

The Provincial Statutes of Lower-Canada, Being the third session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 14

An Act to make further provision for the nomination and appointment of Inspectors and Constables for the Towns and Villages in this Province. (16th April, 1807.)

Whereas more special provision than the Law at present affords, is necessary for the appointment of Inspectors of Police and Peace Officers for the Towns and Villages within this Province, to which Regulations of Police are or may be extended: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and content of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that any fifteen of the householders of any Town or Village to which the Regulations of Police do now extend, or of any Town or Village to which such Regulations shall hereafter extend, may, by Petition, lay before the Justices of the Peace of the District in which such Town or Village is situated, in their respective Quarter Sessions, the name of five persons householders resident within the Town or Village wherein the Petitioners reside, for the purpose of one of them being appointed Inspector of Police, whose duty it shall be to attend specially to the execution of the Rules and Regulations of Police extended to such Town or Village; and the Justices of the Peace in such Sessions, are hereby authorised to appoint from among the five persons, whose names shall have been so laid before them, one of them, to be Inspector of Police for the said Town or Village.

II. And be it further enacted by the authority aforesaid, that any person so appointed to the office of Inspector of Police, who shall, within eight days after such appointment, refuse to accept the said office, shall forfeit and pay the sum of five Pounds, current money of this Province, or if after accepting the said office shall refuse or neglect to execute any of the duties thereof, as herein specified, he shall forfeit and pay a sum not exceeding Twenty Shillings, nor less than Five Shillings like money, for every such refusal or neglect. Provided always, that no person who shall have been so appointed and named Inspector of Police, and who shall have performed the duties of the said office, shall be again appointed and named Inspector of Police, until the expiration of six years next after such appointment, unless such person consent thereto.

III. Provided also, and it is hereby enacted by the authority aforesaid, that the Justices of the Peace, Civil and Military Officers, Clergymen, Licenced Practitioners of Physic and Surgery, Barristers and Advocates, Licenced School Masters and Scholars, or any person not

of full age, and such persons as are upwards of sixty years old, shall be exempt from being named and appointed Inspectors of Police of the said Towns or Villages.

IV. And be it further enacted by the authority aforesaid, that every person who shall be so appointed an Inspector, shall be held and obliged for and during the term of one year next after such appointment, to attend without fee or reward to the execution of the Rules and Regulations of Police extended to the Town or Village, for which he shall have been so appointed Inspector, and he shall prosecute all and every offence against the said Rules and Regulations, and for the discovery of such offences, the said Inspector of Police is hereby authorised and required, once in every month, at any time between the hours of eight in the morning and four in the evening, to visit the houses and out houses of the Town or Village where he acts, and, at any time, the said Inspector shall have authority to visit the same, provided that some person shall have made oath before a Justice of the Peace, that some particular offence which he shall specify is committed against the said Regulations of Police, in or about the house or houses proposed to be visited at such other time than the monthly visit; and the Justice of the Peace administering such oath, shall thereupon give to the Inspector of Police applying for the same, a licence or warrant to visit any house or out house of any kind specified in such oath, and every person refusing to admit the Inspector of Police on such monthly visits or at such other times, when so authorised, into any house or out house, shall forfeit and pay a penalty not exceeding Forty Shillings current money of this Province, nor less than Ten Shillings like money for every such offence.

V. And whereas it may happen that in some of the Towns or Villages there may be no resident Peace Officers or not a sufficient number thereof: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the justices of the Peace, in their respective Quarter Sessions, to appoint one or more good and sufficient person or persons respectively residing within the Towns or Villages, for which the appointments are to be made to be Constable or Constables, and Peace Officer or Peace Officers, and which Constable or Constables, and Peace Officer or Peace Officers shall be selected from the lists respectively, which shall be presented to the Justices as aforesaid, and the Constables and Peace Officers so appointed out of such lists, shall perform all and every the duties of their office of Constable and Peace Officer, not only within the Town or Village for which he or they shall have been so appointed, but also within the whole of the Parish where he or they shall reside. Provided always, that nothing herein contained shall be construed to exempt the Captains and other Officers of Militia, within any parish, from the performance of any duties to which they are now by Law liable as Peace Officers.

VI. And be it further enacted by the authority aforesaid, that every Action or suit for any offence against this Act, shall be commenced within the space of one Calendar month after the offence committed and not afterwards, before any Provincial Judge in Circuit, or any two Justices of the Peace residing in the said Towns or Villages respectively, or the nearest thereunto, and after judgment rendered upon conviction, upon the oath of one or more credible witness or witnesses, other than the prosecutor, or confession of the offender, and in default of payment on the part of the offender or offenders within eight days after such

judgment, the penalties and forfeitures by this Act imposed for any offence against the same, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such Provincial Judge in Circuit, or such Justices of the Peace residing in the said Towns or Villages, or nearest thereunto, who shall have heard the complaint, rendering the surplus of such distress, if any there be, after deducting the necessary charges on making the same, to the party or parties prosecuted, which warrant such Provincial Judge in Circuit or Justices of the Peace, is and are hereby empowered and required to grant, as aforesaid; and the penalties and forfeitures when so levied, shall be paid one half to the informer (in case he shall not be the Inspector) and the other half or the whole, if the said Inspector be the informer, to his Majesty's Receiver General for the use of this Province, and be applied to the support of the Civil Government thereof, and shall be accounted for to his Majesty, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his said Majesty, his Heirs and Successors shall direct.

VII. And be it further enacted by the authority aforesaid, that this Act shall be in force to the first day of January, which will be in the year of our Lord one thousand eight hundred and eleven, and from thence to the end of the then next Session of the Provincial Parliament, and no longer.