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No. 98.

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3rd Session, 6th Parliament, 23 Victoria, 1860.

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## BILL.

An Act to amend Chapter Seventeen of the Consolidated Statutes for Upper Canada, as regards the appointment of Constables.

Received and Read, first time, Friday, 23rd  
March, 1860.

Second reading, Monday, 26th March,  
1860.

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MR. HOLMES.

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QUEBEC :

PRINTED BY THOMPSON & CO., ST. URSULA STREET.

An Act to amend the Chapter Seventeen of the Consolidated Statutes for Upper Canada, as regards the appointment of Constables.

**W**HEREAS by the tenth section of Chapter Seventeen of the Consolidated Statutes for Upper Canada, Courts of Quarter Sessions in Upper Canada are required in the month of March in each year, to appoint a High Constable and a sufficient number of Constables in the several places in their respective Counties; and whereas the annual appointment of Constables is attended with much expense and inconvenience, and it is expedient that the said provision should be repealed, and the Constables should be placed in a more permanent position than heretofore:

Preamble.

10 Therefore; Her Majesty &c. enacts as follows:

I. From and after the day next before the first general Quarter Sessions of the Peace, to be holden in the year of our Lord, one thousand eight hundred and sixty-one, the tenth section of the Act cited in the preamble, shall be repealed.

Section 10 of c. 17 of Con. Stat. U. C., repealed.

15 II. The Magistrates at the first general Quarter Sessions of the Peace to be holden in each County in Upper Canada in the said year one thousand eight hundred and sixty-one, shall appoint a sufficient number of fit and proper persons to act as Constables, in each Township, Incorporated Village, Police Village and place within their respective  
20 Counties.

J. P.'s in Quarter Sessions in 1861 to appoint constables.

III. The persons so appointed as Constables, shall, before entering on the duties of office, take and subscribe the following oath, which any Justice of the Peace may administer:—

Constables to be sworn.

25 “I, ———, having been appointed Constable for the County of ———, (or United Counties of, *as the case may be,*) do solemnly swear that I will truly, faithfully, and impartially perform the duties appertaining to the said office, according to the best of my skill and ability. So help me God.”

The oath.

30 IV. Every such Constable so appointed, and having taken the aforesaid oath, shall continue in office at least one year, and shall further continue in office from year to year without re-appointment, unless he shall claim exemption from serving as such Constable, in which case he shall be released at any time after the end of the first year, when he shall legally claim, and be entitled to, such exemption: Provided always, that the Magistrates at any time in general Quarter Sessions of the Peace assembled in any County, may dismiss any person from the office of Constable for dereliction of duty or other reasonable cause, and may at any time appoint such additional number of Constables as they in their discretion may consider necessary.

Continuance in office.

Proviso: for dismissal and appointment from time to time.

Special constables may be appointed by one Justice under Con. Stat. con. cap. 104.

V. Notwithstanding anything to the contrary in chapter 104 of the Consolidated Statutes of Canada, any one Justice of the Peace may, in Upper Canada, appoint special Constables in any case in which, by virtue of the said chapter, such appointment may be made by any two or more Justices of the Peace, and the provisions of the said Act shall apply to and with respect to such appointment by any one Justice in like manner, as to appointments made by two Justices. 5

Act limited to U. C.

VI. This Act shall apply only to Upper Canada.