

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 46

An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland. Passed 13th April 1859.

Section.

1. Police Force, appointment of; powers and duties.
2. Salaries, powers, duties, &c. by whom to be fixed and defined.
3. Power to apprehend disorderly persons.
4. Additional powers of Justices resident in Chatham.
5. Certain Sections in 11 V. c. 12, extended to Chatham.
6. Agreement for lighting the Town with Gas authorized.

Section.

7. Premises for Lock-up House may be hired; certain Acts extended thereto.
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Whereas offences against the peace as well as injuries to property have become frequent in the Town of Chatham, and it is expedient to establish an efficient system of Police in the said Town;— Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Justices of the Peace for the said County shall and may at any General Sessions, or at any Special Sessions to be for that purpose called, appoint a sufficient number of fit and able men, not exceeding four, to be and act as a Police force within the Town of Chatham, who shall be severally sworn in by any Magistrate of the said County, to act as Constables for the preserving the peace, and the preventing all felonies, and apprehending offenders against the peace; and the men so sworn shall within the said Town have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities as any Constables 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 made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from any Justice of the Peace within the said Town for conducting themselves in the execution of their office.

2. The Justices of the Peace for the said County at any General Sessions, or at any Special Sessions for that purpose called, shall have power, by regulations to be by them made, to fix the salaries and allowances of the persons to be employed under this Act, and define the powers and duties of the said Policemen or Constables, and the district within which such powers and duties shall be exercised and performed; provided that in no case shall any greater or further power be

given to any of such Policemen than is now by law given to the Policemen in the Parish of Portland, in the City and County of Saint John.

3. That it shall and may be lawful for any Constable belonging to the said Police force, during the time of his being on duty, to take into custody, without warrant, all loose, idle, and disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace, and all persons whom he shall find between the hours of nine P.M. and five o'clock A. M., during the months of March, April, May, June, July, August, September, and October, or between the hours of seven o'clock P.M. and six o'clock A. M. during the months of November, December, January and February, lying or lurking in any highway, yard, or other place, and not giving a satisfactory account of himself or themselves; and also to take into custody without warrant as aforesaid, any person who within the limits of the Town aforesaid, shall be charged by any other person with committing any aggravated assault, in every case in which such Constable shall have good reason to believe that such assault has been committed, although not within view of such Constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured until he can be brought before a Justice of the Peace in the said Town, to be dealt with according to law.

4. The Justices of the Peace residing within the Town of Chatham shall, in addition to the powers they now by law possess, be invested with and shall exercise and execute all such other duties and powers as shall be in this Act specified.

5. The sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty second, twenty ninth, thirtieth, thirty first, thirty fifth, together with the Schedules A and B therein referred to, mutatis mutandis, thirty seventh, thirty eighth, thirty ninth, and fortieth Sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Chatham, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things contained in the said several Sections respectively, shall be created, incurred, and be observed, practised, and put in execution in the Town of Chatham aforesaid, as fully and effectually to all intents and purposes, as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things, were severally, particularly, and respectively repeated and reenacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed, and taken to belong to this Act, in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the thirty first Section, and the bond mentioned in the thirty seventh Section of the said Act, shall be taken in the name of the Justices of the Peace for the County of Northumberland, in lieu of the Commissioners therein mentioned; and in case of forfeiture of such bond, the said Justices of the Peace for the County of Northumberland, shall by that name have power to sue for and recover the amount of the same, to be by them paid to the County Treasurer for the purposes of this Act;

and the several powers and authority given to, and the duties to be performed by the Police Magistrate, under the several provisions of the said Act for establishing a Police force in the Parish of Portland, in the City and County of Saint John, and in this Section enumerated, shall be exercised, enforced, and performed by any Justice of the Peace of the County of Northumberland residing within the limits of the said Town of Chatham.

6. The Justices of the Peace for the said County in General Sessions convened, are hereby authorized to make agreements for the erection, in the public Streets of the said Town, of such number of lamps and lamp posts, not exceeding six, and the lighting of the same with gas, as they shall from time to time think necessary.

7. And whereas there is at present no Lock-up House or place of security for the confinement of offenders within the said Town of Chatham, and the removal to and from the County Gaol of persons committed for offences against this Act, would often prove inconvenient and tend greatly to the delay and hinderance of proceedings under this Act; for remedy whereof, and until a Lock-up House shall be erected in the said Town, the Justices of the Peace for the said County may and they are hereby authorized and empowered, from time to time, at any General Sessions or at any Special Sessions for that purpose to be called, to hire such building or place within the limits of the said Town as to them shall seem suitable and meet to be a Lock-up House; and when such building or place shall be so hired and set apart as a Lock-up House for the said Town, all the provisions contained in the second, third, fourth, and fifth Sections of the Act passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County*, shall extend to and be in full force as fully as if the said building had been erected under the provisions of the said Act, or the Act in addition to and amendment thereof, made and passed in the sixteenth year of Her Majesty's Reign.

8. The Justices of the Peace for the said County, at the General Sessions to be held in January in each year hereafter, are hereby authorized to make a rate and assessment of a sum not exceeding, for any one year, the sum of one hundred and fifty pounds, to defray the expenses of supporting and maintaining the said Police establishment; such expenses to include the rent of the said Lock-up House, the salaries and allowances of and for the said Constables, and towards the payment of the Keeper of the said Lock-up House; the costs and charges of erecting, repairing, and lighting the said gas lamps; the allowances or payments to the Assessors and Collectors; and all the costs, charges, and disbursements, incidental to and necessary for the efficient maintenance and support of the said Police establishment, and its appurtenances in general: such assessment to be levied and collected on the inhabitants and property in such County, residing or being situate on the front lots, between the lower side of Clarke's Cove and the upper side of Saint Andrew's Church, in the said Parish of Chatham, including all the inhabitants of the said Parish being within the above limits, being owners or occupiers of any house or houses within the same, and all the real property within such limits; which sum, subject to the limits aforesaid, shall be assessed, levied, and paid, agreeably to any Act now or which may hereafter be in force for the assessing, levying, and collecting County rates; and when recovered or collected, shall be paid over to the

County Treasurer for the said County of Northumberland, and held and applied under the direction of the Justices of the Peace for the said County, for the purposes of this Act.

9. The rules and regulations to be made from time to time by the Justices of the Peace for the said County, in General Sessions, under this Act, shall not be in force until the same have been submitted to and approved of by the Governor in Council: such rules and regulations, when so approved, shall be filed in the office of the Clerk of the Peace for the said County, and a certified copy under his hand shall be published in a Newspaper printed in the said Town of Chatham, or in the Royal Gazette ; and the production of such Newspaper, with such rules and regulations published therein, shall be prima facie evidence of such rules and regulations.

10. All sums of money recovered or received for fines, penalties, and forfeitures incurred and paid under or by virtue of any of the provisions of this Act, for any offence committed within the limits of the said Town of Chatham, shall be paid on the first Monday of every month to the County Treasurer.

11. The County Treasurer shall receive all sums of money raised by assessment, and all fines, penalties, and forfeitures incurred and paid, from any Collector, Magistrate, Constable, or other person paying the same for the purposes of this Act; and he shall keep and hold the same as a separate fund for the purposes of this Act, to be paid over by him from time to time under the order of the General Sessions of the Peace for the said County.

12. All fees received by any of the said Police for performing the duties of Constables, shall be paid over as received to the Magistrate by whose direction he shall have performed the duty, to be paid over to the County Treasurer in the same manner as fines and penalties are directed to be paid over.

TABLE OF FEES TO BE CHARGED AND TAKEN UNDER THIS ACT.

Every summons or subpoena, - - -	£ 0	1	0
Every copy, - - - - -	0	0	6
Every warrant, - - - - -	0	1	6
Every recognizance to appear and take trial, - - -	0	1	0
Every recognizance to keep the peace, - - - - -	0	2	0
Every affidavit and swearing, - - - - -	0	1	0
Taking evidence on trial of each witness, - - -	0	1	0
Every trial and conviction, - - - - -	0	2	0
Copy proceedings furnished to any party requiring the same, per folio, - - - - -	0	0	6
Constables' fees, and Policemen acting as such, the same as provided for Constables in civil suits before Justices.			