

Penalty for demanding greater fees.

XX. *And be it further enacted*, That if any Justice or Justices, Commissioner or Commissioners, Sheriff or Constable, shall ask, demand or receive, any other or greater fees than are herein allowed, he or they shall forfeit and pay a fine of five pounds, together with costs, to be recovered in any action or suit by him or them that will sue for the same in any Court of Record within the County where such greater fee or fees than are herein allowed shall have been received; which Court of Record shall hear and determine such action in a summary way.

Subpœnas may be issued by Commissioners

XXI. *And be it further enacted*. That the said Court shall have power to issue Subpœnas for the attendance of witnesses resident in any part of the County or District where such Commissioners shall sit, and to compel their attendance by such ways and means as are adopted by the Supreme Court.

Proviso.

XXII. *Provided always*, That this Act, and no part thereof shall extend, or be construed to extend, to the Town of Halifax, where Commissioners are appointed under and by virtue of an Act, passed in the last Sessions of the General Assembly, entitled, An Act for the Summary Trial of Actions.

Act of the last Session of General Assembly for the Summary Trial of Actions, continued for Halifax.

XXIII. *And be it further enacted*, That the said Act, passed in the last Session of the General Assembly, entitled, An Act for the Summary Trial of Actions, be continued, and in force, for the Town of Halifax, and the same is hereby continued and in force for the Town of Halifax for one year, and from thence to the end of the next Session of the General Assembly, and no longer.

Sheriff liable for over-holding monies received under Execution, &c.

XXIV. *And be it further enacted*. That if any Sheriff, Deputy-Sheriff, or Constable, shall levy or receive any sum or sums of money by virtue of any Execution, Writ, or Process, and shall detain the same in his hands for the space of twenty-four hours after the same shall have been demanded, then such Sheriff, Deputy-Sheriff, or Constable, shall forfeit to the party entitled to receive such sum or sums of money, for each and every week that he shall detain the same, the sum of five shillings for each and every pound which he shall so detain after demand made as aforesaid; to be recovered before any Justice of the Peace for the County or District where such Sheriff, Deputy-Sheriff, or Constable, shall reside.

Act continued one year.

XXV. *And be it further enacted*, That this Act shall be and continue in force for one year from the publication thereof, and from thence to the next Session of the General Assembly.

CAP. XI.

An ACT for new Executions to be sued against Persons who shall hereafter be delivered out of Execution by privilege of either House of the General Assembly, and for discharge of them out of whose custody such persons shall be delivered.

Preamble.

FORASMUCH as heretofore doubt hath been made if any person being arrested in Execution, and by privilege of either of the Houses of the General Assembly of this Province, set at liberty, whether the party at whose suit such execution was pursued, be forever after barred and disabled to sue forth a new writ of Execution in that case; for the avoiding of all further doubts and trouble which in like cases may hereafter ensue:

Execution may be issued after privilege ceases

I Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from henceforth, the Party, at or by whose suit such writ of Execution was pursued, his executors or administrators, after such time as the privilege of that Session of the General Assembly, in which such privilege shall be so granted, shall cease, may sue forth, and execute, a new writ or writs of Execution,

Execution, in such manner and form as by law he or they might have done if no such former Execution had been taken forth or served. And that, from henceforth, no Sheriff, Bailiff, or other Officer, from whose arrest or custody any such person so arrested in execution shall be delivered by any such privilege, shall be charged, or chargeable, with or by any action whatsoever, for delivering out of execution any such privileged person so as is aforesaid by such privilege set at liberty: any law, custom or privilege, heretofore, to the contrary notwithstanding.

II. *Provided always*, That this Act, or any thing therein contained, shall not extend to the diminishing of any punishment, to be hereafter, by censure, in either House of General Assembly, inflicted upon any person who shall hereafter make, or procure to be made, any such arrest as is aforesaid.

Proviso.

CAP. XII.

An ACT for the better preservation of the property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That at all times, after the publication of this Act, when it shall be deemed expedient to establish a Nightly Watch and Ward, for the preservation of the Town of Halifax, and for the peace and safety of the Inhabitants thereof; and the Justices in Sessions, General or Special, shall represent the same in writing, to the Lieutenant-Governor or Commander in Chief for the time being, and the Lieutenant-Governor or Commander in Chief, may, by and with the consent of His Majesty's Council, by an order to be published in the Halifax Gazette, direct such Watch, and Ward, to be immediately established, for such time as may be deemed expedient, and the said Justices in Sessions shall thereupon order and direct such of the Inhabitants as they may deem proper to form a Watch, to be established in the Town of Halifax, for the protection of the property of its Inhabitants, and they shall have full power and authority to make such rules, regulations and orders, for the better government of the said Watch, as by them may be thought expedient, and shall impose a fine not exceeding ten shillings, on any person who shall refuse to serve, or who shall transgress any of the rules, regulations or orders, so made by the Sessions as aforesaid.

Watching and Warding, if necessary.

Measures to be taken for establishing Watch.

Government of the Watch.

II. *And be it further enacted*, That every person so appointed to Watch, shall, during all the time he shall be so appointed to Watch, possess all the power and authority of a Constable; and all insults, opposition or resistance, offered to any person or persons so appointed, during the time he shall be in the execution of the duty of a Watchman, shall be prosecuted and punished as offences committed against Constables in the execution of their Office.

Authority of Watch.

III. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the County, to present such sum or sums of money as may be necessary to support the necessary expences of the said Watch, to be levied and collected in the same manner as other County Rates are levied and collected.

Expence of Watch—how defrayed.

IV. *And be it further enacted*, That all fines or forfeitures incurred for disobedience of this Act, or for transgressing the regulations of Sessions, made under and by virtue of this Act, shall

Disobedience of Watchmen.