

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1866.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1866.

29 Victoria – Chapter 2 (Session 2)

**An Act to authorize the detention, for a limited time, of such persons as shall be suspected of committing acts of hostility against Her Majesty's Person and Government. Passed 9th July, 1866.**

Section.

1. Persons arrested for certain offenses, not bailable; proviso.
2. What constitutes a lawful arrest and prison.

Section.

3. When and how Act may be suspended.
4. Continuance of Act.

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

1. All and every person and persons who is, are, or shall be within prison in this Province at, upon, or after the day of the passing of this Act, by Warrant of Commitment signed by any two Justices of the Peace, or under a capture or arrest, made with or without Warrant, by any of the Officers, Non-Commissioned Officers, or Men of Her Majesty's Regular, Militia, or Volunteer Militia Forces, or by any of the Officers, Warrant Officers, or Men of Her Majesty's Navy, and charged with being or continuing in arms against Her Majesty within this Province, or with any act of hostility therein; or with having entered this Province with design or intent to levy War against Her Majesty, or to commit any felony therein, or with levying War against Her Majesty in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty, or with entering this Province in company with any such subjects or citizens with intent to levy War on Her Majesty, or to commit any act of felony therein, or with joining himself to any person or persons whatever with the design or intent to aid and assist him or them, whether subjects or aliens, who have entered or may enter this Province with design or intent to levy War on Her Majesty, or to commit any felony within the same, or charged with high treason or treasonable practices, or suspicion of high treason or treasonable practices, may be detained in safe custody without bail or mainprize during the continuance of this Act; and no Judge or Justice of the Peace shall bail or try any such person so committed, captured, or arrested, without order from Her Majesty's Executive Council, any Law or Statute to the contrary notwithstanding; provided that if within fourteen days after the date of any Warrant of Commitment, the same, or a copy thereof certified by the party in whose custody such person is detained, be not countersigned by the Clerk of the Executive Council, then any person or persons detained in custody under any such Warrant of Commitment for any of the causes aforesaid by virtue of this Act, may apply to be and may be admitted to bail.

2. In case where any person or persons have been before the passing of this Act, or shall be during the time this Act shall continue in force, arrested, committed, or detained in custody, by force of a Warrant of Commitment of any two Justices of the Peace, for any of the causes in the preceding Section mentioned, it shall and may be lawful for any person or persons to whom such

Warrant or Warrants have been or shall be directed, to detain such person or persons so arrested or committed in his or their custody in any place whatever within this Province; and such person or persons to whom such Warrant or Warrants have been or shall be directed, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody, and to be the lawful goalers and keepers of such persons so arrested, committed, or detained; and such place or places where such person or persons so arrested, committed, or detained, are or shall be detained in custody, shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively; and it shall and may be lawful to and for Her Majesty's Executive Council, by Warrant signed by the Clerk of the said Executive Council, to change the person or persons by whom, and the place in which such person or persons so arrested, committed, or detained, shall be detained in safe custody.

3. The Governor may by Proclamation, as and so often as he may see fit, suspend the operation of this Act, or during the continuance of this Act again declare the same to be in full force and effect, and upon any such Proclamation this Act shall be suspended, or of full force and effect, as the case maybe.

4. This Act shall continue and be in force until the end of the next Session of the General Assembly.