

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 55

**An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland. Passed 23rd April 1862.**

Section.

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Section.

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Whereas offences against the peace, as well as injuries to property, bare become frequent in the Town of Newcastle, 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 appoint a sufficient number of fit and able men, not exceeding three, to be and act as a Police Force within the Town of Newcastle, who shall be severally sworn in by any Justice of the said County, to act as Constables for the preserving the peace and the preventing of all felonies and misdemeanors, 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 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 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 aforesaid 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 districts 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. The Justices of the Peace residing within the Town of Newcastle 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 required to be executed under this Act.
  
4. 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, wharf, 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 any 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.
  
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 Newcastle 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 Newcastle 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 re-enacted, 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 re-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 named; 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; provided that all offences punishable under this Act shall be tried, heard and determined within the limits of the said Town of Newcastle.

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

7. 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 or 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 salaries of and for the said constables; 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 shall be assessed, levied and collected by an equal rate on all the male persons being twenty one years of age, not being paupers, residing on the front lots in that part of the Parish of Newcastle lying between the upper side line of the property formerly owned and occupied by the Honorable J. A. Street, and the farm now owned and occupied by James Ledden, and upon the real estate lying within the above limits, whether owned by residents or non-residents, and upon the personal property and incomes of all persons hereby made liable to assessment residing within the limits above defined, which limits, for the purposes of this Act, shall be deemed the Town of Newcastle; which sum, subject to the limits aforesaid, shall be assessed, levied, collected, and paid, agreeably to any Act now or which hereafter may 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 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.

8. The rules and regulations to be made from time to time by the said Justices under this Act, shall not be in force until the same have been 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 County; and the production of such newspaper with such rules and regulations published therein, shall be prima facie evidence of such rules and regulations.

9. All sums of money recovered and 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 Newcastle, shall be paid on the first Monday of every month to the County Treasurer.

10. 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 orders of the General Sessions of the Peace for the said County.

11. All fees received by any of the said Police for performing the duties of constable, 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,	-	-	-	-	20 cents.
Every copy,	-	-	-	-	10 "
Every warrant,	-	-	-	-	30 "
Every recognizance to appear and take trial,	-	-	-	-	20 "
Every recognizance to keep the peace,	-	-	-	-	20 "
Every affidavit and swearing,	-	-	-	-	20 "
Taking evidence on trial of each witness,	-	-	-	-	20 "
Every trial and conviction,	-	-	-	-	40 "
Copy proceedings furnished to any party requiring the same, per folio,	-	-	-	-	10 "

Constables' fees, and Policeman acting as such the same as provided for Constables in civil suits before Justices.