

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1861.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1861.

24 Victoria – Chapter 30

**An Act in addition to and in amendment of an Act intituled An Act relating to the Police of the City of Saint John. Passed 12th April 1861.**

Section.

1. Report of disorderly houses to be made. Police Magistrate to issue warrant of apprehension.
2. Trial and fine.
3. Persons standing together or using indecent language may be requested by the Mayor, &c. to move on: penalty; and cost of assessing, &c.
4. Penalty for returning.
5. Chief of Police to report in writing persons selling liquor without licence or on Sunday.

Section.

6. Imprisonment for assaults in the night  
Chamberlain: Accounts and application
7. Fighting near a place of worship during divine service.
8. This Act not to prevent proceeding as directed by other Acts.
9. Power to compel attendance at trials under this Act.

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

1. It shall be the duty of the Chief of the Police force of the City of Saint John, or of any of the said Police force, to make report to the Police Magistrate or Justice of the Peace sitting in the Police Court of the said City, of all bawdy or other disorderly houses in the said City; and the said Police Magistrate, upon information made before him on oath, shall issue his warrant to apprehend and bring before him any person suspected of being the keeper of any such house, to answer the charge of keeping the same.
2. Such Police Magistrate, with two Justices of the Peace for the said City and County, shall have power thereupon to try such person for any such offence, and if they shall adjudge him guilty thereof, to impose upon him a fine of not less than fifty dollars nor more than one hundred dollars, at their discretion, and for non-payment thereof to commit him to the common Gaol or Provincial Penitentiary for a term of not more than three months.
3. The Mayor or Recorder, or any Alderman or Councillor, or the Police Magistrate, or any of the Police force of the said City, or any Justice of the Peace for the City and County of Saint John, may request any three or more persons found standing together in any street, square, highway, alley, or wharf, in the said City of Saint John, or any person who may be in any of the places aforesaid, using indecent or offensive language towards or in the presence and hearing of passers-by, or who shall be otherwise misbehaving, to move on or away; and such person or persons shall move on or

away accordingly, under penalty upon each and every of them of not less than two nor more than twenty dollars, to be recovered, with costs, by summary conviction as aforesaid.

4. If such persons or any of them so requested to move shall, after so doing, return to the same place or near thereto, so as to renew such annoyance, obstruction, or offensive behaviour, they shall be severally liable to a penalty of not less than five dollars nor more than twenty dollars, to be recovered, with costs, on summary conviction as aforesaid.

5. It shall be the duty of the Chief of the Police force of the said City to report in writing to the Police Magistrate or Justice aforesaid, any person selling or suspected of selling liquor without licence, or on a Sunday, and such person may thereupon be put upon his trial for such offence without any other information or complaint.

6. The said Magistrate or Justice may, in default of payment of the fine, sentence any person convicted before him of any assault or battery committed within the jurisdiction of the said Court in the night time, for a period of not more than three months.

7. All persons found guilty of fighting on any of the public streets, market-places, alleys, ways, squares, wharves, or ferry-boats, or at or near any place of public worship in the said City during the time of Divine service therein, shall be liable to a penalty of not less than five nor more than twenty dollars, and in default of payment, shall be imprisoned in the common Gaol or Penitentiary for a period not exceeding three months.

8. Nothing herein contained shall prevent the Police Magistrate or Justice aforesaid from proceeding by information or otherwise, as directed by any other Act of Assembly relating to such offences as aforesaid.

9. The said Police Magistrate or Justice shall have the same power to compel the attendance of parties and witnesses for the purposes of any trial under this Act, as in any other case or offence cognizable before the Police Court of the said City.