

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 17

An Act in amendment of and in addition to certain Chapters of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes.' Passed 23rd April 1862.

Section.	Section.
1. Justice to swear in Officers, and to give notice to Clerk of Peace.	5. Full release of reputed father, how obtained
2. Bond to be given, and forfeiture for neglect of duty.	6. Judgment, when entered, security for further damages.
3. Notice by Clerk of Peace for Special Sessions.	7. Clerk of Peace to make out commitment to Sheriff or other officer.
4. Reputed father, after arrest, may be released by Justice, upon satisfactory security.	8. Not to affect Commissioners under Act 1 V. c. 17.
	9. Insulting language, &c., penalty; exemptive.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. All County Officers appointed under and by virtue of Chapter 52, of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,' shall be sworn into their respective offices on receiving their respective appointments, by any Justice of the Peace for the County for which they may be appointed, who shall thereupon give notice thereof to the Clerk of the Peace of such County; and any County officer refusing or neglecting to make the necessary oath, or perform any of the duties of the office, shall for each offence forfeit the sum of forty shillings.
2. Every County, Town or Parish officer who may be required, under any provision of the fifty second and fifty third Chapters of the said Title, to give a bond or security for the due performance of the duties of his office, and who shall neglect or refuse so to do, shall forfeit such office; and the Court, or any two Justices of the Peace for such County, in vacation, shall forthwith appoint a substitute for the same, who shall give the like bond, and on the like neglect or refusal there shall be the like forfeiture, and so on as often as the said appointment may be necessary from the like cause, and as a bond or security may not be given thereupon according to this Section.
3. Whenever the Clerk of the Peace may be required to call a Special Sessions, as directed by the sixteenth Section of Chapter 52, of the said Title, the notice thereof may be transmitted to the respective Justices through the Post Office, or left at their last place of abode; but no notice shall be necessary for holding any Special Sessions for any specific matters of business, when the same shall be ordered at any previous General Sessions.

4. If on any order of bastardy made by virtue of Chapter 57, of the said Title, the reputed father be committed to gaol for neglecting to perform such order, or to enter into the recognizance required by the said order, and afterwards he may be prepared to do so, any Justice of the Peace may order him to be discharged from gaol, on his paying to the Commissioners of the Alms House, or Overseers of the Poor, as the case may be, all moneys under said order, and entering into the like recognizance before such Justice as taken upon the order of affiliation referred to in the said Chapter by the Letter (M), and such Justice for that purpose may order him to be brought before him, and the Sheriff shall obey such order; the order of affiliation to remain in force until fully discharged, by payment of the remaining sums ordered; any Justice shall have like power to release any person committed in any bastardy case, for want of sureties or otherwise, before hearing, on his giving the necessary recognizance to indemnify the Parish or County, or to appear at the Court to answer the charge.

5. If any person charged with being the father of a bastard child, or of a child likely to be born bastard, and chargeable or likely to become chargeable to the Parish, or against whom an order of affiliation has been made, or against whom any proceeding in bastardy or arising out of bastardy, may be pending, or any judgment shall have been had, shall pay into the hands of the Commissioners, or of the Overseers of the Poor, as the case may be, the sum of twenty five pounds, together with all costs, charges and expenses legally incurred in such proceeding up to the time of such payment; such payment shall be a full release in the law, of the party charged, of and from that complaint, order of affiliation, proceeding, and judgment, and of any recognizance entered into in that case, and the said recognizance shall be cancelled; and if the principal should happen to be in custody by virtue of any process or proceeding arising from that complaint, he shall be forthwith discharged.

6. When a judgment shall be entered by order of the Sessions for forfeiture of any bastardy recognizance, the same shall stand as a security for any further damages which may from time to time become due thereon; and upon notice to the party against whom the judgment may be obtained, to be personally served or left at his last place of abode, and proof thereof, and of the amount of such damages by affidavit, the Sessions may order subsequent executions (P) as referred to in said Chapter, to issue thereon as from time to time may be necessary, but such damages not to exceed in the whole the necessary maintenance of the child for such term of seven years, exclusive of the costs on the judgment and subsequent proceedings: the judgment shall be entered for the amount of damages and costs, and execution issue accordingly.

7. On the Sessions ordering any person to be committed to gaol under the twelfth Section of the said Chapter 57, the Clerk of the Peace shall make out and deliver to the Sheriff or his Deputy, or in case of the absence of both, to any Constable in attendance on the Court, the commitment in the Schedule herewith marked (Q), which shall charge the Sheriff with the custody of such party.

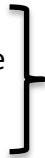
8. Nothing in Section 12 of Chapter 52 of the Revised Statutes, 'Of Parish and County Officers,' shall apply or be construed to apply to the Commissioners appointed or to be appointed under Act of Assembly 1st Victoria, Chapter 17.

9. The Sessions may, by regulations, impose a penalty not exceeding eight dollars, upon any person who shall by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace in any public street, thorough-fare, alley, road, or bye road, or in any building, or whereby a breach of the peace may be occasioned; and any Justice or Justices having jurisdiction shall have the power of fining to the extent so imposed, or below, at his discretion: such fines for offences committed within the Police Districts of Chatham and Newcastle, shall be paid and applied as directed by the Laws passed for establishing and maintaining the Police in the said Towns; provided that nothing in this Section shall extend to the City of Saint John, or Parish of Portland in the City and County of Saint John.

SCHEDULE Q.

Sessions of _____ holden on the ___ day of _____ 186__.

The Queen at the instance of the
Commissioners of the Alms House
or Overseers of the Poor,
vs.



The defendant having been found guilty on a charge of bastardy in this case, and not having complied with the order of the Court thereon, he was ordered to be committed until he obeyed the said order, and is hereby committed to the custody of the Sheriff of _____ accordingly.