

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.

**B**E 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.

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. Measures to be taken for establishing 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. Government of the Watch.

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 Authority of Watch.

Expense of Watch—how defrayed.

Disobedience of Watchmen.

shall and may be recovered before any one of His Majesty's Justices of the Peace in the Town of Halifax, and be applied towards defraying the expences of the said Watch.

V. *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 end of the next Session of the General Assembly.

Continuation.

## CAP. XIII.

## An ACT for the improvement of the Common of Halifax.

Preamble.

**W**HEREAS, two hundred and forty acres of Land, were, on the twenty-third day of June, in the third year of His present Majesty's Reign, granted to John Collier, Charles Morris, Richard Bulkely, William Nesbitt, Charles Proctor, and William Best, the survivor of them, and the heirs of such survivor, for the use of the Inhabitants of the Town of Halifax, as a Common: And whereas, owing to the death of the said Grantees, and the absence and minority of the persons in whom the legal estate in the said Common, may be now vested, it is expedient to appoint Trustees, in whom the legal estate in the said Common may be vested, for the more effectually carrying into execution the purposes of this Act:

Estate in the Common divested.

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That all the estate and interest of the heirs at law of the before-named grantees, be, and the same is hereby, divested, and for ever determined.

Estate in the Common re-invested.

II. *And be it also enacted*, That the legal estate, title and interest, in the said two hundred and forty acres of land, and in all the Common of Halifax, be, and the same is hereby vested in the Chief Justice, the Attorney General, the Solicitor-General, and the Surveyor-General, of the Province, and their successors in office, for ever, for the use of the Inhabitants of the Town of Halifax.

Preamble.

And whereas, it would be advantageous to the Town of Halifax, if part of the said Common, which is now waste and unproductive, were leased in convenient lots, for the purpose of enabling persons whose occupations require the keeping of Horses and Cattle, to build thereon, and in order that part of the said Common may be gradually improved by inclosures and trees planted thereon:

Twenty-five acres of the Common to be leased in lots.

III *Be it therefore enacted*, That it shall and may be lawful for the said Trustees to lease part of the said Common, not exceeding twenty-five acres, in lots of half an acre each, for the term of nine hundred and ninety-nine years; which leases shall be made of such parts of the said Common as are described in a plan submitted to the General Assembly in this present Session; which plan is signed by the President of His Majesty's Council, and the Speaker of the Assembly.

Lots to be let at Auction.

IV. *And be it further enacted*, That the said lots shall be put up separately at Public Auction, by the Commissioners herein after named, excepting such lots or parcels of ground as are marked by a blue line in the said plan, which shall be reserved for Markets, or other public uses of the Town, and shall be leased to the best bidder; who shall covenant to perform the conditions of the lease; and the substance of all the several covenants, intended to be inserted in such lease, shall be publicly notified to the bidders at the time and place of holding such auction or auctions.

Payment of rents.

V. *And be it further enacted*, That in addition to the covenants usually inserted in leases, there shall be inserted these following:—That one year's rent shall be paid upon the lease being executed; that the rent shall, after the first year, be paid annually at the expiration of each year; that the lessee shall cause the lot to be inclosed with a good and sufficient fence within one year after receiving possession, and shall plant and set out at least ten trees; that no

steps,