

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1863. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1863.

26 Victoria – Chapter 40

An Act in amendment of an Act intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland.* Passed 20th April, 1863.

Section.

1. Sec. 5, 22 Vic. cap. 46, repealed.
What Sections of 11th Vic. cap. 12, to
be taken as part of this Act; proviso.

Section.

2. Actions under 22 Vic. cap. 46, how and
when to be brought.
3. Not to affect recovery of fines
recoverable before passing this Act.

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

1. That the fifth Section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland*, be and the same is hereby repealed; and in lieu thereof,— The sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth,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 and thirty ninth Sections of an Act made and passed in the eleventh year of the same Reign, intituled *An Act for establishing and maintaining 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, practiced 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 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 enacted herein; provided always, that the recognizance mentioned in the said thirty first Section, and the Bond mentioned in the said thirty seventh Section of the said Act, shall be taken in the name of the Justices of the Peace of the County of Northumberland instead 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 the said Act; and the several powers and authorities given to, and the duties to be performed by the Police Magistrate under the several provisions of the said Act for establishing and maintaining 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.

2. No action, suit, or information, or any other proceeding of what nature or kind soever, shall be brought, commenced or prosecuted against any person for any thing done or omitted to be done in pursuance of the Act first herein mentioned, or in the execution of the powers and authorities under the same, unless twenty days previous notice in writing shall be given by the party intending to commence and prosecute such suit, information, or other proceeding, to the intended defendant; nor unless such action, suit, information or other proceedings shall be brought or commenced within three calendar months next after the act committed; or in case there shall be a continuation of damages, then within three calendar months next after the doing or committing such damages shall have ceased; or unless such action, suit or information shall be laid and brought in the County of Northumberland.

3. Nothing in this Act contained shall prevent, or be construed to prevent, the recovery of any fine or forfeiture legally recoverable before the passing of this Act; but the same may be recovered in like manner as if this Act had not been passed.