

No. 118.

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An Act for establishing a general system of Police in this Province, and an efficient Police Force in certain Cities and Towns, and in other places where the Municipal Authorities shall require it.

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Hon. Mr. Atty. Genl. MACDONALD.

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An Act for establishing a general system of Police in this Province, and an efficient Police Force in certain Cities and Towns, and in other places where the Municipal Authorities thereof shall require it.

WHEREAS it is expedient to repeal the laws establishing systems of Police and a Police Force in certain parts of this Province and for certain special purposes, and to establish an efficient and uniform system of Police for the whole Province, and to organize a competent Constabulary Force for carrying out the same in the Cities and certain of the larger Towns in this Province, a portion of the expenses of such force being defrayed out of Provincial Funds; and also to provide for extending similar advantages to other Towns and Municipalities on the application of the Municipal Authorities thereof: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. There shall be in and for this Province a Provincial Constabulary or Police Force to be constituted and organized as hereinafter provided.

II. The Governor may under an order or orders in Council, from time to time, and as may be found necessary, appoint by commission, under his hand and seal at arms, a Commissioner of Police, and not exceeding *three* first class Superintendents of Police, and *four* second class Superintendents of Police, a Paymaster, and such Clerks as may be found requisite, each of whom shall hold his office during pleasure.

III. The Governor in Council may from time to time authorize the Commissioner of Police to appoint by Warrant under his hand and seal, such numbers of Inspectors of Police, Sergeants of Police, and *Police Constables*, as the Governor may think proper, not exceeding
 Inspectors,
 Sergeants, or Constables, who shall respectively be selected by the Commissioner of Police, under the provisions hereinafter made, and such Constables shall be divided into two classes.

IV. The said Officers of the Police Force shall take rank and have command therein in the following order, that is to say: the Commissioner, the Paymaster, the first class Superintendents, the second class Superintendents, the Inspectors, the Sergeants, the Constables; Officers of the same grade employed

Preamble.

Police force to be established.

Appointment of Superior Officers, &c.

Inferior Officers and men.

Rank of the respective Officers.

Duties. together upon the same service, shall have command according to seniority, and Constables of the first class shall, in the absence of Officers, command those of the second class; and the duties of each shall be such as are assigned to them respectively by this Act, or as may be assigned to them by the Rules and Regulations to be made under the authority of this Act. 5

Qualification of serjeants and constables, &c. V. No person shall be appointed a Police Serjeant or Constable, unless he be of a sound constitution, active and able bodied, of the age of eighteen years or upwards and under forty, of good character, and able to read and write either the English or the French language. 10

Oath of Office. VI. No person shall exercise any office or charge in the Police Force until he shall have taken the following oath of office:

Form of Oath. "I, A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the office of in the Police Force of Canada, and all the duties of the said office, and will, well and truly obey all lawful orders or instructions which I shall receive as such, without fear, favor or affection of or towards any person or party whomsoever. So help me God." 15 20

How taken and recorded, &c. Which oath shall be taken by the Commissioner and Superintendents before a Judge of one of Her Majesty's Superior Courts of Law in this Province, and by the other Officers and Members of the Police Force before the Commissioner, or one of the Superintendents; and the said oath shall be subscribed by the person taking it, and shall be retained by the Judge, Commissioner or Superintendent by whom it shall have been administered, to make part of the records or documents of his Court or Office, and he shall deliver to the person taking the same a certificate of his having done so. 25 30

Officers and men to be constables for the whole Province. VII. Every Officer and Man of the Police Force shall from the time of his having taken the oath of office, and so long as he shall continue such Officer or Policeman, be a Constable for the whole Province of Canada, and may execute the said office in any part thereof. 35

Serjeants and constables to sign articles of engagement. VIII. Every Serjeant or Constable of the Police Force shall on entering the same, sign Articles of Engagement to be prepared by the Commissioner of Police, and shall be bound by them, and any penalty which may therein be assigned for any breach thereof may be enforced against him in case of such breach on his part; and one condition in the said Articles shall always be, that he shall not leave the said Police Force or withdraw from the duties of his office, unless he shall be dismissed or discharged therefrom, or shall have previously given at least thirty days' notice in writing to the Superintendent under whose command he shall be, of his intention so to leave or with- 40 45

draw ; and such articles shall be signed by the Commissioner or some officer of the Police Force, on behalf of Her Majesty, and the engagement shall be contracted to Her Majesty and may be enforced in Her name. How enforced.

5 IX. It shall not be necessary that any Constable should on taking any other grade therein again sign any Articles of Engagement, unless he be required so to do by the Commissioner, but those first signed shall continue to apply : but any person taking upon himself a new office or charge in the Police New articles not required on promotion.
10 Force, shall take the oath of office with reference to the same.

X. Any Serjeant or Constable may be suspended from his charge or dismissed by the Commissioner, or by any Superintendent or Inspector to whom the Commissioner shall delegate the power of suspension or dismissal ; and any Officer of the Suspension or dismissal of Officers or men.
15 said Police Force above the rank of Serjeant, may be suspended from office by the Commissioner, until the pleasure of the Governor in Council shall be known ; and such suspension or dismissal shall take effect from the time it shall be made known, either orally or in writing, to the party suspended or If dismissed, to deliver up arms, &c.
20 dismissed : and any Officer or Man of the Police Force suspended or dismissed shall forthwith deliver up to any Officer of the said Force demanding the same, his arms and accoutrements and all property used for Police purposes and by this Act vested in the Commissioner, and for refusing or neglecting pounds, or
25 so to do, shall incur a penalty of _____ months.

XI. The Serjeants and Constables shall be lodged in barracks or quarters provided for the purpose by the Province, at each place where any of them shall be stationed, and shall not Serjeants and constables to be lodged in barracks.
30 without express permission of the proper Officer leave such barracks or quarters when not on actual duty.

XII. The Governor in Council shall appoint the place at which Head Quarters of the Police Force shall be, and where the Office of the Commissioner shall be kept ; and there shall Head Quarters of the Police,
35 be at such place, or at such other place as the Governor in Council shall appoint, and in addition to the barracks or quarters for the Police Force (if any) doing ordinary duty there, a Police Force Depôt, which shall have sufficient accommodation Police Depôt.
40 and ground for lodging, training and exercising any Recruits for the Police or Reserve Men not doing duty at any particular place.

XIII. The uniform, arms, training and discipline of the Police Force shall be such as the Commissioner shall from time to time prescribe, with the approval of the Governor in Council, Uniform, &c., to be appointed by Governor in Council.
45 and any number of the officers and men of the said Police Force, not exceeding _____ may be mounted and serve either altogether or on particular occasions on horseback.

Commissioner
with approval
of Governor in
Council to
make Regula-
tions for the
Police.

XIV. The Commissioner shall with the approval of the Governor in Council, from time to time make Rules and Regulations for the government and guidance of the Police Force, and of the several Officers and Men thereof, in all matters hereby made subject to the control of the Commissioner and of the Governor in Council, and by such Rules and Regulations may impose penalties not exceeding in any case 5 days pay of the offender, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offender's pay, and determine what Officer shall have power to declare such 10 penalty incurred and to impose the same : and such Rules and Regulations, not being inconsistent with this Act, shall have force as if enacted herein.

Commissioner
to station the
men and Offi-
cers.

XV. The Commissioner shall have full power to direct which of the Officers and Men of the Police Force shall be stationed at 15 each place where a Police Force be stationed under this Act, and to move them from place to place ; and it shall be his duty from time to time and in his discretion to change their respective stations.

Promotion for
faithful service.

XVI. It shall be the duty of the Commissioner as far as 20 may be practicable, to encourage merit and faithful service in the Police Force, by promotion, and to punish negligence or misconduct by fine, reduction or dismissal.

Commissioner
may inquire
into certain
matters on
oath.

XVII. Whenever the Commissioner shall deem it advisable to make or cause to be made any special inquiry into the 25 conduct of any Officer or Man of the Police Force, or into any complaint against any of them, he, or the Officer whom he may under his hand and seal appoint for that purpose, may examine any person on oath or affirmation on any matter relative to such inquiry, and may administer such oath or affirmation : but 30 nothing herein shall be construed to prevent the Governor from issuing a Commission of inquiry in any such case, if he shall think it advisable.

Proclamation
when the Po-
lice is orga-
nized,

XVIII. So soon as the Governor in Council shall deem the Police Force sufficiently organized, a Proclamation shall 35 be issued under the great Seal of this Province declaring that upon, from and after a day to be therein named, this Act will come fully into effect and that a Police Force will under this Act be stationed in each of the following Cities and 40 Town : that is to say, in each of the Cities of Quebec and Montreal, and at each of the Towns of Three Rivers, Sherbrooke,

And police to
be stationed at
certain places.

in Lower Canada ; and in each the Cities of Toronto, Kingston, Hamilton, London and Ottawa, and in every other City in 45 Upper Canada shall become a City after the date assigned as aforesaid in such Proclamation, a Police Force shall imme-

diately be stationed in such new City, without any proclamation.

XIX. The Ordinance of the Governor and Special Council for Lower Canada, passed in the second year of Her Majesty's reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, and the Acts amending, continuing or extending the same, shall be repealed upon, from and after the day to be appointed for that purpose by the Governor, in and by his Proclamation issued under the next preceding section, and so much of the Upper Canada Municipal Corporations Acts or any of them, or of any Act incorporating any City, Town or place in Lower Canada, as authorizes the appointment of any High Bailiff, High Constable, Chief Constable, Constable or Peace Officer or Policeman, by any Municipal Corporation or by any Member thereof, or as vests in any Municipal Corporation or any Member thereof, (except only as a Justice of the Peace), any control over any Constable, Peace Officer or Member of the Police Force, or provides for the establishment, maintenance, or control of any Police Force, shall upon, from and after the said day, cease to have any force or effect in any City, Town or place in which a Police Force may be stationed under the provisions of this Act, except always, that nothing herein contained shall be construed to take away or impair the authority of any Justice of the Peace to command the services of any Constable or member of the Police Force to execute his lawful orders as such Justice.

Police ordinance of L. C. (2 V. c. 2) and certain provisions of Acts in force in U. C. repealed after such proclamation.

XX. One Superintendent or Inspector, or a Superintendent and an Inspector, and such number of other Officers and Men of the Police Force as the Commissioner shall from time to time determine, with the approval of the Governor in Council, shall be stationed in each City, Town or place in which a Police Force may then be lawfully stationed under this Act.

Number of Police at each Station, how determined.

XXI. The Officers and Men of the Police Force stationed at any City, Town or place shall have the especial charge thereof, and they shall then be more especially responsible that the peace be kept therein and in the immediate neighbourhood thereof; but this shall not prevent their acting elsewhere, or excuse them or any of them from so acting when lawfully required.

To have especial charge of the peace at the place where they are stationed.

XXII. The Police Force stationed in any City or Town under this Act, shall be held to be officers and ministers of the Police Court therein and for the purpose of executing its process and carrying out its lawful orders.

Police force to be officers of certain courts.

XXIII. Each City or Town at which any part of the Police Force shall be stationed and especially charged to keep the peace therein and in the immediate neighbourhood thereof,

City or town where Police are stationed

to pay part of the expense. shall repay to the Province two thirds of the total expense incurred for the Police Force so stationed thereat, subject to the provision in the next following section.

Not to exceed a certain proportion to the population. Unless demanded by the municipality. XXIV. But no City or Town shall be bound to repay any part of the expenses incurred for any number of Officers and men of the Police Force, exceeding the proportion of one to every souls of the population of such City or Town, according to the then last Census in either case, unless the number in excess of such proportion shall have been stationed therein at the express instance of the Municipal Council thereof, in which case such City or Town shall repay the whole expense incurred for such number in excess: and every Municipal Council shall have full power to raise and levy all sums which the Municipality may be required to repay under this Act. 5 10 15

Police force may be increased to meet such application of municipalities. XXV. Notwithstanding any limitation hereinbefore made of the total number of officers and Men of the said Police Force, the Governor in Council may, upon the application of the Municipal Council of any City or Town, under the authority of a By-law thereof, empower the Commissioner to appoint such additional number of Officers and Men as may be requisite to enable him to make such addition to the Police Force in such City or Town, as the said Council shall require and agree to pay the expenses of; and such application may be granted upon such conditions for securing such payment, and as to the length of time for which such addition to the Police Force shall be required, and upon such other terms and conditions as to the Governor in Council shall seem meet. 20 25

River Police Force at Quebec and Montreal. XXVI. Notwithstanding any such limitation as aforesaid, the Governor in Council may from time to time authorize the Commissioner to appoint such additional number of Officers and Men as part of the said Police Force, as he may think necessary to form a River Police at Quebec and Montreal respectively, such number not being greater than the moneys applicable to defray the expense of such River Police, under the Acts passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign and chaptered, respectively, twenty-four and twenty-five, will, in the opinion of the Commissioner, be sufficient to defray; and the said moneys shall then be paid to the Receiver General and form part of the Consolidated Revenue Fund of the Province towards making good the appropriations under this Act. 30 35 40

Recital. XXVII. And whereas it is expedient to continue the provisions made in the Act hereinafter mentioned, for the employment of a sufficient Police Force for the preservation of the Peace and the protection of the lives, persons and property of Her Majesty's subjects in the neighbourhood of Public Works or Works undertaken by incorporated Companies, on which large bodies of 45

labourers are congregated and employed, making such Police Force part of that hereinbefore mentioned, and embodying such provisions in this Act as part of the general system of Police : It is therefore enacted, that for the purposes aforesaid, the Governor in Council may from time to time appoint not more than first class and second class Superintendents, and may authorize the Commissioner of Police to appoint not exceeding Inspectors, Serjeants, and Constables, in addition to the numbers hereinbefore mentioned and limited, but to be, to all intents and purposes, during the period for which they shall serve, part of the said Police Force, and to serve either mounted or on foot ; Provided the total number of Officers and men so mounted shall not, with those who may be mounted under the foregoing sections of this Act, exceed one hundred.

Police Force for the purposes of the Acts for preventing Riots on Public Works.

Proviso : as to number of mounted Police.

XXVIII. Whenever the Governor in Council shall consider that a sufficient Police Force has been organized under the next preceding section, for the purposes therein mentioned, and for those of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace, and the prevention of Riots and violent outrages at and near Public Works, while in the progress of construction*, and of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled : *An Act to continue an Act passed in the eighth year of the Reign of Her Majesty's, intituled, 'An Act for the better preservation of the Peace, and the prevention of Riots and violent outrages, at and near Public Works, while in the progress of construction,' and to extend the operation thereof to certain works undertaken by incorporated Companies*, then the thirteenth, fourteenth, fifteenth and sixteenth sections of the first said mentioned Act, and the third section of the said secondly mentioned Act, shall cease to be in force upon, from and after the day to be named for that purpose in a Proclamation to be issued under an order of the Governor in Council : Provided always, that at any time after the passing of this Act, the officers and men of the Mounted Police Force in the said Acts, may be appointed and sworn as officers and men of the Police Force under this Act mentioned, but shall nevertheless continue to serve and act under the said Acts, and to have the powers and duties hereby assigned to them, until the day appointed as aforesaid in the said Proclamation, after which they shall serve under this Act, and have the powers and duties assigned to them by it and by the provisions of the Acts last aforesaid then remaining in force.

When a sufficient force shall have been organized for the purposes of 8 V. c. 6—and 14, 15 V. c. 76—certain provisions of the said Acts to be repealed.

Proviso :

XXIX. Whenever after the day mentioned in any Proclamation under the next preceding section, the Act first mentioned in the said section shall be in force and operation in any locality, under any Proclamation issued under the said Act or the Act secondly mentioned in the said section, then such portion of the Police Force organized under this Act as the Governor in

When 8 V. c. 6 is in force in any locality, a Public Force to be stationed therein.

Council shall from time to time direct, shall be stationed at such place or places within such locality as he or the Commissioner of Police with his approval shall appoint, and it shall be their special duty to keep the peace and enforce the provisions of the said Acts, of this Act and of the law, within such locality. 5

How the expenses of Police on Works shall be paid.

·It it be a Public Work,

And if private.

Other towns, &c., may have a Police Force upon applying for it and paying the expenses.

Police force may be sent to any place to quell disturbances.

Upon what requisition Police force shall be sent to any place

XXX. If the work on the line of which any Police Force shall be stationed under the next preceding section, be a Provincial Work, then the expenses incurred for such Police Force shall be repaid to the Receiver General by the Commissioners of Public Works out of the moneys appropriated for the work in respect of which such expenses shall be incurred, and shall be charged and accounted for as part of the cost of such work, and such expenses shall be calculated according to the number of officers and men employed and the time during which they shall be so ; but the sum so expended in any one year shall not exceed *ten thousand* pounds currency ; And if the work on the line of which any Police Force shall be so stationed, be undertaken by an incorporated Company, then the expenses incurred for such Police, calculated as aforesaid, shall be repaid to the Receiver General by such Company on demand. 10 15 20

XXXI. If the Municipal Council of any incorporated Town in which there is then no Police force stationed under this Act, or the Municipal Council of any County or Union of Counties, shall by a By-law declare it expedient that such Police Force should be stationed therein, stating the number required, and shall by such By-law provide the means of repaying to the Province the expenses of such Police Force, the Governor in Council may in his discretion, upon the petition of such Municipal Council accompanied by a certified copy of such By-law, cause a proclamation to be issued declaring that upon, from and after a day to be therein named, such Town, County or Union shall be one of the places in which a Police Force shall be stationed under this Act, and may authorize the Commissioner to appoint the additional number of Officers and Men required, and a sufficient Police Force shall be accordingly stationed therein while such By-law shall remain in force, and such By-law shall not be repealed without the consent of the Governor in Council. 25 30 35

XXXII. And in order that a sufficient Police Force may be at any time obtainable to prevent or quell any riot or disturbance of the peace in any place, the Governor in Council may at any time order such amount of Police Force as he may deem expedient to proceed to any place in this Province where such riot or disturbance may exist or be apprehended, and whether there be or be not already a Police Force at such place. 40

XXXIII. In case of any such riot or disturbance or apprehension thereof in any place in Upper Canada, — then if such place be a City or incorporated Town, a sufficient Police Force shall be sent to put down or prevent the same, upon a requisition in writ- 45

ing addressed to the officer in command of the Police Force at any place, and signed by any judge of one of the Superior Courts of Law actually holding the Court of Assize in such Town,—or upon a requisition addressed as aforesaid and signed by the County Judge or by the Sheriff of the County in which such Town is situate, or by the Mayor of such Town, and signed also (in addition to such County Judge, Sheriff, Mayor,) by two Councillors of the Town or by two Justices of the Peace having jurisdiction therein, or by one such Councillor and one such Justice of the Peace ; And if such place be not a City or incorporated Town, a sufficient Police Force shall be sent to put down or prevent such riot or disturbance, upon a requisition in writing addressed to the officer in command of the Police Force at any place, and signed by any Judge of one of the Superior Courts of Law, actually holding the Court of Assize in the County in which such place is situate,—or upon a requisition addressed as aforesaid and signed by the County Judge of such County, or by the Sheriff thereof, or by the Warden thereof, and signed also (in addition to such County Judge, Sheriff or Warden) by two Justices of the Peace having jurisdiction in such County or by two of the County Councillors, or by one such Justice and one such Councillor.

in Upper
Canada.

XXXIV. And in case of such riot or disturbance or apprehension thereof at any place in Lower Canada,—then if such place be a City or incorporated Town, a sufficient Police Force shall be sent to put down or to prevent the same, upon a requisition in writing addressed to the officer in command of the Police Force at any place and signed by any Judge of the Court of Queen's Bench or of the Superior Court then being within such Town,—or upon a requisition so addressed as aforesaid and signed by any Circuit Judge then being within such Town, or by the Mayor thereof, or by the Sheriff of the District in which such Town is situate, and signed also (in addition to such Circuit Judge, Mayor or Sheriff,) by two Councillors of such Town, or by two Justices of the Peace having jurisdiction therein, or by one such Councillor and one such Justice ; And if such place be not a City or incorporated Town, a sufficient Police Force shall be sent to put down or prevent such riot or disturbance upon a requisition in writing addressed to the officer in command of the Police Force of any place, and signed by any Judge of the said Court of Queen's Bench or of the Superior Court, then being within the County in which such place is situate,—or upon a requisition so addressed as aforesaid, and signed by a Circuit Judge then being within such County, or by the Sheriff of the District in which such County is situate, or by the Warden of such County, and signed also (in addition to such Circuit Judge, Sheriff or Warden), by two County Councillors or two Justices of the Peace having jurisdiction in such County, or by one such Councillor and one such Justice of the Peace.

And in Lower
Canada.

Expenses under the two next preceding sections to be repaid by the locality.

XXXV. In every case where under the two next preceding sections any Police Force shall be sent to any place, the expenses thereby incurred, including the pay of such Force while at such place or going to or returning therefrom, shall be repaid to the Province by the Municipality of such place if it be a City or incorporated Town, and by the Municipality of the County in which such place shall lie if it be not a City or incorporated Town, unless such place be on the line of some Public Work or work under-taken by some incorporated Company, and within a locality to which the Acts last above cited shall then extend, in which case such expenses shall, if the work be a public one, be re-paid by the Commissioners of Public Works out of the moneys appropriated for the work, and if the work be one under-taken by an incorporated Company, then such expenses shall be re-paid by such Company.

How expenses to be repaid shall be recoverable.

XXXVI. The expenses to be repaid to the Province under the provisions of this Act, shall form a debt due to the Crown, from the City, Town, County or Company liable for the same, and may be recovered upon the Certificate of the Commissioner of Police under his hand and seal, and being repaid or recovered shall be paid over to the Receiver General, and form part of the Consolidated Revenue Fund.

What expenses only shall be chargeable against Cities, &c.

XXXVII. But no City, Town or Company shall under the foregoing provisions be chargeable with any portion of the salary of the Commissioner, Paymaster, or Clerks.

Governor in Council to fix salaries, and pay within certain limits.

XXXVIII. The Governor in Council may fix the pay of the officers and Men of the Police Force, and of the Clerks employed in the Office of the Commissioner, but such pay shall not in any case exceed the following rates, viz :

Of the Commissioner.....	£	per annum,	30
Of the Paymaster.....		“	
Of each Superintendent of the first class.		“	
Of each Superintendent of the 2nd. class.		“	
Of each Inspector.....		“	
Of each Serjeant.....	s.	d. per day,	35
Of each first class Constable.....		“	
Of each second class Constable.....		“	

Allowance for uniform.

XXXIX. There shall also be allowed to each Serjeant and Constable not exceeding the rate of per annum for his uniform, or articles of uniform to a like value.

Governor in Council to cause proper buildings to be provided.

XL. The Governor in Council may cause suitable ground and buildings for the purposes of this Act to be purchased, erected or leased, and the expense thereby incurred to be paid, but the total sum to be so paid for the erection or purchase of such buildings shall not exceed £ , in any year, nor shall the yearly sum paid for leasing any such buildings added

to the interest of the sum then expended in erecting and purchasing such buildings, exceed £ in any year: **Proviso:** certain buildings to be found by the City or town &c.

5 provided always, that proper station-houses, lock-up houses, and the other buildings required for Police purposes, other than the barracks, drill-ground and offices of the Commissioner and Paymaster, shall be furnished by each City or Town in which a Police Force shall be stationed, or, if they be not so furnished, shall be procured under orders of the Governor in Council, and the expense shall be repaid to the Province by such City or Town.

10 **XLI.** The Governor in Council may also authorize the payment of the expense of fuel and light for the Police Force, and of forage for not more than horses (including such as may be required under the *twenty-seventh* section of this Act), three of which shall be allowed at the Head Quarters of
15 each Police District, for the use of the Police Force there, and also of a sum not exceeding fifty pounds per annum, for contingent expenses of the Commissioner's Office.

Certain expenses may be authorized by the Governor in Council.

20 **XLII.** The Governor may authorize the payment of such sum as may be required to defray the cost of horses as aforesaid, and of the requisite saddlery therefor, and of the arms and accoutrements of the Serjeants and Constables of the Police Force, at a rate not exceeding *four pounds* for each man, but the total sum expended therefor shall not exceed
exclusive of the sum required for carrying out the provisions of the *twenty-seventh* section of this Act: **Provided** always, that
25 all such horses, saddlery, arms and accoutrements, and appurtenances of the Mounted Police, raised under the authority of the Acts in the said sections mentioned, as belong to the Province, shall be used for the purposes of this Act and in reduction of the expenses under it, and shall be thereafter dealt with
30 as if acquired under this Act.

Certain further expenses may be so authorized.

Proviso.

XLIII. The Governor in Council may authorize the advance of the expenses to be incurred (not exceeding the rates hereinbefore limited) for any additional Police Force required by any City, Town, County or Company as aforesaid, or for
35 moving any *body* of Police on the requisition of the proper authorities of such City, Town, County or Company, such expenses to be afterwards repaid to the Province as aforesaid.

And expenses of additional Police Force when required.

XLIV. The Governor in Council may also authorize the payment of any further contingent expenses necessarily incurred
40 in carrying this Act into effect, not exceeding pounds in any one year.

Limitation of contingent expenses.

XLV. The Province will provide for the maintenance of any Officer or Man of the Police Force disabled in the performance of his duty as such, by an allowance not exceeding the salary
45 or wages actually received by him under this Act at the time

Provision for disabled Policemen.

of his being so disabled, and such allowance may be paid him accordingly by order of the Governor in Council.

System of reward, &c., may be established.

XLVI. The Commissioner may, by any Regulations made as aforesaid and approved by the Governor in Council, establish a system of rewards, honorary or pecuniary, to the Serjeants and Men of the Police Force, who shall distinguish themselves in the performance of their duties, and also of retiring allowances to such of them as shall be discharged after long and faithful service; but no such retiring allowance shall be granted to any man under the age of _____ years, or after less than _____ years' service, or shall exceed one _____ of the pay of such man at the time of his discharge, for every _____ years' service, not reckoning any broken period of less than _____ years, nor shall any pecuniary reward exceed _____ days' pay if given in one sum, nor the rate of _____ per cent on his actual pay, if given in the form of additional pay either permanently or for a limited time, nor shall the expenditure under this section exceed the amount of the Special Fund mentioned _____ that next following. 20

Limitation of expenses.

Further limitation.

Fund for the purposes of the two next preceding sections.

XLVII. For the purposes mentioned in the two next preceding Sections, all pecuniary penalties imposed by this Act, or any Regulations to be made under it, on Officers or Men of the Police Force, shall form part of a Fund applicable to the said purposes, and to be managed by the Commissioner, with the approval of the Governor in Council; and if a system of retiring allowances shall be established as aforesaid, then the Commissioner may deduct a rate not exceeding _____ per cent, from the pay of the Serjeants and Constables, to form part of the said Fund: but no money forming part of the said Fund shall be invested otherwise than in Public Provincial Securities. 25 30

Duties of Police Force.

XLVIII. It shall be the duty of the said Police Force:

To act as peace officers.

1. To perform all duties which are now or shall be hereafter assigned to Constables in relation to the preservation of the Peace, the prevention of crime, and of offences against the Law or against the By-laws of the Municipality in which they may be stationed or lawfully ordered to act, and the apprehension of Criminals and Offenders, and others who may be lawfully taken into custody otherwise than on merely civil process; 35 40

Attending Courts.

2. To attend upon the several Courts of Criminal Jurisdiction, held in the Cities or Towns in which they may be stationed, and execute all Warrants and perform all duties and services in relation thereto, which may lawfully be performed by Constables; 45

Guarding Gaols.

3. To guard the Gaols at the Cities or Towns in which they may be stationed, but not to act as Turnkeys;

4. To perform all duties which may lawfully be performed by Constables in relation to the escort and conveyance of Convicts and other prisoners, or Lunatics, to or from Gaols, Courts, Lunatic Asylums or other places ; Escorting prisoners.
5. To perform the duties assigned to any Constables or Police, by or under the authority of the Acts hereinbefore mentioned for the preservation of the Peace on Public Works, or Works in the course of construction by any incorporated Company. Preventing riots or public works.
- 10 6. And for these purposes, and in the performance of all the duties assigned to them by or under the authority of this Act, they shall have all the powers, authority and privileges which any Constable now hath or shall hereafter by Law have, and shall obey all lawful orders which they shall receive from Their powers for these purposes.
- 15 any Court or Magistrate, or from the Commissioner or any Officer of the Police Force under whose command they may be.

XLIX. The fees and emoluments by Law payable to any Constable for the performance of any duty which shall hereafter be performed by any Officer or Man of the Police Force, shall Fees payable for certain services of the Police, and how to be applied.

20 be payable by the same party to the Commissioner of Police or such person as he may appoint to receive the same, and may be recovered by him in the same manner as without this Act they would be recoverable by the person entitled thereto : and being so received or recovered shall be paid over to the Receiver

25 General and make part of the Consolidated Revenue Fund towards making good the expenses to be incurred under this Act.

L. Nothing in this Act shall be construed to prevent any duty which without this Act might be lawfully performed by a Constable, from being lawfully performed by a Constable not How far other constables may act where a Police force is stationed.

30 belonging to the said Police Force, but no such Constable shall be entitled to any fee or emolument for performing such duty, if such duty be to be performed within any City or Town in which a Police Force is stationed under this Act and there be

35 a Constable belonging to the Police Force then ready to perform the same.

M. Nothing in this Act shall be construed to prevent the appointment of Special Constables in any case in which they may by law be appointed ; but whenever such Special Act not to prevent appointment of special constables.

40 Constables shall be appointed in any City, Town or place in which a Police Force shall be stationed under this Act, or to which a Police Force shall have been sent under the provisions of this Act upon the requisition of the proper authorities, or the ordinary constabulary force, shall be called upon to act in such last mentioned place, then if there be any Serjeant or Superior Provision when Police and ordinary constables act together.

45 Officers of the Police Force present, such Special Constables or ordinary constabulary force shall act under and obey the orders

of such Serjeant or Superior Officers, and shall assist the Police Force in the execution of their duties, and while so acting and assisting shall have all the powers of Police Constables ; but such Special Constables or ordinary constabulary force shall be entitled to be paid in those cases only in which they would be so entitled if acting alone, and if entitled to pay shall be paid at the same rates, in the same manner and out of the same fund, as if acting alone. 5

When the Military Pensioners and Police act together as constables.

LII. Whenever any Military or Naval Pensioners enrolled as a Police Force under the authority of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered seventy-seven, shall be called upon to act as Constables and Peace Officers, they shall be deemed Constables of the Police Force established under this Act, and shall be paid accordingly, and a like portion of the expense incurred by their being called upon so to act, or the whole as the case may be, shall be repaid to the Province by the proper Municipality or Company ; and while so employed as Constables and Peace Officers, such Pensioners shall obey the Officers of the Police Force hereby established in like manner as other Constables thereof. 15 20

Police may occupy certain military works.

LIII. It shall be the duty of such parties of the Police Force as may from time to time be assigned for that purpose, to occupy, take charge of and defend such Military Works and Posts in this Province as the Governor in Council may direct to be so occupied. 25

Police to apprehend loose, idle and disorderly persons.

LIV. It shall be the duty of every man belonging to the Police Force, when on duty, to apprehend every loose, idle and disorderly person, or person whom he shall find disturbing the peace, or whom he shall have reasonable cause to suspect of any evil design or intent to commit any offence against the law, and every person whom he shall find lying in any field, highway, yard or other place, or loitering therein, and who shall not give a satisfactory account of himself, and to take any person so apprehended to the nearest Police Station, to be there detained until he can be brought before a Magistrate, to be dealt with according to law. 30 35

Who shall be deemed loose, idle or disorderly.

LV. All persons who, being able to work, and thereby or by other means to maintain themselves and their families, shall wilfully refuse or neglect so to do, and who or whose families shall thereby be without visible and honest means of support. 40

All persons openly exposing or exhibiting in any street, road, highway or public place, any indecent object, or openly and indecently exposing their persons,— 45

All persons using threatening, abusive or insulting words, gestures or behaviour, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned,—

All persons loitering in any street or highway, and obstructing or annoying any passenger by standing across the footpath, or by using insulting or indecent language, or in any other way,—or tearing down or defacing signs, breaking or in any way injuring or damaging any door or doorplate or knocker, bell or other appendage to a door, or the wall of any house, yard or garden, or any fence, or causing a disturbance in any street or highway, by screaming, swearing or singing, shouting or other noise and thereby impeding or incommoding peaceable inhabitants or passengers, or being drunk and disorderly,—

All Common Prostitutes or night walkers wandering in any field, street, road, highway or public place, and not giving a satisfactory account of themselves,—

All persons residing in or in the habit of frequenting houses of ill-fame and not giving a satisfactory account of themselves,—

All persons tipping in Taverns or Tap-rooms after the hour of ten at night and before the hour of five in the morning, between the twenty-first day of March and the first day of October, or after the hour of nine at night and before the hour of six in the morning, from the twenty-first day of October to the twenty-first day of March,—

And all Persons frequenting Gaming Houses, or winning or losing money or other valuable thing in playing at Cards, Dice or other game of chance in any Tavern,—

All persons overloading, overdriving or otherwise ill-treating or cruelly using any horse, dog or other animal or living thing,—

Shall be deemed loose, idle and disorderly persons within the meaning of this Act.

LVI. Any Officer or man of the Police Force may apprehend any person whom he shall observe committing any offence punishable by fine under any Law or under any By-Law of the Municipality in which it shall be committed, who shall be unknown to such Officer or Policeman, or shall refuse or neglect to give his name and address, or shall give a false name or address, or one which such Officer or Policeman shall have reasonable cause to believe to be false, or who shall not be known to have the means of paying the fine imposed for such offence, and may take such offender or cause him to be taken to the nearest Police Station, there to be detained until he can be brought before a Magistrate to be dealt with according to law; but any Person apprehended under this Section only

Police may arrest on view persons committing certain offences.

shall be discharged by any Magistrate, who shall be satisfied that such Person has then given his true name and address, and is able to pay the fine attached to the offence with which he is charged.

A. to carriages,
&c., in possession
of parties
apprehended.

LVII. Whenever any Person apprehended by a Policeman shall have with him in his possession or charge any horse or other animal, carriage or other property, and there shall be no other Person also in charge thereof who shall not be apprehended, or if the Policeman shall have reason to think it necessary for the conviction of the offender or for the purposes of justice, that the same should be detained, he may detain the same accordingly until the Magistrate before whom the offender shall be taken shall direct in what manner it shall be dealt with. 5 10

Officers of Police may take
certain recognizances.

LVIII. Whenever any Person apprehended by any Policeman, shall be charged only with an offence punishable by fine, and shall be brought to any Police Station after the hour of *four* in the afternoon or before the hour of *eight* in the forenoon, any Serjeant or Superior Officer of the Police Force, may receive from such Person and *one* good and sufficient surety, a recognizance in the form O, annexed to this Act, in a sum double the amount of the highest fine which can be awarded for the offence with which the prisoner is charged, for the appearance of the prisoner before some Magistrate named or designated therein at a time and place certain, and may then release such prisoner; and the recognizance so taken shall be good and valid. 15 20 25

Warrant may
be indorsed
from one officer
to another.

LIX. Any Warrant directed to an Officer of the Police Force by his name or name of office, may be by him indorsed to any one or more officers or men of the said Force, and may be then executed by the Officer or Man to whom it is indorsed or any of them, as well as by him to whom it was originally directed. 30

Magistrates
may commit
loose, idle or
disorderly persons
on view.

LX. Any Magistrate may upon his own view of any fact constituting any Person loose, idle and disorderly under this Act, order him to be arrested and detained by any Policeman, and convict such Person accordingly; and any Person convicted by any Magistrate of being loose, idle and disorderly either upon the view of such Magistrate, or upon the confession of such Person, or upon the oath of one or more credible witnesses, may be sentenced by such Magistrate to pay a fine not exceeding *five pounds*, in the discretion of such Magistrate, and if such fine be not forthwith paid, shall then be committed to the Common Gaol or House of Correction, there to be kept at hard labour for the period of two months, unless the fine be sooner paid: Provided that although such fine be paid, the Magistrate may nevertheless, if he see fit, before discharging the offender, bind him in a sufficient recognizance to appear before the Justices at the next General Sessions of the Peace, to answer any charge which may then be brought against him. 35 40 45

Proviso.

- LXI.** Any Officer or Man belonging to the said Police Force may, at any time and without other Warrant than this Act, enter into any house in which Spirits, Wine or intoxicating liquor of any kind is sold without licence, or any house of ill-fame, or any gaming house or house in which any game of chance shall be unlawfully played, and search the same for the purpose of apprehending any loose, idle and disorderly persons who may be there found: and upon information upon oath that there is reason to believe that any loose, idle and disorderly person is harboured or concealed in any house or building whatever, the Magistrate before whom such information shall be given, may issue his Warrant to any Officer or Man of the Police Force, to search such house or building, and apprehend any such person as aforesaid who may be found therein.
- LXII.** Every fine imposed under the authority of this Act, and so much of every fine or pecuniary penalty recovered upon the information or evidence of any Officer or Man belonging to the Police Force, as shall by law belong to Her Majesty, or to the informer or person upon whose evidence the same shall be imposed or recovered, shall belong to Her Majesty for the purposes of this Act, and shall form part of the Fund mentioned in the Section thereof: and every Officer and Man belonging to the Police Force shall be a competent witness in any prosecution or proceeding to recover such fine or penalty, or against any person liable thereto, notwithstanding his contingent interest in the said Fund, and notwithstanding that he may be himself the informer or prosecutor, provided he have no more direct interest in the conviction, fine or penalty.
- LXIII.** Any person who shall be accused of an offence for which he is liable to be arrested and given in charge to a Policeman, by a credible person who shall comply with the requirements of the next following section, shall be taken into custody by such Policeman, although he may not himself have been a witness of the facts with which such person is charged.
- LIV.** When any person apprehended shall be brought to the Police Station by a Policeman, to whom he has been given in charge by any person, and such Policeman shall not himself have been a witness to the facts authorizing the apprehension of such person, any Serjeant or Superior Officer of Police may take a recognizance in the form of the Schedule P from the person who has given the prisoner in charge, to appear and give evidence at a time certain, before some Magistrate named or designated in the recognizance, and such recognizance shall be valid: and such Serjeant or Superior Officer may, in his discretion, discharge the prisoner if such recognizance be refused, and any Policeman may, in his discretion, in the case aforesaid, refuse to receive the prisoner in charge if the person giving him in charge refuse to accompany him to the Police Station.

Police may enter unlicensed tipping houses, gaming houses, or houses of ill fame, for the purposes of this Act.

As to fines recovered on information by Police.

Police competent as witnesses in such cases.

Police may detain persons given in charge

How such person shall be dealt with.

Recognizance from person giving another in charge.

Penalty for assaulting Police-men,

LXV. If any person shall assault or resist any Officer or Man of the Police Force in the performance of his duty, or shall aid or incite any person so to assault or resist, he shall for such offence incur a penalty not exceeding *five pounds*, in the discretion of the Magistrate before whom he shall be convicted.

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Penalty on Tavern Keepers, &c, harbouring Police-men.

LXVI. Any keeper of a Tavern or house of Public Entertainment, or of any place where liquors or refreshments of any kind are sold to be consumed on the premises, who shall knowingly harbour or entertain any man belonging to the Police Force, or permit him to remain in such Tavern, house or place, except 10 for the express purpose of performing some duty imposed on him as a Policeman, shall for such offence incur a penalty not exceeding *five pounds*, in the discretion of the Magistrate before whom he shall be convicted.

Limitation of actions for things done under this Act.

LXVII. Every action and prosecution against an Officer or man 15 of the Police Force, for any thing done by him as such, shall be laid and tried in Lower Canada in the District and in Upper Canada in the City, County or Union of Counties where the act complained of was done, and shall not be commenced after the end of six months from the doing of such 20 act, nor until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at the trial: and no Plaintiff shall recover 25 in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought.

Amends.

Provision as to costs in any such action.

LXVIII. If a verdict shall pass for the defendant in any action 30 referred to in the next preceding Section, or the plaintiff shall become non-suit or discontinue the action after issue joined, or if on demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs as between Attorney and Client, and shall have the same remedy therefor 35 as any defendant hath in other cases: and though a verdict be given for the plaintiff, he shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict therein.

Personal property held for Police purposes vested in the Commissioner.

LXIX. All personal property purchased or acquired for the 40 Police purposes and not vested in any other person, shall be vested in the Commissioner, and may be so laid in any action, indictment or legal proceeding or instrument whatever, but shall be held and dealt with by him for the public uses of the Province and the purposes of this Act, with full power never- 45 theless to dispose of the same for the said purposes, subject always to such instructions as he shall receive in this behalf from the Governor in Council: and the said Commissioner shall

have full power to acquire on behalf of the Crown, any real property which it may be necessary to acquire for the purposes of this Act, and the same being conveyed to him on behalf of the Crown, for such purposes, shall thereby become vested in the
5 Crown.

LXX. If any person shall unlawfully dispose of, receive, buy or sell, or have in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any arms, accoutrements, uniform or other thing used for Police
10 purposes and hereby vested in the Commissioner of Police, such person shall thereby incur a penalty not exceeding pounds, in the discretion of the Magistrate before whom he shall be convicted. Penalty for receiving arms, &c, belonging to Police.

LXXI. The Paymaster of the Police Force, and any other
15 Officer thereof who is to receive money for the purposes of this Act, shall give security to Her Majesty in the manner provided by law with regard to other Public Officers entrusted with moneys belonging to the Province, and such Paymaster or other
20 Officer shall, as regards such moneys and all books, papers, accounts and documents of or relating to his office, be liable, in case of any refusal or neglect to pay over or deliver the same when thereunto lawfully required, to the same penalties and process to which an Officer of the Provincial Revenue is
25 liable in the like case; and the said Paymaster shall keep his books and accounts in such form, and make such returns at such times and with such vouchers as the Inspector General or Auditor of Public Account shall direct and require, and his account shall in all respects be subject to audit in like manner with those of any other Public Accountant. Accountability of officers receiving money for police purposes.

LXXII. Every Officer and Man of the Police Force shall,
30 when on duty, pass toll-free over any public bridge or road, the tolls upon which belong to the Crown for the public uses of the Province. Police on duty to be toll-free on public roads, &c..

LXXIII. Every Officer and Man of the Police Force shall be
35 disqualified from serving as a Juror or in the Militia or in any Municipal Office, and shall not be a Member of the Legislative Council or Assembly or of any Municipal Council, nor vote at any Election of a Member of the Legislative Assembly, or of any Municipal Councillor or Municipal Officer, so long as he shall serve in the Police Force; Nor shall any officer of
40 the Police Force, act as a Justice of the Peace, except only in localities where the Act first mentioned in the *twenty-eighth* section shall be in force, in and for which any Inspector or Superior Officer may be appointed and act as a Justice of the Peace, without the property qualification required of others
45 acting elsewhere; and his warrant of commitment shall be in force and obeyed in any place to or through which the prisoner must be conveyed to the common gaol to which he may be committed. Disqualified from serving in certain offices.

Recovery of penalties not otherwise provided for.

LXXIV. All fines and pecuniary penalties imposed by or under the authority of this Act shall, whenever no other mode of recovery is hereby prescribed, be recoverable in a summary manner before any one Justice of the Peace; and the Acts in force in Upper and Lower Canada respectively, with regard to proceedings in cases of summary convictions and orders out of Sessions, shall apply to proceedings for the recovery of penalties under this Act, in so far only as they may not be inconsistent with this Act. 5

Convictions, &c., not to be quashed, &c., for want of form.

LXXV. No conviction, order, warrant or other instrument made or issued under this Act, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein, provided it be alleged that the party has been convicted, and there be a valid conviction to sustain the same; but the facts which constitute any person loose, idle and disorderly under this Act, shall be succinctly stated in the commitment of such person to the Gaol or House of Correction, otherwise the commitment shall be insufficient. 15

Appeal from convictions under this Act.

LXXVI. Any person convicted under this Act may appeal from such conviction to the next General Sessions of the Peace, or to the Recorder's Court as the case may be, upon giving good and sufficient security to pay the costs of such appeal and the penalty awarded against him; and the Justices at such Sessions or such Recorder's Court, as the case may be, shall have full power to determine such appeal and award costs, in like manner as on other appeals. 20 25

Evidence of appointment of Police Officer, &c.

LXXVII. Common reputation shall be held to be sufficient evidence of the due appointment of any Officer or Man of the Police Force, and of his right to act as such, without producing any appointment or any oath or other matter, in proof of such right. 30

No monies to be expended, &c.

LXXVIII. All sums of money required to defray any expense authorized by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor to the Receiver General; and such warrants may be made in favor of the Commissioner or Paymaster of Police, to enable him to pay such expense, or in favour of the party directly entitled to the money. 35

How monies may be paid, &c.

LXXIX. Provided always, that no sum of money shall be expended for the purposes of this Act, until the same shall have been first voted in the annual estimates. 40

Accounting clause.

LXXX. A detailed account of all moneys advanced or expended under this Act shall be laid before each branch of the Provincial Parliament during the then next session thereof. 45

LXXXI. The due application of all moneys advanced or expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting
clause.

LXXXII. The Interpretation Act shall apply to this Act and to all regulations and orders to be made under it, and this Act shall be known and may be designated as the "Police Act," in any instrument or proceeding whatever.

Accounting
clause.

LXXXIII. This Act shall come into force from the time of its passing, as regards the organization of the Police Force, and all matters thereunto relating; but so much thereof as relates to the powers of the Officers and Men thereof as Constables, or to offences by others than Officers and Men of the said Police Force, shall come into force upon the day appointed for that purpose in the Proclamation to be issued under the *eighteenth* section of this Act; except that in localities where the Acts mentioned in the *twenty-eighth* section shall be in force, this Act shall also be fully in force upon, from and after the day mentioned in the proclamation to be issued under that section as that on which certain sections of the said Acts shall cease to be in force.

Interpretation
and short
title.