

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 52

**An Act relating to the Police of the City of Saint John. Passed 1st May 1856.**

Section.

1. Governor in Council to appoint the Chief of Police.
2. Chief of Police to appoint the policemen; oath of office; authority; obedience;
3. Chief of Police may, subject to approval, establish regulations for the force.
4. Resignation by policemen, or withdrawal from duties.
5. Salary of Police Magistrate and Clerk; and wages of Chief and men of the Police force.
6. Obstruction by groups near sidewalks.
7. Powers, &c. of Police Magistrates to continue except as altered.

Section.

8. Certain parts of Acts 12 V. c. 68, repealed.
9. Police Record Books to be submitted quarterly to the Common Council.
10. Chief of Police may in certain cases take recognizance.
11. Chief of Police may exact recognizance from persons making a charge, and on refusal discharge the person in custody.
12. Recognizance, conditions of; entry and return of by Chief of Police.
13. No Alderman or Justice other than the Police Magistrate to hold a Court in the City for Certain trials.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council shall from time to time appoint a fit and proper person to be Chief of Police of the City, who shall hold his office during pleasure, and shall be invested with all the duties and powers as are hereinafter specified.
2. The Chief of Police shall from time to time appoint such a number of fit and able men as the Common Council may designate, to be a Police Force for that part of the City lying on the east side of the harbour, who, as well as the Chief, shall be severally sworn in before a Justice of the Peace to act as day and night policemen, watchmen, and constables, for the preserving of the peace, and the preventing of all felonies, and apprehending of offenders against the peace; and the Chief and men so sworn shall, not only within the whole City of Saint John, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, advantages, and exemptions, and be liable to all such duties and responsibilities as any constable duly appointed now has, or hereafter may have, or is or may be liable to within his constablewick, by virtue of the Common Law, or any Statute or Act of Assembly, or bye law of the said City, made or to be made; and the said policemen shall obey all such lawful commands as they or any of them may from time to time receive from the Chief, for conducting themselves in the execution of their office; and all the provisions, enactments, powers, and authority relating to policemen in and by an Act passed in the twelfth year of Her present Majesty's Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*, or any other Act or bye law relating thereto, shall be vested in and

apply to the Chief, and to all and every the said Police force so to be appointed as aforesaid, except so far as the same may be inconsistent with the provisions of this Act.

3. The Chief of Police may from time to time, subject to the approval of the Common Council of the City, frame and establish such orders and regulations as he shall deem expedient relative to the general government of the men so to be appointed members of the Police force, the place of their residence, the classification, rank, and particular service of the several men, their distribution and inspection, the description of arms and accoutrements, and other necessaries to be furnished to them, and all such orders and regulations relative to the said Police force as the Chief shall from time to time deem expedient for preventing neglect or abuse, and for rendering such force efficient in the performance of all its duties; and the Chief may at any time dismiss or suspend from his employment any man belonging to the Police force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed or cease to belong to the Police force, all powers and privileges vested in him as a constable of the said force or otherwise by virtue of this Act, shall immediately cease and determine.

4. No policeman or constable belonging to the Police force shall be at liberty to resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing from the Chief, or unless he shall give to the Chief one calendar month's notice in writing of such his intention; and every policeman and constable who shall so resign or withdraw himself without such leave or notice, shall be liable to forfeit all arrears of pay then due to him, or to a penalty of not more than five pounds, to be recovered as any other penalties under the said Act.

5. The salary of the Police Magistrate, and of the Clerk to the Police Office, to be appointed by the said Police Magistrate, shall be determined by the Governor in Council; the salary of the Police Magistrate not to exceed three hundred pounds, and of the Clerk not to exceed two hundred pounds; and the wages and pay of the Chief and policemen shall from time to time be determined and settled by the Common Council; and all the said salaries, wages, and pay, and the other expenses attending the Police establishment, shall be paid monthly, by order of the Common Council upon the Chamberlain, out of the funds in his hands applicable to the support and maintenance of the Police establishment.

6. Three or more persons shall not stand in a group or near to each other on or near any sidewalk of any street, in such a manner as to obstruct a free passage for foot passengers, for a longer time than twenty minutes, under a penalty of forty shillings, nor more than five minutes after a request to move on made by the Mayor or Recorder, or any Alderman, Councillor, or policeman, under a like penalty.

7. The authority, powers, rights, privileges, and duties of the Police Magistrate shall continue and remain as the same now are by law, except so far as they are altered by or are inconsistent with the provisions of this Act.

8. The eighth, ninth, tenth, and eighteenth Sections of the said Act, and also so much of the eleventh Section of the said Act as is inconsistent with the provisions of this Act, are hereby repealed.
9. The Police Magistrate shall at the first Common Council holden after the first days of January, April, July, and October in each year, on notice to him given of the holding of such Council, submit for the information of the Common Council, the Record Books kept by him under the provisions of the said Act.
10. Whenever any person charged with any offence for which he is liable to be summarily convicted before any such Police Magistrate shall be, without warrant, in custody at any watch-house within the Police district during the time when there shall not be any Magistrate sitting at the Police Office in said district, it shall be lawful for the said Chief of Police, if he shall deem it prudent, to take the recognizance of such person, with or without sureties, conditioned as hereinafter mentioned.
11. Whenever any person charged with any felony or indictable misdemeanor, shall be, without warrant, in custody at any watch-house in said district, during the time when there shall not be any Magistrate sitting at the said Police Office, it shall be lawful for the said Chief of Police to require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned; and upon his refusal so to do, it shall be lawful for such Chief of Police, if he shall deem it prudent, to discharge from custody the person so charged, upon his recognizance, with or without sureties, conditioned as hereinafter mentioned.
12. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound, before the Police Magistrate or other Magistrate next sitting at the said Police Office, and the time and place of appearance shall be specified in the recognizance; and the said Chief of Police shall enter in a book to be kept for that purpose, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into any such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Police Magistrate or other Magistrate sitting at the said Police Office at the time when the person is bound to appear; and if the person does not appear at the time and place required, or within one hour after, the Police Magistrate or other Magistrate sitting at the said Police Office, shall cause a record of the recognizance to be drawn up, and to be signed by the said Chief of Police, and shall endorse thereon a certificate signed by such Magistrate, that the person has not complied with the obligation therein contained, and shall forthwith transmit such recognizance so endorsed, to the Clerk of the Crown, to be proceeded upon as in case of forfeited recognizances taken before Justices of the Peace, and such certificate shall be evidence of such default.
13. It shall not be lawful for any Alderman or Justice of the Peace, other than the said Police Magistrate or any other Magistrates duly appointed and sitting at the Police Office, to hold any Court in the City of Saint John for the trial of offences punishable by summary conviction or order, provided that nothing herein contained shall in any way alter, extend, or apply to the fourteenth

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*Section of an Act passed in the thirteenth year of Her present Majesty's Reign, intituled An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the gaol of the said City for small sums, and making provision for levying and collecting of Assessments in the said City, and other purposes.*