

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 15

An Act to amend Title xxxvii, Chapter 137, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits.' Passed 8th June, 1865.

Section.

1. Person arrested on Capias may lodge amount with constable as deposit.
2. Constable receiving deposit to make return to Justice.

Section.

3. If plaintiff recover judgment, deposit how disposed.
4. Justice to endorse fees on capias.

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

1. When any person shall be arrested on a Capias issued by any Justice of the Peace, such person may, in addition to the modes of giving bail for his appearance as provided by Section 13 of Chapter 137, Title xxxvii, of the Revised Statutes, pay into the hands of the constable arresting him the amount sworn and costs endorsed, together with the constable's fees.
2. The constable executing such capias shall, on receiving such deposit, forthwith make return to the Justice who issued the capias, and shall pay over the said deposit and costs to the Justice who issued the capias, and shall be dealt with in all respects in the same manner as a deposit made with a Justice under said Title xxxvii, Chapter 137.
3. If judgment should be recovered by the plaintiff, the amount of such deposit shall be applied to the payment thereof, and the surplus, if any, shall be returned to the defendant on demand; nothing herein contained shall be construed to prevent the defendant from defending the said action.
4. Every Justice of the Peace issuing a capias shall, before delivering the same to a constable, endorse the amount of the Justice's fees upon the said capias.