

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 12 (Session 1)

**An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing special Constables in the City and County of Saint John. Passed 1st March 1837.**

'Whereas the number of constables authorized by law to be appointed for the City of Saint John is insufficient in the present increased state of the population of the said City, and circumstances may from time to time arise rendering the appointment of a number of special constables necessary;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the said City of Saint John, or the major part of them in Common Council convened, shall on the first Tuesday in April in each and every year, or so soon after as may be convenient, name and appoint such and so many of the inhabitants of the said City, being freeholders there or freemen of the said City, as they shall see convenient to appoint, not to exceed the number of twenty two, to be constables in the said City for the ensuing year, in addition to the number which may be elected or appointed under and by virtue of the Charter of the said City or any Act of Assembly now in force; which said additional constables shall be subject to the same rules, regulations, pains, penalties and forfeitures, and liable to the same proceedings under the like circumstances, and in all respects, as the said constables appointed or to be appointed under and by virtue of an Act made and passed in the fifty sixth year of the reign of King George the Third, intituled "An Act to increase the number of constables in the City of Saint John.

II. And be it enacted, That if any constable in the said City, whether elected under the Charter or appointed by virtue of this or any other Act of Assembly, shall be guilty of any neglect of duty or misbehaviour in the execution of his office, the said Mayor, Aldermen and Commonalty of the said City, or the major part of them in Common Council convened, shall and may have full power to dismiss such constable from his office and appoint any other person, being a freeholder or freeman of the said City, in his stead.

III. And be it enacted, That in all cases where it shall appear to the Mayor or Recorder of the City of Saint John and one Justice of the Peace for the City and County of Saint John, that any tumult, riot or felony has taken place or may be reasonably apprehended in the City of Saint John or its vicinity, and such Mayor or Recorder and Justice shall be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants, and the security of the property in the said City of Saint John or its vicinity, then and in every such case the said Mayor or Recorder and Justice are hereby authorized to nominate, appoint and swear in so many as they shall think fit of the householders or other persons residing in such City or its vicinity as aforesaid, to act as special constables, for such time and in such manner as to the said Mayor or Recorder and Justice aforesaid shall seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants, and

for the security of the property in the said City and its vicinity; and the vicinity of the City of Saint John, shall for the purposes of this Act be deemed to include each of the Parishes in the County of Saint John immediately adjoining the said City; and any two Justices of the Peace in the County of Saint John shall under like circumstances have like power and authority to appoint persons residing in the said County to act as special constables for the said County; and the said Mayor or Recorder and Justices aforesaid respectively shall at the time of such appointment administer, to each of the said special constables so to be appointed, the following oath (that is to say):

'I \_\_\_\_\_ do swear that I will well and truly serve our Sovereign Lord the King in the office of special constable for the City of Saint John and its vicinity [or in the County of Saint John, as the case may be], without favour or affection, malice or ill will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.'

IV. And be it enacted, That the said Mayor or Recorder and one of the Justices of the Peace aforesaid in regard to the said City and its vicinity, or any two Justices aforesaid in regard to the said County, shall have full power and authority to remove any such special constable from his office for any misconduct or neglect of duty therein, and may at any time discharge any such special constable from the duties of his office when they shall be satisfied that it is no longer necessary to continue him therein.

V. And be it enacted, That every special constable appointed under this Act shall within the said City and its vicinity or in the said County respectively, have, exercise and enjoy all such powers, authorities, advantages and immunities as any constable duly appointed now has within his constableness by virtue of the common and statute Laws and Acts of Assembly in force within this Province.

VI. And be it enacted, That if any person shall assault or resist any special constable appointed by virtue of this Act, whilst in the execution of his office, or shall promote or encourage any other person so to do, every such person shall on conviction thereof before two Justices of the Peace, forfeit and pay for such offence any sum not exceeding twenty pounds, or shall be liable to such other punishment upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any constable in the execution of the duties of his office; and in case of proceeding for such penalty, the same shall be recovered and levied pursuant to the Act of Assembly made and passed in the fourth year of his present Majesty's reign, intituled "An Act to facilitate summary proceedings before Justices of the Peace and the execution of warrants by constables," and shall be paid over by the said two Justices into the hands of the County Treasurer of the City and County of Saint John as a part of the public funds of the said City and County.

VII. And be it enacted, That the Justices of the General Sessions of the Peace shall have the power to make an allowance to such special constables and to all or any of the constables of the City of

Saint John or of the City and County of Saint John, for any services performed by them in the execution of their office, or in attending any of the Courts held in the said City of Saint John, as they in their discretion shall think useful in promoting the due and proper execution of such duties, and shall order the same to be paid by the County Treasurer out of the public funds of the County, and in case of any deficiency in such funds shall and may from time to time order an assessment to be made on the inhabitants of the said City and County for the payment thereof, to be assessed, collected and paid over to the County treasurer in the same manner as any other assessments are assessed and collected by virtue of any Act of Assembly made or to be made for that purpose in this Province.