

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 7

An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat. 9th December, 1843.

Whereas it is the undoubted right of Her Majesty's Subjects to meet together in a peaceable and orderly manner, not only when required to do so in compliance with the express direction of law, but at such other times as they may deem it expedient so to meet for the consideration and discussion of matters of public interest, or for making known to their gracious Sovereign or Her Representative in this Province, or to both or either Houses of Her Imperial or Provincial Parliaments, their views respecting the same, whether such be in approbation or condemnation of the conduct of public affairs: And whereas, from the collisions and breaches of the Peace which have of late unhappily taken place at many of such Meetings, it is expedient to make some Legislative provision for the calling and orderly holding thereof, and the better preservation of the public peace at the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that all Public Meetings of the Inhabitants of any District, County, Riding, City, Town, Township, Ward or Parish in this Province, which are or shall be required by law, and summoned or called in the manner hereinafter by the Fourth section of this Act prescribed, shall be and be deemed to be Public Meetings, within the meaning of this Act.

II. And be it enacted, that all Public Meetings, of the Inhabitants, or of any particular class of the Inhabitants of any District, County, Riding, City, Town, Township, Ward or Parish in this Province, called by the High Sheriff of any such District or County, or by the Mayor or other Chief Municipal Officer of any such City or Town respectively, in the manner hereinafter by the Fifth section of this Act prescribed, upon the requisition of any twelve or more of the Freeholders, Citizens or Burgesses of such District, County, Riding, Town, Township, Ward or Parish, having a right to vote for Members to serve in the Provincial Parliament, in respect of the property held by them within such District, County, Riding, City, Town, Township, Ward or Parish respectively, and all such Meetings called by any two or more Justices of the Peace, resident in any such District, County, Riding, City, Town, Township, Ward or Parish respectively, upon a like requisition from twelve or more of such Freeholders, Citizens or Burgesses, shall be and be deemed to be Public Meetings, within the meaning of this Act.

III. And be it enacted, that all Public Meetings of the Inhabitants, or of any particular class of the Inhabitants of any District, County, Riding, City, Town, Township, Ward or Parish in this Province, which shall be declared to be Public Meetings within the meaning of this Act, by any two Justices of the Peace resident in such District, County, Riding, City, Town, Township, Ward or Parish, in the

manner hereinafter by the Sixth section of this Act prescribed, shall be and be deemed to be Public Meetings, within the meaning of this Act.

IV. And be it enacted, that in every notice or summons for calling together any such Public Meeting, as in the First section of this Act is mentioned, there shall be contained a notice that such Meeting, and all persons attending the same, will be within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly, and which part of such notice or summons may be in the form or to the effect set forth in the Schedule to this Act annexed, marked A.

V. And be it enacted, that the notice to be issued by the High Sheriff of any District or County, or by the Mayor or other Chief Municipal Officer of any City or Town, or by two or more Justices of the Peace, for calling any such Public Meeting, as in the Second section of this Act is mentioned, shall be issued at least three days previous to the day upon which such Meeting shall be appointed to be held, shall set forth the names of the requisitionists, or of a competent number of them, that such Meeting is called in conformity with the provisions of this Act, and that such meeting, and all persons attending the same, will be within the protection of this Act, and that all persons are required to take notice thereof and govern themselves accordingly, and such notice may be in the form or to the effect set forth in the Schedule to this Act annexed, marked B.

VI. And be it enacted, that upon information on oath, before any Justice of the Peace, that any Public Meeting of the Inhabitants, or of any particular class of the Inhabitants of any District, County, Hiding, City, Town, Township, Ward or Parish, not being a Public Meeting of the description mentioned in the First section of this Act, or a Public Meeting called in the manner referred to in the Second section of this Act, is appointed to be held at any place within the Jurisdiction of such Justice, and that there is reason to believe that great numbers of persons will be present at such meeting, it shall and may be lawful for any two Justices of the Peace, having jurisdiction within the District, County, City or Town, within which such Meeting is appointed to be held, to give notice of such Meeting, and to declare the same, and all persons attending the same, within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly, and which notice or declaration may be in the form or to the effect set forth in the Schedule to this Act annexed, marked C.

VII. And be it enacted, that it shall be the duty of every Sheriff, Mayor, Justice of the Peace, or other person who shall call any such Public Meeting as those in the Second section of this Act mentioned, to give public notice thereof, as extensively as he reasonably may, by causing to be posted and distributed throughout the District, County, Riding, City, Town, Township, Ward or Parish, for which the same shall be called, a competent number of printed or written copies of the notice calling the same.

VIII. And be it enacted, that it shall be the duty of the Justices of the Peace who shall declare any Public Meeting, about to be held, to be a Public Meeting within the protection of this Act, as in the Third Section of this Act mentioned, to give public notice of its having been so declared, by causing to be posted and distributed throughout the District, County, Riding, City, Town, Township, Ward

or Parish, for which the same shall have been so called, as many printed or written copies of the notice or declaration issued by them in that behalf, as may be reasonably necessary for that purpose, and as the time appointed for the holding such Meeting shall reasonably admit.

IX. And be it enacted, that it shall be the duty of every Sheriff, Mayor, Justice of the Peace, or other person who shall either call any Public Meeting under the provisions of the Second Section of this Act, or declare any Meeting called by others, to be a Public Meeting within the protection of this Act, under the provisions of the Third Section of this Act, to attend every such Public Meeting respectively, and whether any such Sheriff, Mayor, Justice of the Peace, or other person shall be appointed by such Public Meeting to take the Chair and preside over the same, or not, it shall be the duty of every such Sheriff, Mayor, Justice of the Peace, and other person to continue at or near the place appointed for holding such Public Meeting, until the same shall have dispersed, and to afford all such assistance as may be in his power, in preserving the public peace thereat.

X. And be it enacted, that it shall be the duty of every person who shall be required by Law, or who shall have been appointed at such Public Meeting in the usual way, to preside over the same, to commence the proceedings of such Meeting by causing the Summons or notice calling such Meeting, or the Declaration whereby the same is declared to be a Public Meeting, under the protection of this Act, to be publicly read.

XI. And be it enacted, that it shall be lawful for any person required by law, or who shall have been appointed at such Meeting in the usual way, to preside over the same, to cause order to be kept at such Meetings, and for that purpose by oral direction, or otherwise, to cause any person, who may attempt to interrupt or disturb such Meeting, to be removed to such a distance from the same as may effectually prevent such interruption or disturbance, and by an instrument in writing under his hand, on his own view, to adjudge any person who shall so attempt to interrupt or disturb such Meeting, to be guilty of such attempted interruption or disturbance, upon which conviction, it shall be lawful for any Justice of the Peace, by Warrant under his hand, forthwith to commit such person to the Common Gaol of the District, or to any other place of temporary confinement that such Justice may appoint for any period not exceeding forty-eight hours from the time of such commitment signed, and until the lawful costs of the Constable and Gaoler for the arrest, transmission and detention of such person shall be paid or satisfied.

XII. And be it enacted, that for the purpose of keeping the peace and preserving good order at every such Public Meeting, it shall and may be lawful for the person so required, or appointed to preside at any such Meeting, to command the assistance of all Justices of the Peace, Constables, and other persons to aid and assist him in so doing.

XIII. And be it enacted, that it shall be the duty of any Justice of the Peace, present at any such Meeting, upon the written application of the person so required or appointed to preside at the same, to swear in such a number of Special Constables, as such Justice may deem necessary for the preservation of the public peace at such Meeting.

XIV. And be it enacted, that if any person between the ages of eighteen and sixty, upon being required to be sworn in as a Special Constable, by any Justice of the Peace, upon any such occasion, shall omit or refuse to be so sworn, unless for some cause to be allowed by such Justice at the time, such person shall be guilty of a Misdemeanor, and it shall be lawful for such Justice thereupon, to record the refusal of such person so to be sworn, and to adjudge him to pay a fine of not more than forty shillings, which fine shall be levied and made by the like process as other fines imposed, by summary proceedings before Justices of the Peace, or such person may be proceeded against by Indictment or Information, as in other cases of Misdemeanor.

XV. And be it enacted, that it shall and may be lawful for any Justice of the Peace, within whose Jurisdiction any such Meeting shall be appointed to be holden, to demand, have and take of and from any person attending such Meeting, or on his way to attend the same, any offensive weapon, such as fire arms, swords, staves, bludgeons, or the like with which any such person shall be so armed, or which any such person shall have in his hands or possession, and every such person who, upon such demand, shall decline or refuse to deliver up, peaceably and quietly, to such Justice of the Peace, any such offensive weapon as aforesaid, shall be deemed guilty of a Misdemeanor, and it shall be lawful for such Justice thereupon to record the refusal of such person to deliver up such weapon, and to adjudge him to pay a fine of not more than forty shillings, which fine shall be levied and made by the like process as other fines imposed by summary proceedings before Justices of the Peace, or such person may be proceeded against by Indictment or Information, as in other cases of Misdemeanor: Provided always, that such conviction shall not interfere with the power of such Justice or any other Justice, to take such weapon or cause the same to be taken from such person without his consent, and against his will by such force as shall be necessary for that purpose.

XVI. And be it enacted, that upon reasonable request to any Justice of the Peace, to whom any such weapon shall have been peaceably and quietly delivered upon such demand as aforesaid, to be made to such Justice, on the day next after; such Meeting shall have finally dispersed, and not before, any such weapon that; shall have been so peaceably and quietly delivered up to such Justice of the Peace as aforesaid, shall, if of the value of five shillings or upwards, be returned by such Justice of the Peace to the person from whom the same may have been so received as aforesaid: Provided always, that no such Justice of the Peace shall be held liable to return any such weapon, or make good the value thereof, in case the same shall by unavoidable accident, have been actually destroyed or lost out of the possession of such Justice without his wilful default.

XVII. And be it enacted, that any person who shall be convicted of a battery, committed during any part of the day whereon any such Public Meeting shall be appointed, to be held within the distance of two miles of the place where such meeting shall be appointed to be held, shall be punishable by a fine of not more than twenty-five pounds, and imprisonment for not more than three Calendar months, or either, in the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such person upon his conviction.

XVIII. And be it enacted, that except for the High Sheriff, under Sheriff, and Justices of the Peace for the District or County, or the Mayor and High Bailiff, and Justices of the Peace for the City or

Town respectively, in which any such Meeting shall be held, and the Constables and Special Constables employed by them or any of them, for the preservation of the public peace at such Meeting, it shall not be lawful for any person to come during any part of the day upon which such Meeting shall be appointed to be held, within two miles of the place where such meeting is appointed to be held, armed with any offensive weapon of any kind, as fire arms, swords, staves, bludgeons, or the like, and any person who shall offend against the provisions in this section contained, shall be deemed guilty of a Misdemeanor, punishable by fine not exceeding twenty-five pounds, and imprisonment not exceeding three Calendar months, or both, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such person, upon his conviction.

XIX. And be it enacted, that any person who shall lie in Wait for any person returning or expected to return, from any such Public Meeting, with intent to commit an assault upon such person, or with intent by abusive language, opprobrious epithets or other offensive demeanor directed to, at or against such person, to provoke such person, or those who may accompany him to a breach of the Peace, shall be deemed guilty of a Misdemeanor, punishable by fine not exceeding fifty pounds, and imprisonment not exceeding six Calendar months, or both, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such person, upon his conviction.

XX. And be it enacted, that every action to be brought against any person for anything by him done under authority of this Act, shall be brought within twelve Calendar months next after the cause of such action accrued, and in default thereof the lapse of such twelve months shall be a good defence to such action.

XXI. And be it enacted, that this Act, shall be publicly read aloud at full length in open Court by the Clerk of the Peace or his Deputy, or other similar Officer of the Court, on the first day of every General Quarter Sessions of the Peace that shall be held for any District, County, City or Town in this Province, within the two years next after the passing thereof.

Schedule A.

Clause

To be added to the Notice or Sammons for calling any Public Meeting required by Law:

And be it known, that the Meeting to be held in pursuance hereof, is called in conformity with the provisions of the Act of Parliament of the (here insert the year and chapter of this Act) intituled, *An Act to provide fen the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat*: and that the said Meeting and all persons attending the same will therefore be within the protection of the said Act, of all which premises, all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Schedule B.

Notice

By Sheriff, Mayor, &c., or Justices of the Peace, for calling Public Meetings on requisition.

Notice

To the Inhabitants of the District of A. (or as the case may be) and all others Her Majesty's subjects whom it doth or may in any wise concern:

Whereas, I, A. B. High Sheriff of &c. (or We, C. D. and E. F.) two (or whatever the number may be) of Her Majesty's Justices of the Peace, for the District of A., resident within the said District (or resident within the said County of B. or as the case may be) having received a requisition, signed by I. J. K. L. &c., &c. (inserting the names of at least twelve of the requisitionists and as many more as conveniently may be, and mentioning the number of the others thus) and fifty-six (or as the case may be) others, who (or "twelve of whom") are freeholders of the said District, (or "Citizens of the said City") having a right to vote for members to serve in the Provincial Parliament, in respect of the property held by them within the said District, (or "City" etc., as the case may be) requesting me (or "us") to call a Public Meeting of (here recite the requisition.) And whereas, I (or we) have determined to comply with the said requisition, now therefore, I (or we) do hereby appoint the said Meeting to be held at _____ (here state the place) on _____ the _____ day of _____ next (or instant) at _____ of the clock in the _____ noon, of which all persons are hereby required to take notice. And whereas the said Meeting hath been so called by me (or its) in conformity with the provisions of the Act of Parliament of the (here insert the year and chapter of this Act), intituled, *An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat*, and the said Meeting and all persons who may attend the same will therefore be within the protection of the said Act, of all which premises all manner of persons are hereby in Her Majesty's Name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness, my hand (or our hands,) at _____ in the District of _____ this day of _____ 18_____.

A. B., Sheriff,
or
C. D., J. P.
E. F., J. P.

Schedule C.

Notice and Declaration by Justices of the Peace, that a Meeting about to be held, shall be within the protection of this Act.

Notice and Declaration

To the Inhabitants of the District of A. (or as the case may be) and all others Her Majesty's subjects whom it doth or may in any wise concern:

Whereas, by Information on oath, taken before D. E., Esquire, one of Her Majesty's Justices of the Peace for the District of C. (or "City of," as the case may be,) within which the Meeting hereinafter mentioned is appointed to be held, it appears that a Public Meeting of the Inhabitants (or householders, &c. as the case may be,) of the District of G. (or, as the case may be,) is appointed to be held at _____ in the said District (or, as the case may be,) on _____ the _____ day of _____ next (or instant) at _____ of the clock in the _____ noon, or at some other hour on the same day; and that there is reason to believe that great numbers of persons will be present at such Meeting; and whereas it appears expedient to us, C. D. and E. F. two (or whatever the number may be) of Her Majesty's Justices of the Peace, having Jurisdiction within the said District (or as the case may be) that, with a view to the more orderly holding of the said Meeting, and the better preservation of the public peace at the same, the said Meeting, and all persons who may attend the same should be declared within the protection of a certain Act of Parliament of the (here insert the year and chapter of this Act) intituled, *An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat*: Now therefore, in pursuance of the provisions of the said Act and the authority in us vested by virtue of the same, We, the said Justices, do hereby give notice of the holding of the said Meeting, and do hereby declare the said Public Meeting, and all persons who may at tend the same, to be within the protection of the said Act of Parliament; of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness, our hands, at _____ in the District of _____ this _____ day of _____ 18 _____.

C. D., J. P.
E. F., J. P.
&c.