

1914

c 36 Public Works Peace Preservation Act

Ontario

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CHAPTER 36.

An Act respecting Riots near Public Works.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Public Works Peace Preservation Act*. 10 Edw. VII. c. 12, s. 1.
- Interpretation. **2.** In this Act "Weapon" shall include any gun or other firearm, or air-gun, or any part thereof, or any sword, sword blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, knife, or other instrument intended for cutting or stabbing, or any metal knuckles, or other deadly or dangerous weapon, and any instrument or thing intended to be used as a weapon, and all ammunition which may be used with or for any weapon. 10 Edw. VII. c. 12, s. 2.
- Proclamation bringing Act into effect. **3.**—(1) The Lieutenant-Governor in Council may by proclamation declare that on and after a day to be named therein, this Act shall be in force in any place in Ontario in which or in the vicinity of which any public Dominion or Provincial work, or a canal, railway or other work undertaken or carried on by an incorporated company is in process of construction, and the same shall take effect accordingly.
- Rescinding. (2) The Lieutenant-Governor in Council may, in like manner, declare this Act to be no longer in force in such place; but this shall not prevent the Lieutenant-Governor in Council from again declaring the same to be in force in such place.
- Exemption of cities. (3) No such proclamation shall have effect within the limits of a city. 10 Edw. VII. c. 12, s. 3.
- Possession of weapons by employees on public works prohibited. **4.**—(1) Upon and after the day so named in the proclamation, no person employed in or upon any such work within the limits specified in the proclamation, shall keep or have in his possession or under his care or control, within such limits, any weapon, under a penalty of not less than \$2 nor more than \$10 for every such weapon found in his possession, unless such person is a justice of the peace or a public officer, a soldier, sailor or volunteer in His Majesty's service, on duty, or a constable or other peace officer, or has a certificate of exemption from the operation of this section as
- Exceptions.

hereinafter provided, or has at the time reasonable cause to fear an assault or other injury to his person, family or property.

(2) If sufficient cause is shown upon oath to the satisfaction of any Justice of the peace, he may grant to an applicant therefor not under the age of sixteen years, and as to whose discretion and good character he is satisfied by evidence upon oath, a certificate of exemption from the operation of this section for such period not exceeding twelve months, as he deems fit.

Certificate of exemption.

(3) Such certificate shall be *prima facie* evidence of its contents and of the signature and official character of the person by whom it purports to be granted. 10 Edw. VII. c. 12, s. 4.

Certificate to be evidence.

5. Before the day so named in the proclamation, every person employed in or upon any such work, who is not exempted under the next preceding section, shall bring and deliver up to a justice of the peace or to a Commissioner appointed by the Lieutenant-Governor for the purposes of this Act every weapon in his possession, and shall be entitled to obtain from him a receipt for the same. 10 Edw. VII. c. 12, s. 5.

Delivery up of weapons to authorities.

6. When this Act ceases to be in force within the place where any weapon has been delivered up and detained in pursuance thereof, or when the owner or person lawfully entitled to such weapon satisfies the justice or Commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the justice or commissioner may deliver up to the owner or person authorized to receive the same, such weapon, on production of the receipt so given for it. 10 Edw. VII. c. 12, s. 3.

Return of Weapons to owner.

7. Every weapon found in the possession of a person so employed after the day so named in the proclamation, and within the limits set forth in the proclamation, may be seized by any justice, Commissioner, constable or other peace officer, and thereupon shall be forfeited to the use of His Majesty. 10 Edw. VII. c. 12, s. 7.

Seizure and forfeiture of weapons unlawfully kept.

8. If a person, for the purpose of defeating this Act, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed, within the limits within which this Act is at the time in force, any weapon belonging to or in the custody of a person employed on any such work, he shall incur a penalty of not less than \$40 nor more than \$100. 10 Edw. VII. c. 12, s. 8.

Penalty for aiding employees to evade this Act.

9.—(1) A justice of the peace or Commissioner having authority within the place where this Act is at the time in force, upon the oath of a credible witness that he believes

Search for and seizure of weapon unlawfully kept.

that a weapon is in the possession of any person or in any house or place, contrary to the provisions of this Act, may issue his warrant to a constable or peace officer, to search for and seize the same, and he or any person in his aid may search for and seize the same in the possession of any person, or in such house or place.

Forcible entry. (2) If admission to such house or place cannot otherwise be obtained after demand, the constable or peace officer, and person in his aid, may enter the same by force, by day or by night, and seize such weapon; and unless the person within whose possession or in whose house or place the same is found, within four days next after the seizure, proves to the satisfaction of the justice or Commissioner that the weapon so seized was not in his possession or in his house or place contrary to the provisions of this Act, such weapon shall be forfeited for the use of His Majesty. 10 Edw. VII. c. 12, s. 9.

Monthly records.

10. Every justice or Commissioner shall make to the Provincial Secretary a monthly return of all weapons delivered to or seized by him, and detained under this Act. 10 Edw. VII. c. 12, s. 10.

Sale of weapons forfeited.

11. Weapons forfeited under this Act shall be sold under the direction of the justice or Commissioner by whom or by whose authority the same were seized, and the proceeds of the sale, after deducting necessary expenses, shall be received by the justice or Commissioner and paid over by him to the Treasurer of Ontario. 10 Edw. VII. c. 12, s. 11.

Proceeds how applied.

Recovery of penalties. Rev. Stat. c. 90.

12. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 10 Edw. VII. c. 12, s. 12.

MOUNTED POLICE FORCE.

Mounted Police Force.

13. For the better carrying this Act into effect, the Lieutenant-Governor in Council may cause a body of men not exceeding one hundred, inclusive of officers, and to be called "The Ontario Mounted Police Force," to be raised, mounted, armed and equipped, and to be placed under the command of such officers as the Lieutenant-Governor in Council deems necessary, and may cause such Police Force, or any part thereof to be employed in any place in which this Act is in force, under such Regulations as the Lieutenant-Governor in Council shall from time to time prescribe. 10 Edw. VII. c. 12, s. 13.

Officers of Police Force and others as justices of the peace.

14. The Lieutenant-Governor in Council may appoint the chief officers and such of the subordinate officers of the Police Force, and such other persons as he deems necessary, to be justices of the peace for the purposes of this Act for any

place in which this Act is in force; and such officers and persons may act as justices of the peace, although they may not have the qualifications in property required of others or may not reside in the county or district. 10 Edw. VII. c. 12, s. 14.

15. The men in the Police Force shall be constables and peace officers for the purposes of this Act, for the county or district in which they are employed. 10 Edw. VII. c. 12, s. 15.

Mounted Policemen as Peace officers.

EXPENSES.

16. The expenses of carrying this Act into effect upon or near a Provincial Public Work shall be paid through the Minister of Public Works out of the money appropriated for the work on which the expenses are incurred, and shall be charged as part of the cost of the work; but the sum expended in any one year shall not exceed \$40,000. 10 Edw. VII. c. 12, s. 16.

Expenses of carrying Act into effect.

17. The expenses attending the employment of such police force in any place in or in the vicinity whereof a railway, canal or work, undertaken and carried on by an incorporated company is in course of construction, shall in the first instance be paid out of the Consolidated Revenue Fund, and shall, on demand, be repaid to the Treasurer of Ontario by the incorporated company, or, if not so repaid, may be recovered from the company as a debt due to the Crown; and, when recovered, shall form part of the Consolidated Revenue Fund. 10 Edw. VII. c. 12, s. 17.

How the expenses defrayed in case of works carried on by companies.