

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1794. Brookville: Christopher Sower, Printer to the King's Most Excellent Majesty, 1794.

34 George III – Chapter 2

An Act for apprehending Persons in Any County or Place upon Warrants granted by the Justices of the Peace of Any Other County.

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 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.

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.