

sum of 10l. on conviction before any one Justice of the Peace—

cause the same or any part thereof to be conveyed out of the province, or shall convey or cause the same or any part thereof to be conveyed on board any boat, ship or vessel with intent to have the same carried out of the province, every person so offending, shall for each and every offence forfeit and pay the sum of *ten pounds*, to be recovered upon conviction before any *one* Justice of the Peace upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offenders goods rendering the overplus if any, after deducting the costs and charges of such distress and sale, to the offender, one half of which penalties shall be to the use of the Poor of the town or parish where the offence shall be committed, the other half to the person who shall prosecute for the same; and for want of effects whereon to levy such fine, such offender shall be imprisoned not exceeding *six* nor less than *three* months.

Half of the said penalty to be to the use of the Poor, and the other half to the Prosecutor.

Persons disabled to be provided for at the expense of the province.

XXIII. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the enemy, he shall be taken care of and provided for at the expense of the province during the time of such disability.

Limitation of the act.

XXIV. *And be it further enacted*, That this act shall continue and be in force during the present war, and no longer.

C A P. II.

An ACT for apprehending Persons in ANY COUNTY or PLACE upon WARRANTS granted by JUSTICES of the PEACE of ANY OTHER COUNTY.

Preamble.

WHEREAS it frequently happens that persons, against whom warrants are granted by the Justices of the Peace for the several counties within this province, escape into other counties or places out of the jurisdiction

of the Justices of the Peace granting such warrants, and thereby avoid punishment for the offences wherewith they are charged; for the remedy whereof—

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That in case any person, against whom a legal warrant shall be issued by any Justice or Justices of the Peace of any city, or county, shall escape out of the jurisdiction of such Justice or Justices granting such warrant, it shall and may be lawful for any Justice or Justices of the Peace of the city or county, to which such person shall escape, go into, reside, or be, 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 city, or county, 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 or Justices who indorsed such warrant or some other Justice or Justices of such other city, or county, where such warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other city, or county as aforesaid, shall be bailable in law, and such offender or offenders shall be willing and ready to give bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the said city or county where the offence was committed, such Justice or Justices of such other city or county before whom such offender or offenders shall be brought, shall and may take bail of such offender or offenders for his or their appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the city or county where such offence was committed, in the same manner as the Justices of the Peace of the city or county should or might have done in such proper city or county: And the Justice or Justices of such other city or county so taking bail as aforesaid, shall deliver the Recognizance together with the Examination or Confession of such offender or offenders and all other Proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same and to deliver over such Recognizance, Examination

Person being out of the jurisdiction of the Justice, who shall grant a warrant, the Justice where such person shall be, to indorse the warrant,

and the offender to be apprehended and brought before a Justice where the warrant was indorsed—

and the Justice to deliver the Recognizance &c. to the Constable to be delivered over—

Examination and other Proceedings to the Clerk of the Crown on the Circuits, or Clerk of the Peace of such city or county where such offender or offenders is or are required to appear by virtue of such Recognizance. And such Recognizance, Examination or Confession shall be as good and effectual in law to all intents and purposes, and of the same force and validity as if the same had been entered into, taken or acknowledged before any Justice or Justices of the Peace in and for the proper city or county where the offence was committed, and the same Proceedings shall be had thereon: And in case such Constable, or other person to whom such Recognizance, Examination, Confession or other Proceedings shall be so delivered as aforesaid, shall neglect or refuse to deliver the same to the Clerk of the Crown on the Circuits, or Clerk of the Peace of the city or county 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 any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same. And in case the offence for which such offender or offenders shall be apprehended and taken in any other city or county shall not be bailable in law, or such offender or offenders shall not give bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the said city or county where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other city or county, then and in that case the Constable or other person or persons 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 city or county where such offence was committed there to be dealt with according to law.

Penalty on the Constable for not delivering over.

If the offence be not bailable or offenders do not give bail—

The Constable to carry offenders before a Justice where the offence was committed.

The Justice indorsing the warrant not liable to an action.

The Justice granting the warrant may be prosecuted.

II. *And be it further enacted*, That, no Action of Trespass, False Imprisonment, Information or Indictment or other Action shall be brought, sued, commenced, or prosecuted by any person or persons whatsoever, against the Justice or Justices who shall indorse such warrant for or by reason of his or their indorsing such warrant.

III. *Provided nevertheless*, That such person or persons shall be at liberty to bring or prosecute his or their action

or suit against the Justice or Justices who originally granted such warrant in the same manner as such person or persons might or could have done in case this act had not been made.

C A P. III.

An ACT to EXPLAIN and AMEND an Act intituled "An ACT for regulating the FISHERIES in the different RIVERS, COVES and CREEKS of this Province."

vid: pa. 270.

WHEREAS, in and by an act made and passed in the Preamble: thirty third year of His MAJESTY's reign, intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," it is enacted "That no net shall be set in the river Saint John below the Boarshead or in the harbour of Saint John more than twenty fathoms in length": AND WHEREAS, doubts have arisen whether under the said law more than one length of such nets may be set, for preventing such doubts in future—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this act, only one length of the nets herein before described, shall be set in the same line running into the water in any part of the river Saint John below the Boarshead or in the harbour of Saint John, and if any person shall set any length of net running into the water in the same line with the net which is permitted to be set by the said herein before recited act, every person so-offending shall for every offence forfeit and pay the sum of ten pounds, to be recovered, paid and applied in the same manner, and to the same uses as the first penalty mentioned in the said herein before recited act can or may be recovered, paid and applied.— AND WHEREAS, in and by the said herein before recited act, it is enacted, "That no nets shall be placed within less than fifty feet of each other, measured upon a strait line running parallel, as near as may be, with the shore in any

Not more than one net to be set in the same line, below the Boarshead, or in the Harbour of St. John.

Under the Penalty of 10l. for every offence.

D.

of