

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 8

An Act relating to the Issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties. Passed 11th April, 1864.

Section.

1. Section 5, Chapter 156, Title xl, repealed; Constable may execute Warrant in any part of the Province. Proviso.

Section.

2. Constables, &c. in the execution of their duty may demand assistance of persons at hand; penalty for refusal.

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

1. That the fifth Section of Chapter one hundred and fifty six, Title xl, of the Revised Statutes, 'Of proceedings before Indictment,' be and the same is hereby repealed; and in lieu thereof, every Warrant shall be issued under the hand of a Justice, and may be directed to any Constable of the County in which such Warrant shall be issued, and shall state briefly the offence, and name or describe the offender; and such Constable may arrest the offender so named or described therein, in any part of this Province; provided that nothing herein contained shall extend or be construed to extend to cancel or annul any Warrant issued before the passing of this Act, under the authority of the Section hereby repealed.

2. The several Police Officers and Constables in this Province, now or hereafter to be elected or appointed, and sworn in their respective Parishes, Districts, or Counties, shall have power and authority and they are hereby severally authorized when in the due execution of any warrant or other authority, written or verbal, or lawfully appertaining to them by virtue of their office as Police Officers or Constables, and committed with the preservation of the peace, or the punishment or prevention of any felony or misdemeanor, or the taking into custody of any person charged with, or in the actual commission of any felony, misdemeanor, or breach of the peace, whenever it shall become necessary by reason of any wilful resistance to, or unlawful obstruction of such Police Officers or Constables so acting in the due performance of their duty, to require any male person there present or near at hand, and being over sixteen and under sixty years of age, to aid and assist, by physical force if required, such Police Officers or Constables in the execution of their duty; and if any such person, when so required and called upon by such Police Officer or Constable, shall neglect or refuse to aid and assist such Police Officer or Constable, he shall be liable to a fine of not more than five pounds, to be sued for, levied, and collected with costs as directed in and by Chapter one hundred and thirty eight, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and paid over when collected to the Overseers of the Poor of the Parish in which the offence was committed for the use of the Poor thereof.