

CAP. XXXIX.

An Act in addition to an Act, intituled "An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters."

Repealed by 3^o Act c. 67

Passed 23d March 1839.

I. **B**Eit enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any Licenced Tavernkeepers or Retailer within this Province shall, under the provisions of any existing law, be convicted of directly or indirectly persuading or seducing any Soldier to desert from Her Majesty's service, or assisting any Deserter from Her Majesty's service, knowing him to be such, in deserting or in concealing himself from such service, or of buying, exchanging or detaining, or otherwise receiving, from any Soldier or Deserter upon any account whatever; any arms, clothing, caps or other furniture belonging to the Queen, or any such articles belonging to any Soldier or Deserter as are generally deemed regimental necessaries, according to the custom of the army, or shall exchange, buy or receive from any Soldier any provisions, unless by consent of the officer commanding the regiment or detachment to which such Soldier shall belong, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to annul, abrogate and make void the Licence of such Tavernkeeper or Retailer.

Governor with advice of Council may annul the licence of any Tavern Keeper or Retailer convicted of seducing or assisting Soldiers to desert, purchasing or receiving Regimental necessaries, &c..

II. And be it further enacted, That immediately on receiving notice of the annulment of such Licence, the said Tavernkeeper or Retailer shall thenceforth be deemed and taken to be an unlicenced person, to all intents and purposes, and shall further be disqualified from holding a Tavern or Retail Licence for the space of one year from the time of such annulment, any law or usage to the contrary thereof in any wise notwithstanding.

Tavern Keeper or Retailer on notice of annulment to be considered an unlicenced person and disqualified from holding licence for one year.

III. And be it enacted, That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties of this Province, at the time any other Acts relating to Tavernkeepers and Retailers may be so read.

Act to be read at opening of Sessions.

IV. And be it further enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty four, and no longer.

Limitation.

CAP. XL.

An Act to empower the Commissioners of the Marine Hospital at Saint Andrews, in the County of Charlotte, to purchase a lot of land for the benefit of the said Hospital.

Passed 23d March 1839.

WHEREAS the enlarging the grounds of the Marine Hospital at Saint Andrews, in the County of Charlotte, would much conduce to the health and comfort of its inmates;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of the said Marine Hospital are hereby authorized and empowered to purchase a lot of land, situate on the Town plat of Saint Andrews, in the County of Charlotte, commonly called the Rectory Lot, adjoining the one on which the said Hospital is now erected, and to make such improvements thereon as may by them be deemed necessary for the health and comfort of the inmates of the said Hospital.

Commissioners empowered to purchase a specified lot of land and make improvements for the use of the Hospital.

Title to be in the Commissioners and their successors.

Lot not to be alienated, &c. without the authority of an Act of Assembly.

II. And be it further enacted, That the said lot of land when so purchased, shall be conveyed to the said Commissioners of the said Marine Hospital, to hold to them and their successors in office for ever for the purposes aforesaid.

III. And be it further enacted, That the said lot of land or any part thereof, shall not in any way or by any means whatever be alienated or granted or disposed of by the said Commissioners or their successors in office for any other purpose whatever than as hereinbefore stated, without an Act of the General Assembly authorizing the same.

CAP. XLI.

4 W. 4, c. 33.

An Act to continue an Act, intituled "An Act to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes."

Passed 23d March 1839.

4 W. 4, c. 33, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act more effectually to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XLII.

An Act to amend the Law relating to Bastardy.

Passed 23d March 1839.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the third Section of an Act made and passed in the thirty second year of the Reign of King George the Third, intituled "An Act to provide for the maintenance of Bastard Children," be and the same is hereby repealed.

32 G. 3, c. 3, sec. 3, repealed.

Orders of affiliation or maintenance to be made by the Justices in Sessions.

II. And be it enacted, That all orders of affiliation or maintenance to be made in pursuance of the said recited Act, shall be made by the Justices of the Peace in General Sessions.

Court on oath of the Mother may adjudge person charged the reputed father.

III. And be it enacted, That in case any person appearing before such Court of General Sessions, charged with being the reputed father of a bastard child, likely to become chargeable to any Parish, shall traverse or deny the charge, such Court on the oath of the mother of such child, or such other testimony as may be offered to their satisfaction, may adjudge such person the reputed father as aforesaid.

Court may postpone the order of affiliation or maintenance in certain cases, and thereupon person charged to enter into recognizance for appearance.

IV. And be it enacted, That when the child with which the woman may be pregnant likely to be chargeable as aforesaid, may not be born at the time of any person appearing before such Court charged with being the reputed father of such child, or in any case where the said Court, either for the purpose of procuring further testimony or for other reasons, shall consider it necessary to put off the consideration of the charge, or the making of an order of affiliation or maintenance until the next Court of General Sessions to be held for such County, such Court shall be at liberty so to order and direct; and thereupon the persons so charged shall forthwith enter into recognizance with one or more sufficient sureties to the satisfaction of such Court for his appearance at the next General Sessions.

Mother's Assent
4 W. 4, c. 28

Repeat 13th W. 4, c. 33