

Act for regulating
the practice of
inoculation for
the Small Pox,
repealed.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the aforesaid Act be repealed: and every matter, clause and thing, therein, is hereby repealed: any thing in the said Act to the contrary notwithstanding.*

CAP. III.

An ACT to authorise Captain WILLIAM FENWICK, His Majesty's Commanding Engineer in Nova-Scotia, to extend the South Military Barrack in Halifax, Seven Feet on Albermarle-Street for the better accommodation of the Troops in Garrison there.

Preamble.

WHEREAS *it has been represented to His Excellency the Lieutenant-Governor, that the King's service absolutely requires that a part of the western side of Albemarle street, in the town of Halifax, should be appropriated for the erecting a more commodious barrack for the reception of His Majesty's troops, garrisoned for the defence and protection of His Majesty's subjects in this Province:*

Seven feet by
three hundred
& twenty granted
on Albermarle
Street.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That seven feet, by three hundred and twenty-feet, of the said street, on the western side, adjoining to the piece of ground purchased by government, and known by the name of Adlam's Garden, shall henceforth be appropriated, in perpetuity, for the use aforementioned, or for such other purposes as His Majesty's military service may require.*

CAP. IV.

An ACT in amendment of an Act, made in the Thirty-fifth year of His Majesty's reign, entitled, An Act to prevent the harbouring of Deserters from His Majesty's Army, and the sale of arms, accoutrements and cloathing, belonging to His Majesty.

Mode of detray-
ing expences in-
curred for ap-
prehending and
securing deser-
ters.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly, That when the Magistrates of any county or district within the Province, shall have incurred any expence in securing or apprehending any deserter or deserters from His Majesty's army or navy, or shall have been at any expence in maintaining them, or either or any of them, or in transmitting such deserter or deserters to the corps or ship to which he or they may severally belong, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to order such reasonable charges as may have actually been incurred in performing such service, to be paid out of the Provincial Treasury, in case such expences cannot be recovered upon due application to the corps or ship to which such deserter or deserters shall belong.*

Punishment of
such as entice
soldiers to desert.

II. *And be it further enacted, That if any person or persons whatsoever shall, directly or indirectly, persuade, entice or procure, or endeavor to encourage, persuade, entice or procure, any soldier, or soldiers, in the service of His Majesty, or of his heirs or successors, to desert, it shall and may be lawful for the commanding-officer of the regiment, company or party, to which such soldier or soldiers shall belong, at his option, to cause the person or persons so offending to be prosecuted by information in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case: and if the person or persons, on such prosecution in the Supreme Court, shall, by the verdict of a Jury, be convicted of any or either of the foregoing offences, such person or persons shall forfeit and pay for*

for each and every offence, not exceeding forty pounds, the same to be paid and applied for the use of the poor of the town or district where such offence shall be committed, and the person so convicted, shall, by the judgment of such court, be imprisoned, until he or she shall pay the said penalty, with the cost of prosecution, to be taxed and allowed by said Court, and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace, the person or persons, who, on the oath of one or more credible witness or witnesses, shall be convicted by such Justices of any, or either, of the foregoing offences, shall forfeit and pay, for each and every offence, the sum of five pounds, the same to be paid, and applied, for the use of the poor of the town or district where such offence shall be committed; and such offender or offenders, shall, by such Justices, be committed to jail, until he, she or they, shall pay and discharge the said penalty of five pounds, together with the cost of prosecution; and if such offender shall not pay the penalty or penalties recovered against him, within ten days after conviction by said Justices as aforesaid, it shall and may be lawful for such Justices to cause such offender to be publicly whipped, and discharged from said jail.

CAP. V.

An ACT for the repairing, keeping in repair, cleaning and paving, the streets in the Town and Peninsula of Halifax, and for removing obstructions therein, and also to suspend the power and authority vested in the Surveyors of Highways within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That CHARLES MORRIS, JUR. LAWRENCE HARTSHORNE, JOHN GEORGE PYKE, WILLIAM LYON, and MICHAEL WALLACE, inhabitants of the town of Halifax, shall be, and are hereby, appointed Commissioners, for the repairing, paving, and keeping in repair, the streets, lanes and alleys, in the town, and on the peninsula of Halifax, and for ascertaining, and removing, obstructions therein: and in case of the death, removal, or refusal, of any of the said Commissioners, his or their places to be filled up by such person or persons, being inhabitants of the town of Halifax, and respectable freeholders there, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, shall nominate and appoint.

II. *And be it further enacted,* That the said Commissioners shall and may divide the said town and peninsula into such, and so many, wards or divisions, as they shall judge convenient, and assign to each other, such ward or division thereof, as they can respectively superintend; and shall and may appoint a receiver of monies, and a clerk, and shall and may ask, demand and receive, of and from the inhabitants of the town and peninsula of Halifax, all such sum or sums of money, rates, services, highway-work, or labour, as they are by any former law, or by the provisions of this Act, made liable to pay, or furnish, for the mending, or repairing, of streets, lanes, roads or highways, in the said town and peninsula; and shall have the like remedy for the recovery thereof, as the surveyors, or overseers, of the highways, roads or streets, by such former laws, have had, or ought to have; and the said Commissioners, or any three of them, shall prosecute, on complaints made to them, every person or persons who shall offend against this Act; or any other of the laws and statutes of this Province, so far as respects the preservation, repairing, and preventing encroachments, on the streets, lanes and highways, of said town and peninsula, and are also hereby authorised and empowered, to bring any action or

Appointment of Commissioners of Roads for Halifax.

Commissioners empowered to divide the Town and Peninsula into wards, and to receive the rates and services settled by former laws and statutes.

Commissioners empowered to preserve streets & highways, and to prevent encroachments.

actions