

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1807.* Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 6

**An Act to render Justices of the Peace more safe in the execution of their duty. Passed the 5th of March, 1807.**

Whereas it is expedient that Justices of the Peace in this Province, who by virtue of divers Statutes and Acts of Assembly are authorized and required to convict persons of sundry offences in a summary way, should be rendered more safe in the execution of such their duty,

I. Be it therefore enacted by the President, Council and Assembly, That in all actions whatsoever, which shall at any time after the passing of this Act be brought against any Justice or Justices of the Peace in this Province, for or on account of any conviction by him or them had or made, under or by virtue of any Statute or Act of Assembly in force in this Province, or for or by reason of any Act, matter or thing whatsoever, done or commanded to be done, by such Justice or Justices, for the levying of any penalty, apprehending any party, or for or about the carrying of any such conviction into effect, in case such conviction shall have been quashed, the Plaintiff or Plaintiffs in such actions or actions, besides the value and amount of the penalty or penalties which may have been levied upon the said Plaintiff or Plaintiffs, in case any levy thereof shall have been made, shall not be intitled to recover any more or greater damages than the sum of Two Pence, nor any costs of suit whatever, unless it shall be expressly alledged in the declaration in the Action wherein the recovery shall be had, and which shall be in an Action upon the case only, that such Acts were done maliciously, and without any reasonable or probable cause.

II. And be it further enacted, That such Plaintiff shall not be intitled to recover against such Justice any penalty which shall have been levied, nor any damage or costs whatsoever, in case such Justice shall prove at the Trial that such Plaintiff was guilty of the Offence whereof he had been convicted, or on account of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater punishment than was assigned by Law to such offence.