay to the pound master one dollar for each and every animal so impounded, except geese, and for each and every goose so impounded, the sum of twenty-five cents.

Any person may take horses, cattle, &c. found running at large to pound.

Duty of pound master.

Fees.

SEC. 4. If the owner of any horse, sheep, goat, swine, geese, or neat cattle of any description, or any other person entitled to redeem the same, shall appear and claim such animal at any time before the sale thereof, it shall be the duty of the pound master to deliver the same on receiving the sum of one dollar for each and every animal except geese, and for each and every goose, the sum of twenty-five cents, as aforesaid, and his fees for keeping and feeding the same, not ex-

Animals to be delivered to owners on payment of fees and charges.

ceeding twenty-five cents for each animal, for every twenty-four hours, and at that rate for any less period of time.

Report to be made.

SEC. 5. It shall be the duty of the pound master, on making delivery of any animal so impounded, before sale, or on payment of surplus money, after sale, to obtain from the person or persons claiming the same, his, her or their name or names, and residence, and once in each three months to report to the common council, the same, and the names of all persons claiming any animal or animals so impounded, the date when the same were left, the date when the same were sold or redeemed, and the names of the persons leaving the same at the pound.

Animals to be sold if not claimed.

SEC. 6. If no person shall appear to claim such animal or animals so impounded, within five days after the same may have been impounded, it shall be the duty of the pound master to give three days' notice of the sale thereof.

Notice of sale to be given.

SEC. 7. Such notice shall contain a general description of the animal or animals impounded, and shall be posted up in some conspicuous place in the city, and shall also be inserted in two newspapers printed and published in the city of New Brunswick.

Fees and charges to be deducted from proceeds.

SEC. 8. In case of the sale of any impounded animal or animals, the said pound master shall retain out of the proceeds of such sale sufficient to pay the amount of his fees and all charges incurred by him on account of said animal or animals.

Balance to be paid to owner.

SEC. 9. If, after any such sale, and whilst the proceeds thereof remain in the hands of the pound master, the former owner of any animal or animals so impounded and sold shall appear and claim the proceeds of such sale, it shall be the duty of the pound master to deduct from the proceeds of such sale the fees and charges as provided in the last preceding section, to ascertain the name and residence of such owner, and to pay over the proceeds of such sale to the person so claiming to be the owner, upon satisfactory proof of ownership to such pound master.

Annual report to be made by pound keeper.

SEC. 10. It shall be the duty of each and every pound master appointed by the common council, at the end of each

year, to make out and present to the common council a full and detailed report, showing the number of animals received into and discharged from the public pound during the year, the particular date when each animal was so received and when each was discharged, and whether the same was redeemed or sold, and, if redeemed, how much was received by him on account of such animal, and the name of the person from whom it was received, and, if sold, how much was paid therefor, the name of the purchaser, and the amount of the pound master's fees and charges thereon, and the balance, if any, remaining over and above such fees and charges, and to whom paid, and the balance of such moneys remaining in his hands, which balance, if any, shall, prior to making such report, be paid to the city treasurer.

SEC. 11. No person or persons shall break open, or in any manner, directly or indirectly, aid or assist in breaking open any public pound, or shall take or let any animal or animals out of any public pound, without the consent of the pound master, under the penalty of ten dollars for each and every offence, or imprisonment in the jail of the county of Middlesex for a period not exceeding twenty days, or both, in the discretion of the court. Penalty for breaking into pounds.

SEC. 12. Each and every person who shall hinder, delay or obstruct any person or persons engaged in driving or carrying to any public pound any animal or animals liable to be impounded under the provisions of this ordinance, shall, for each and every hindrance, delay or obstruction, and for each and every person delayed, forfeit and pay a sum not less than five dollars, nor more than twenty-five dollars, or imprisonment in the jail of the county of Middlesex for a period not exceeding twenty days, or both, in the discretion of the court. Penalty for hindering or obstructing animals on the way to pound.

SEC. 13. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed. Repealer.

PASSED, January 4, 1864.

APPROVED, January 6, 1864.

AN ORDINANCE to establish and regulate the Fire Department and for the prevention and extinguishment of fires.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows :*

ARTICLE I.

OF THE ORGANIZATION OF THE FIRE DEPARTMENT.

Of whom to consist.

SECTION 1. The fire department of the city of New Brunswick shall consist of one chief engineer, two assistant engineers, and such engine men, hose men and hook and ladder men as may be approved by common council.

Board of engineers.

SEC. 2. The chief engineer and the assistant engineers, together with the foremen and assistant foremen of the several fire engine, hook and ladder and hose companies, shall constitute and be called the board of engineers of the fire department. A majority of such board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of all the members thereof: they shall have power to meet on their own appointment, or whenever the chief engineer shall call a meeting; they may adopt such rules and regulations for their own government, the united action of the several companies, and the well ordering of the fire department, as they may deem advisable, and which are not inconsistent with the laws of the state or the ordinances of the city, subject to the approval of the common council.

Their authority.

Chief engineer and assistants, how appointed.

SEC. 3. The chief engineer and assistant engineers shall hold their respective offices for the term of one year, and shall be annually appointed by the common council upon the nomination of the members of the fire department; which nomination shall be made at an election to be held yearly, at the City Hall, on the first Monday in April, between the hours of

two and seven o'clock in the afternoon; a plurality of votes shall be necessary to elect.

SEC. 4. The common council shall, at a meeting previous to the said first Monday in April, yearly, appoint three judges and one clerk of election, who shall perform the duties as judges and clerk of such election, and make returns thereof to the common council, in the manner provided by law for holding elections for charter officers.

Judges and clerk, how appointed.

SEC. 5. In case either of the above named officers shall not have been nominated at such election, by reason of two or more persons having received an equal number of votes, the common council shall, by ballot, elect such officer or officers from the two or more candidates having the highest number of votes.

Common council to elect in case of a tie.

SEC. 6. The city clerk shall, at or before every such election for chief engineer or assistant engineers, furnish the judges of election with a correct list of the names of the members of the several fire engine, hook and ladder and hose companies of the city, returned to and approved by common council; and it is hereby made the duty of the clerk of each fire engine, hook and ladder or hose company to make and return to the common council on the last Monday in March in each and every year, and at such other times as shall be required by the common council, a full and true list of the names of the members of such company, which list shall be signed by the foreman and attested by the clerk of such company.

City clerk to furnish a list of members to the judges.

Roll of members to be sent to common council.

SEC. 7. No person shall be considered as a member of the fire department, nor entitled to vote at any such election, nor entitled to any of the privileges of a fireman, unless his name has been so returned to and approved by the common council.

Qualifications of members.

SEC. 8. Each and every engine, hook and ladder and hose company shall be under the direction and control of a foreman and assistant foreman, who shall be severally nominated on the first Monday in March in each year, by ballot, and by a plurality of votes of the company to which they respectively belong, and be recommended to common council for appointment by the board of engineers, if they approve of the nomi-

Foremen and assistant foremen, how appointed.

nations: and any vacancy that may occur during the year shall be filled in like manner by the company in which such vacancy shall occur.

Duties of clerk
of company.

SEC. 9. Each and every company shall appoint a clerk for such company, being a member of such company, who shall keep a correct roll of the members of his company, a record of the proceedings of his company at its meetings for the transaction of business, and shall, upon every occasion of calling the company together, either upon an alarm of fire or otherwise, call the roll of the names of the members before the company shall be dismissed, and forthwith make to the foreman thereof a return of the absentees or delinquents; he shall, from time to time, make out and deliver to the chief engineer (but not oftener than once in each month,) such report of the condition of his company as he may be required to do.

Number of
members to
which each
company is
entitled.

SEC. 10. The firemen shall be divided into engine, hook and ladder and hose companies, and each company shall consist of as many members as the common council shall, from time to time, order and direct. It shall be their duty to attend to the fire engines or other fire apparatus committed to their charge, and the buildings in which they are kept: until otherwise ordered and directed by the common council, the number of members attached to each company shall be as follows: To each engine company, including the foreman, forty-two men, and eight additional men for each company having a hose cart: to each hook and ladder company, twenty-five men; to each hose company, twenty men.

Numbering of
engines, &c.

SEC. 11. The several fire engines now in use shall continue to be known and distinguished by the number inscribed upon them respectively, and should it become necessary hereafter further to increase the number of fire engine, hook and ladder or hose companies, they shall be distinguished by numbers in progressive numerical order.

Qualifications
of members

SEC. 12. No person shall become a member of the fire department unless he shall promise and engage to perform the duties of a fireman, as prescribed in the city charter and or-

dinances: the term of appointment of all firemen shall be during the pleasure of the common council.

ARTICLE II.

DUTIES OF THE OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT.

SEC. 13. The chief engineer shall in all cases of fire threatening damage or destruction of property within the city, take prompt and efficient measures and use the means of the department to extinguish the same, and shall at such times, and on occasions of alarms of fire, have sole and absolute control and command over all the fire engines and all members of the fire department, and over all other fire apparatus and persons aiding or assisting the department in case of actual fire. In the absence of the chief engineer at any fire, the command shall devolve upon an assistant engineer according to the regulations established for that purpose by the board of engineers; and in the absence of all engineers, upon the senior foreman present.

Duties and powers of chief engineer

SEC. 14. The assistant engineers, when attending fires, shall obey the directions of the chief engineer, whose judgment and authority shall be deemed paramount and conclusive; they shall take proper measures to arrange the several fire engines and other fire apparatus in the most advantageous manner, and cause them to be worked for the effectual extinguishment of fires; they shall, under the control and direction of the chief engineer, determine from what course water shall be obtained, and what duties shall be performed by the members of the several fire engine, hook and ladder and hose companies.

Duties of assistant engineers

SEC. 15. It shall be the duty of the chief engineer, at least once in each month, to examine the engine houses, fire engines, hose, and other fire apparatus, and the public cisterns and hydrants, and to keep a record of the condition in which

Further duties of chief engineer.

such engine houses, fire engines, hose and other fire apparatus were found by him.

Further duties
of chief engi-
neer.

SEC. 16. He shall, under the direction of the committee on the fire department, superintend and direct all ordinary and necessary repairs to the engine houses, fire engines, and other fire apparatus, and the construction and erection of new engine houses, fire engines and other fire apparatus which may be ordered to be built or constructed; and he shall examine and certify all accounts for such repairs.

Further duties
of chief engi-
neer.

SEC. 17. He shall keep an accurate record, in books to be provided for the purpose, of the names of the officers and members of the fire department, which record shall exhibit all appointments, transfers, resignations and removals, the names of the members of each company, the commencement of their term of service, and such other particulars as may be necessary and proper. He shall also keep a record of all alarms of fire within the city, the cause thereof, and the amount property damaged or destroyed, as far as the same can be ascertained, and from time to time report the same to common council.

Duties of fore-
men.

SEC. 18. The foreman of each and every company shall be responsible for the proper care of the engine house, fire engine or other apparatus, or any property belonging to the city, entrusted to the company under his command; he shall preserve order and discipline in the company at all times; when on duty at fires he shall obey all orders of the chief engineer or assistant engineers. It shall be his duty, or in his absence, of the assistant foreman, to direct his respective company, or any portion of them, to attend at their respective engine houses at least once in each and every month during the year, for the purpose of examining, washing, and, when practicable, proving their respective fire engines or other fire apparatus. He shall report any defect or necessary repairs at once to the chief engineer.

Duties of fire-
men.

SEC. 19. It shall be the duty of the firemen, whenever any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective fire engines, hooks

and ladders, hose carriages, or other fire apparatus, and convey them to or near the place where such fire shall happen, unless otherwise directed by the chief engineer or an assistant engineer, and there, in conformity with the directions given by the chief engineer or the assistant engineers, they shall work and manage the said fire engines, hooks and ladders, or other fire apparatus, with all their skill and power; and when the fire is extinguished they shall not remove therefrom but by the direction of an engineer; and on such direction being given they shall return their respective fire engines, hooks and ladders, and hose carriages, or other fire apparatus, to their several places of deposit.

ARTICLE III.

COMPENSATION OF THE OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT.

SEC. 20. The annual salary of the chief engineer shall be ^{Salary of chief engineer.} one hundred dollars; that of each of the assistant engineers, twenty-five dollars.

SEC. 21. Each member of the fire department shall, in addition to the exemptions mentioned in the charter of the city, be entitled to receive the sum of seven dollars, upon the following conditions: The foreman of each fire engine, hook and ladder, or hose company shall, before the twentieth day of December in each year, deliver to each of the members of his own company a certificate, signed by the foreman and attested by the clerk of said company, that such member is in good standing in his respective company. Such certificate shall be taken and received by the collectors of taxes of the city as a voucher for the sum of ten dollars received by them from such individual fireman, being the amount of exemption from taxes provided by the city charter, together with the aforesaid sum of seven dollars; and the city treasurer is hereby authorized to receive from the said collectors such certificates as vouchers for so much money received by them. If the amount of ^{Pay of members.}

taxes due from any individual fireman shall not reach the aforesaid sum of ten dollars, it shall be lawful for the said collectors to endorse on the certificate the amount due from the said individual fireman, and it shall be the duty of the city treasurer, on the presentation of such certificate, to pay over the balance of the ten dollars, taking a proper receipt for the same.

ARTICLE IV.

RELATING TO THE FIREMEN GENERALLY.

Officers how distinguished when on duty.

SEC. 22. The members of the fire department, when on duty, shall be distinguished as follows: The chief engineer shall wear a leather cap, painted white, with the words chief engineer blazoned on the front thereof; and each assistant engineer shall wear a leather cap, painted white, with the letters "E. No. 1" and "E. No. 2," on the front thereof, each assistant wearing his appropriate number: the form of the cap shall be adopted by the engineers, and the expense of procuring them be paid by the city.

Members how known when on duty.

SEC. 23. Each member of the New Brunswick Fire Department, when on duty, shall wear a black leather cap or a badge, which badge shall be made of German silver, bearing the words "New Brunswick Fire Department;" and each badge shall bear a distinct number, in raised figures, thereon; said badge shall be struck from a metallic die, which shall be the exclusive property of the city, and shall be placed in the custody of the chief engineer; and all such badges shall be numbered as the committee of the fire department may direct.

Badges of members.

SEC. 24. The said badges shall be deposited with the chief engineer; and each and every member of the fire department shall be required to procure a badge without delay. He shall deposit the sum of one dollar with the chief engineer upon the delivery of the said badge to him, which sum shall be paid to the depositor upon his return of the badge to the chief engineer, in good condition, at any time after he shall have ceased

to be a member of the fire department. All such badges shall be the exclusive property of the city. The chief engineer shall keep a register of the badges so delivered, and shall credit each depositor with the sum paid by him, and charge the said sum to each person to whom it shall be returned. He shall, from time to time, report to common council the number of badges delivered and returned, the amount of moneys returned, and shall pay over the balance of such moneys to the city treasurer.

SEC. 25. No fire engine or other fire apparatus shall, during any alarm of fire, or at any other time, be taken or removed from out of its house unless the foreman, assistant foreman, or a member of the company be present and consent thereto, under the penalty for each offence of five dollars, to be forfeited and paid by any person who shall violate the provisions of this section.

Engines not to be taken from their houses except by members.

SEC. 26. It shall be the duty of the foreman and assistant foreman of each engine, hook and ladder or hose company, to prevent the members of said companies, respectively, when returning from a fire, or an alarm of fire, from running with their machines; and the members of every company are hereby required, when returning from a fire, or an alarm of fire, not to draw their machines faster than a walk, under the penalty of five dollars for each offence, to be forfeited and paid by any member or members who shall violate the provisions of this section. It shall be the duty of the foreman or assistant foreman to report such violation to the board of engineers, and any foreman or assistant foreman who may neglect to report such violation shall be liable to be removed as a fireman.

Engines not to be run when returning from fires.

Penalty.

SEC. 27. It shall be the duty of each and every fireman to equip himself with a fire hat of the established form, and also a shirt and belt, on or before the first day of January, Anno Domini eighteen hundred and sixty-five.

Equipments.

ARTICLE V.

GENERAL PROVISIONS FOR THE PREVENTION OF FIRES.

Penalty for not obeying orders of chief engineer.

SEC. 28. It shall be the duty of the chief engineer, when required so to do by any citizen, to examine all fire places, chimneys, stoves, and the pipes thereof, and also all depositories of ashes or other place from which danger of fire may arise; and upon finding them, or any of them, dangerous or defective, he shall give such order, in writing, to the owner or occupant of the premises, as the nature of the complaint may require; and any person who shall neglect or refuse to obey such order for the period of twenty-four hours, shall be liable to a fine of two dollars, and a further fine of two dollars for every twenty-four hours' neglect thereafter.

Hay and straw to be kept in brick stables.

SEC. 29. No person shall put or keep any hay or straw in any stable or other building, in this city, not built of stone or brick, and covered with a metallic, slate, or earthen roof, or in any dwelling house whatever; or shall put, or cause to be put, on any premises within one hundred feet of any building not built of brick or stone, and covered with such roof as aforesaid, not being his or her own premises, any pile or stack of hay, straw or shavings, or shall suffer any such pile or stack to remain on his or her own premises, and within one hundred feet of any building not built of brick or stone, and covered with such roof as aforesaid, after five o'clock in the afternoon of any day, the said hay, straw or shavings, not being at the time in a building built of brick or stone, and covered with such roof as aforesaid; or shall put or keep any pile or stack of hay, straw or shavings within twenty-five feet of any chimney, hearth or fire place, under the penalty of five dollars for each offence, and a further penalty of five dollars for every five days' neglect or refusal to comply with the provisions of this section.

Penalty.

Lighted lamps not to be taken into any barn or stable unless in lantern.

SEC. 30. No person shall take or use in any barn or stable, or other place or building where hay, straw, or other combustible materials shall be kept, any lighted candle or lamp, or

any burning light of any kind whatsoever, unless the same be well secured in a lantern, under the penalty of five dollars for each offence.

SEC. 31. No person shall kindle a bonfire or other fire, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, avenue, road, lane or alley within the line of buildings of this city, nor within half a mile thereof, under the penalty of ten dollars for each offence.

Bonfires not to be kindled in the streets.

SEC. 32. No person shall knowingly raise or continue to raise a false alarm of fire within the city; and no person, not a member of the fire department, shall open or assist in opening any of the fire engine, hook and ladder or hose houses, or shall drag or assist in dragging any fire apparatus through any of the streets of the city at a time when such person or persons know the alarm of fire to be false, under the penalty of ten dollars for each and every offence.

False alarms.

SEC. 33. No person or persons shall store or keep at any time within half a mile of the line of buildings of this city, more than thirty pounds of gunpowder; and if at any time hereafter a greater quantity shall be found deposited in the same building, the owner or occupant, as the case may be, the building in which the same shall be discovered shall be liable to a fine of ten dollars; *provided always*, that powder deposited in a magazine built for that purpose, according to the act of the legislature of this state, shall not be considered as coming within the provisions of this ordinance; and the chief of police shall inquire and make complaint of all breaches of this section of this ordinance.

Gunpowder, where to be kept.

Penalty.

Provide.

SEC. 34. From and after the passage and publication of this ordinance, all barns and stables which shall be built within the line of buildings of the said city shall be built of brick or stone, and covered with metallic, slate, or earthen roofs, and it shall not be lawful for any person or persons to build any barn or stable within the line of buildings of the said city in any other manner than aforesaid; and any person or persons who shall build or construct, or cause to be built or construct-

Barns and stables to be built of brick or stone.

ed, any barn or stable within the line of buildings of the said city, of different materials from those hereinbefore in this section prescribed and set forth, or who shall enclose or cause to be enclosed with wood the frame of any barn or stable now erected or hereafter to be erected within the line of buildings of the said city; or who shall cover or cause to be covered any barn or stable within the line of buildings of the said city with a roof of different materials from those hereinbefore in this section prescribed and set forth, shall, for each and every offence, be liable to a fine not exceeding fifty dollars, or imprisonment in the jail of the county of Middlesex not exceeding thirty days, or both, at the discretion of the court before which the conviction may be had, together with the costs of conviction.

Penalty.

Repealer.

SEC. 35. All ordinances and parts of ordinances inconsistent with this ordinance, are hereby repealed.

PASSED, June 20, 1864.

APPROVED, June 22, 1864.

AN ORDINANCE to regulate the Collection of Taxes.

BE IT ORDAINED by the Common Council of the City of New Brunswick, as follows :

Tax notices,
how to be
made out.

SECTION 1. The collectors of the several districts of the city of New Brunswick shall hereafter, in issuing their tax cards, or notifications of taxes, observe the following form :

— DISTRICT.

NEW BRUNSWICK, —, 18

M ———

Your taxes for the year 18 are now due and payable.

Your real estate is assessed at \$

 personal estate is assessed at \$

Total, \$

Your poll tax is	\$
dog tax,	\$
military tax,	\$
city tax,	\$
county tax (including state tax,)	\$

Total, \$

Received Payment,

_____ , Collector _____ District.

The commissioners of appeal in cases of taxation will meet at the City Hall on Tuesday, November _____, 18____, at ten o'clock, A. M.

SEC. 2. In case there shall be any special tax assessed for ^{Special tax.} any state, county or city purpose by the assessors, it shall be the duty of the collectors to have it so printed on the said tax cards in the form given in the preceding section of this ordinance: and the collectors shall state on the said tax cards the location of their respective offices and their hours for receiving taxes.

PASSED, October 3, 1864.

APPROVED, October 5, 1864.

AN ORDINANCE to regulate the sale of meat, fish, oysters and clams in the City of New Brunswick.

BE IT ORDAINED *by the Common Council of the City of New Brunswick, as follows:*

SECTION 1. The city clerk of New Brunswick shall, from time to time, issue licenses under his hand and the seal of the city, to so many and to such persons as the common council shall direct, to sell fresh meat by the joint, or in pieces, or otherwise, at such places as shall be designated in such licenses, but not otherwise. ^{License necessary to sell meat.}

SEC. 2. All persons to whom licenses shall be granted shall ^{License fees.}

pay to the city clerk for the city such sum, not less than five dollars nor more than twenty-five dollars, as may be directed by the common council in each case, together with the clerk's fee of fifty cents for making out such license.

No person to sell meat without license under penalty of fifty dollars.

SEC. 3. No person shall exercise and carry on the trade or business of a butcher, or any branch or part thereof, within the city of New Brunswick, without being licensed for that purpose by or under the authority of the common council, under penalty of a sum not to exceed fifty dollars for each offence.

All licenses to date from first of October.

SEC. 4. All licenses issued as aforesaid shall expire and cease on the first day of October next after granting the same, and shall be renewed by said city clerk under the direction of the common council.

Penalty for violation of ordinance.

SEC. 5. No person other than a licensed butcher shall cut up in any place in the said city any beef, pork, veal, mutton or lamb, and sell or offer or expose the same for sale, by the joint, or in pieces, under the penalty of a sum not to exceed fifty dollars for each offence.

Proviso.

SEC. 6. No person shall sell, or offer or expose for sale, any fresh meat of any description in any street or place in the city of New Brunswick other than in the place of business of a licensed butcher, under penalty of a sum not to exceed fifty dollars for each offence; but this section shall not be construed to prevent the cutting up and sale of fresh pork from the first day of October in any year to and until the first day of March then next following.

Proviso.

SEC. 7. Nothing contained in the preceding sections of this ordinance shall be construed to prevent the sale of beef by the quarter, or mutton and veal by the carcass, or of salted beef and pork, and the offal and trimmings made in cutting pork for packing.

Unwholesome meats not to be sold.

SEC. 8. No licensed butcher or other person shall sell, or offer or expose for sale, in any part of the city of New Brunswick, any unwholesome or stale articles of provisions, or any flesh of any animal dead by accident or disease, or known or

suspected to be diseased at the time of killing the same, under the penalty of twenty-five dollars for each offence.

SEC. 9. No person shall at any time offer or expose for sale in any place within the city of New Brunswick any blown, plaited, raised or stuffed meat, under penalty of ten dollars for each offence.

SEC. 10. No person shall place or put, or cause to be placed or put, in or upon any of the streets in the city of New Brunswick, any wagon, cart, handcart or wheelbarrow containing fish, clams or oysters, for the purpose of selling or exposing for sale the same, under the penalty of ten dollars for each offence. Fish, clams, oysters, &c., not to be exposed for sale in or upon public streets.

SEC. 11. No person shall place or put, or cause to be placed or put, upon any sidewalk or in front of any house in this city, except his or her own premises, any fish, clams or oysters for the purpose of selling or exposing for sale the same, under penalty of ten dollars for each offence. Nor on any sidewalk or in front of any house.

SEC. 12. All ordinances and parts of ordinances inconsistent with this ordinance, are hereby repealed. Repealer.

PASSED, July 31, 1865.

APPROVED, August 7, 1865.

...to be deemed at the time of killing the same, and the penalty of twenty-five dollars for each offense.

Sec. 9. No person shall at any time offer or expose for sale in any place within the city of New Brunswick any blown, inflated, raised or stuffed meat under penalty of ten dollars for each offense.

Sec. 10. No person shall place or put, or cause to be placed or fasten upon any of the streets in the city of New Brunswick, any wagon, cart, handcart or wheelbarrow containing fish, clams or oysters, for the purpose of selling or exposing for sale the same, under the penalty of ten dollars for each offense.

Sec. 11. No person shall place or put, or cause to be placed or put upon any sidewalk or in front of any house in this city, any fish, clams or oysters, for the purpose of selling or exposing for sale the same, under the penalty of ten dollars for each offense.

Sec. 12. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

Attest: August 7, 1900.

...to be deemed at the time of killing the same, and the penalty of twenty-five dollars for each offense.

Sec. 9. No person shall at any time offer or expose for sale in any place within the city of New Brunswick any blown, inflated, raised or stuffed meat under penalty of ten dollars for each offense.

Sec. 10. No person shall place or put, or cause to be placed or fasten upon any of the streets in the city of New Brunswick, any wagon, cart, handcart or wheelbarrow containing fish, clams or oysters, for the purpose of selling or exposing for sale the same, under the penalty of ten dollars for each offense.

Sec. 11. No person shall place or put, or cause to be placed or put upon any sidewalk or in front of any house in this city, any fish, clams or oysters, for the purpose of selling or exposing for sale the same, under the penalty of ten dollars for each offense.

Sec. 12. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

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