

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Tenth day of February, 1814, in the Fifty-fourth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Fourth Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.*

54 George III – Chapter 15

**An Act for protecting Justices of the Peace in the execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants; and also for apprehending persons in any County or Place, upon Warrants, granted by Justices of the Peace in any other County or Place.**

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that if any action shall hereafter be brought against any justice of the peace, for any thing by him done by virtue of his office, such action shall be laid in the county or district where the fact complained of was committed; and the justice or justices may plead the general issue of such action, and give the special matter in evidence.

II. And be it further enacted, that no writ shall be sued out, nor any summons or process at the suit of a subject shall be served on any justice of the peace for any thing done by him in the execution of his office, until notice of such intended writ, summons, or process, shall have been delivered to him or less at his usual place of abode, at least one calendar month before the suing out or serving the same, in which notice shall be plainly expressed the cause of action, which such party has, or claims to have against such justice, and the party or his attorney shall affix his name and place of abode to the said notice.

III. And be it further enacted, that it shall and may be lawful for such justice, at any time within one calendar month after such notice, given as aforesaid, to tender amends to the party complaining or his attorney, and in case the same is not accepted, to plead such tender in bar to any action, to be brought against him grounded on any such writ, summons or process, together with the plea of not guilty, and any other plea, with leave of the court; and if upon issue joined the jury shall find the amends to tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case, or if the plaintiff shall become nonsuit, or shall discontinue his action, or in case judgment shall be given for the defendant or defendants, on demurrer, such justice shall be entitled to the like costs as if he had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants, on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, which the plaintiff shall recover with costs of suit.

IV. And be it further enacted, that no such plaintiff shall recover any verdict against such justice, in any case when the action shall be grounded on any act of the defendant as justice of the peace, unless it appear on the trial that the action is laid in the county or district where the fact complained of was committed, and unless also it is proved on the trial of such action, that such notice was given as aforesaid, but in default thereof, such justice shall recover a verdict and costs as aforesaid.

V. And be it further enacted, that if any such justice shall neglect to make tender of amends or shall have tendered insufficient amends before the action brought, it shall be lawful for him, by leave of the court at any time before issue joined, to pay into court any sum of money he may see fit, and thereupon, such proceeding, order and judgment, shall be had, made and given, by the court, as in other actions, when the defendant is allowed to pay money into court.

VI. And be it further enacted, that no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid, or any cause of action, except such as is contained in the notice hereby directed to be given.

VII. And be it further enacted, that no action shall be brought against any constable or other officer, or against any person or persons acting by his order, and in his aid, for any thing done by him in obedience to any warrant under the hand and seal of any justice of the peace until demand has been made and left at the usual place of his abode, by the party or parties intending to bring such action, or by his, her, or their attorney, in writing, signed by the party demanding the same, of the perusal and copy of such warrant and the same has been refused for six days after such demand, and if after such demand and compliance therewith, by shewing the said warrant to, and permitting a copy thereof to be taken by, the party demanding the same, any action shall be brought against such constable or other officer, or against any such person acting in his aid, for any such cause as aforesaid, without making the justice or justices who signed or sealed the said warrant, defendant or defendants, that on providing or proving such arrant, at the trial of such action, the jury shall give their verdict for the defendant or defendants notwithstanding any defect of jurisdiction in such justice or justices: and if such action be brought jointly against such justice or justices, and the constable or other officer, or persons acting in his or their aid as aforesaid, then on proof of such warrant, the jury shall find for such constable, or other officer, and persons so acting as aforesaid, notwithstanding such defect of jurisdiction, and if the verdict shall be given against the justice or justices, the plaintiff or plaintiffs shall recover costs of suit against him or them, to be taxed by the court, so as to include the costs which the plaintiff or plaintiffs are liable to pay to the other defendant or defendants for whom such verdict shall be found as aforesaid.

VIII. And be it further enacted, that in case any person against whom a warrant shall be issued by any justice or justices of the peace, of any county, district or place, out of the jurisdiction of the justice or justices granting such warrant as aforesaid, it shall and may be

lawful for any justice or justices of the peace of the county, district or place, where such person shall escape, go into, be, or reside, and such justice or justices is, and are hereby required, upon proof being made upon oath, of the hand writing of the justice or justices, granting such warrant to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other county, district, or place, out of the jurisdiction of the justice or justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the justice who indorsed the warrant or some other justice or justices of such other county, district, or place, where such warrant was indorsed; and in case the offence shall be bailable in law, and the offender shall be ready and willing to give bail for his appearance at the next sitting of the supreme court, or next general quarter sessions of the peace, to be held in and for the county or district within which the offence was committed, such last mentioned justice or justices shall and may make bail of such offender or offenders, for his or their appearance at such next sitting of the supreme court, or general quarter sessions of the peace in the same manner as if the justice or justices of the peace of the county, district, or place, where the offence was committed might have done, and the justice or justices who shall take bail, as aforesaid, shall deliver the recognizance, together with the examination or confession of such offender or offenders, and all other proceedings relative thereto, to the constable, or other person so apprehending such offender as aforesaid, who is hereby required to receive and deliver over such recognizance, examination, and other proceedings to the clerk of the supreme court, or clerk of the peace of the county or district where such offender or offenders, is, or are required to appear by virtue of such recognizance: and such recognizance, examination and confession, shall be as good and effectual in law to all intents and purposes, and of the same force and validity as if they had been taken or acknowledged before a justice or justices of the peace of the county or district where the offence was committed, and the same proceedings shall be had thereon; and if such constable, or other person to whom such recognizance, examination or proceedings, shall be delivered as aforesaid, shall neglect or refuse to deliver over the same to the clerk of the supreme court, or clerk of the peace of the county or district where such offender or offenders is or are required to appear by virtue of such recognizance, such constable, or other person, shall forfeit the sum of ten pounds, to be recovered against him by bill, plaint or information, in the supreme court, and in case the offence for which such offender or offenders shall be so apprehended and taken, be not bailable in law, or such offender or offenders shall not give bail for his or their appearance as aforesaid, to the satisfaction of the justice or justices before whom he or they shall be brought as aforesaid, then and in that case the constable, or other officer or person, so apprehending such offender or offenders, shall carry and convey such offender or offenders before one of His Majesty's justices of the peace of the proper county, district or place, where such offence was committed, there to be dealt with according to law.

IX. And be it further amended, that no action of trespass, false imprisonment, information or indictment, or other action, shall be brought, sued, or prosecuted by any person or persons whatsoever, against the justice or justices who shall endorse such warrant, for or by

a reason of his, or their indorsing such warrant. Provided always, that the justice or justices who originally granted such warrant, shall remain liable to any action or suit, in like manner, as if the preceding clause had not been enacted.

X. And be it further enacted, that no action shall hereafter be brought against any justice of the peace for any thing done in the execution of his office, or against any constable or other officer, or person acting as aforesaid, unless such action shall be commenced within six calendar months, after the act complained of, shall have been committed.