

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 77

**An Act to authorize the employment of Military Pensioners and others as a Local Police Force.  
30th August, 1851.**

Whereas it is expedient that there should be in different parts of this Province, an organized Police Force which may, when occasion requires, be called upon to assist in the preservation of the Peace: 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, and intituled, *An Act to re-unite 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 any of the Military or Naval Pensioners who, under the Acts of the Parliament of the United Kingdom in force in that behalf, shall be enrolled as a local force for the preservation of the Peace in any part of this Province, and who shall volunteer to serve also as Members of a Local Police Force, or any other person volunteering to serve as aforesaid, and found duly qualified for such service, may be enrolled to be so employed when required, under such regulations, superintendence and control as the Governor in Council shall think proper: Provided the number of men so enrolled at any one time shall not exceed five hundred.

II. And be it enacted, That the Pensioners and others so enrolled as aforesaid, shall be and are hereby declared to be respectively Constables and Peace Officers for any locality in which they shall for the time being be employed, and shall have all the powers and authority, and perform all the duties of such office, except in so far as it may be herein otherwise provided, and may be sworn as such by any Magistrate for the place where they are respectively enrolled.

III. And be it enacted, That the said Pensioners or other persons, when actually employed as Constables and Members of such Police Force as aforesaid, shall be entitled to receive, out of Provincial or Local Funds, the same pay and advantages as are allowed to the said Pensioners by Her Majesty's Regulations in that behalf, when called out as Military Pensioners to act in aid of the Civil Power; but no such person enrolled under this Act shall be liable to be called upon to act as a Constable or Member of such Police Force for less than four days at any one time, except by his own consent; and no such Military or Naval Pensioners as aforesaid shall be liable to serve as a Member of the said Police Force at any time when his services shall be required in any other capacity by the Imperial or Military Authorities.

IV. And be it enacted, That the Pensioners and other persons enrolled as Members of such Police Force as aforesaid, shall, while so enrolled, be exempt from serving as Constables (except when acting as Members of the said Police Force,) or as Jurors, or in any Municipal Office, or in the Militia, and also from Statute Labour or any capitation tax in lieu thereof, and from arrest for debt for any sum under Thirty Pounds; and any such Pensioners, while so enrolled, shall be exempt

from taxes on any property of which the occupation may be allowed them by the Imperial or Military Authorities, and of which the title shall remain in the Crown; but they shall have no right to vote at any election, whether Municipal or for a Member of the Provincial Parliament, upon any such property.

V. And be it enacted, That it shall be lawful for the Governor, if he shall deem it expedient, to appoint the Superintendent or Chief of the Police Force in any locality, to be a Justice of the Peace for such portion of this Province as the Governor shall think fit, and any such Superintendent, or Chief of the Police Force may act as such Justice of the Peace, although he may not have the qualification in property required in Justices of the Peace generally.

VI. And be it enacted, That a free grant of fifty acres of the public lands shall, on condition of actual settlement thereon in the manner and within the time usual in cases of free grants, be made to each such Pensioner or other person who shall have been enrolled in such Police Force during five years, and shall after such service receive a certificate of good conduct, and of his having faithfully performed his duty as a Member of such Police Force whenever called upon to act as such, from his Commanding Officer or the Superintendent or Chief of such Police Force under whom he shall have served, and countersigned by the Provincial Secretary; such grant to avail to the children or legal representatives of any such Pensioner or person who may die before receiving the Letters Patent therefor, on condition of their performing or completing the duties of actual settlement to which such Pensioner or person was bound: And any thing in the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the disposal of Public Lands*, to the contrary notwithstanding.

VII. And be it enacted, That the Officer in command of the enrolled Pensioners in Canada, shall be *ex officio* a Justice of the Peace for every part of this Province, and that the Staff Officers of Pensioners shall be respectively Justices of the Peace for the locality in which they may be appointed to command the said Pensioners, and in any adjoining locality; and that each of the said Officers, and such of the said Pensioners as shall volunteer as aforesaid, shall be held to be Officers and Soldiers of Her Majesty's Army on actual service, and entitled to all the privileges and exemptions to which such Officers and Soldiers, when on actual service or on full pay, are by law entitled: Provided always, that no such Officer as aforesaid shall have any power to act as a Justice of the Peace when called out or acting with any such Pensioners in aid of the Civil Power.

VIII. And whereas, under the Imperial Acts aforesaid, the Governor of this Province is empowered to issue his Warrant to the Mayor or other Chief Magistrate of any Town or District wherein such Pensioners as aforesaid may be enrolled, authorizing him in certain cases where the public peace may be endangered to call out the whole or such part of the enrolled Pensioners aforesaid, as he may consider necessary, in aid of the Civil Power: Be it enacted, That the Mayor of every City or incorporated Town in Upper or Lower Canada, the Warden of every County or Union of Counties in Upper Canada, and such Justice of the Peace as the Governor may from time to time designate in every County in Lower Canada, shall be held to be the Chief Magistrate of such City, Town, County or Union of Counties for the purposes of the said Imperial Acts.

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IX. And be it enacted, That this Act shall continue in force for five years from the passing thereof, and from thence to the end of the next ensuing Session of Parliament.