

on Conviction shall suffer as a Felon.

Crime shall be adjudged Felony, and such Person so convicted shall suffer as a Felon.

This Act not to extend to Firewood & underwood used in the Fishery and within half Mile of Sea Shore.

IV. *Provided*, That nothing in this Act shall be construed to extend to such Fire Wood and underwood as is commonly used in the Fishery, and shall be within Half a Mile of the Sea Shore.

### C. A. P. IV.

An Act for admitting Depositions *de bene esse*, of Witnesses aged, Infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

When it shall happen that Witnesses in a Cause are infirm, aged or unable to travel, or obliged to leave the Province.

One of the Judges on due Notice given to adverse Party may take the Deposition of such Witnesses, which shall be Sealed up and directed to the Court where Cause is to be tried.

\*\*\* *Et ita Enacted, by the Governor, Council and Assembly,*  
 \* B \* That when it shall so happen that any of the Witnesses  
 \* \* \* which shall be judged necessary to be produced on the  
 \* \* \* \* Trial of any Cause between Party and Party, shall be  
 infirm, aged, or otherwise unable to travel, or when any such  
 Witness or Evidence is obliged to leave the Province, it shall and  
 may be lawful for any One of the Judges of the Court where the  
 Cause is to be tried, on due Notice given to the adverse Party to  
 be present (if he sees fit) to take the Deposition of such Infirm or  
 aged Person, or Persons unable to travel, or who is obliged to  
 leave the Province, and such Depositions so taken and certified  
 under the Hand and Seal of the said Judge and sealed up, and  
 directed to such Court, shall be received as legal Evidence in such  
 Cause.

Oath to be made of Notice given to adverse Party.

II. *Provided*, That Proof be made on Oath, that due Notice was given to the adverse Party of the Time and Place of taking such Depositions.

If such Witness is in the Province or able to travel testimony *viva voce* required.

III. *And provided nevertheless*, That if such Witnesses shall at the Time of the Trial of the Cause, be in the Province, or able to travel, they shall be required to give their Testimony *viva voce*, at such Trial, in the same Manner, as if such Depositions had not been taken.

Saving benefit of exceptions to the Credit of such Witnesses.

IV. *Provided also*, That all Benefit of Exceptions to the Credit of such Deponents shall be reserved in the same Manner as on producing Witnesses for Examination, *viva voce*, at the Trial.

Quakers allowed to make Affirmation.

V. *And be it Enacted*, That every Person of the Profession of the People called Quakers, who shall be required to take an Oath as aforesaid, shall instead of an Oath be permitted to make his or her Solemn Affirmation.

VI. *And be it also Enacted*, That every Person who shall have made such Oath or Solemn Affirmation, and shall be convicted of wilfully, falsely and corruptly having sworn or affirmed any thing, shall incur the same Penalties as Persons convicted of wilful and corrupt Perjury.

Person convicted of Swearing or affirming falsely to incur Penalties as for perjury:

## C A P. V.

An Act for punishing Rogues, Vagabonds, and other idle and disorderly Persons.

Act 7th, Geo. 3. cap. 5.

~~XXXX~~ *E it Enacted, by the Governor, Council and Assembly,*  
~~XX~~ *B* That all Soldiers belonging to His Majesty's Troops in this Province, or Seamen or Mariners belonging to any of His Majesty's Ships or Vessels, who shall be travelling or wandering within the said Province, and shall not have a Pass from the Commanding Officer of the Regiment, Company or Ship or Vessel, to which they belong; and all idle and wandering Persons, who shall not have a Pass, or Testimonial from some Justice of the Peace, setting forth, the Place from whence such Soldier, Seaman or Mariner, or such other idle and wandering Person shall have come, and the Place to which they are to pass; every such Soldier, Mariner or Seaman or other Person, shall be deemed idle and disorderly Persons, and shall be proceeded against, as is herein after directed.

All Soldiers belonging to his Majesty's Troops Seamen or Mariners belonging to his Majesty's Ships or Vessels not having a Pass from their Commanding Officer.

All idle and wandering Persons not having a Pass from a Justice of Peace,

shall be deemed idle and disorderly Persons.

II. *And be it also Enacted*, That all Persons who run away, or threaten to run away, and leave their Wives or Children upon any Township, and all Persons who unlawfully return to such Township, or Place from whence they have been legally removed by order of two Justices of the Peace, without bringing a Certificate from the Township wherunto they belong, and all Persons who not having wherewith to maintain themselves, live idle and refuse to work for the usual Wages, and all Persons going about to beg Alms, shall be deemed idle and disorderly Persons; and it shall be lawful for any Justice of Peace to commit such Offenders (being convicted by his own View or by Confession, or by the Oath of one credible Witness) to prison, or to the House of Correction, there to be kept to hard Labour for any Time, not exceeding one Month.

All Persons who run away or threaten to run away and leave their Wives, &c. on any Township, or Persons unlawfully returning to Places from whence they have been removed, and other idle Persons, and Persons begging Alms, deemed idle and disorderly Persons, and shall be committed to Prison or House of Correction.

III. *And be it also further Enacted*, That it shall be lawful for any Person to apprehend Offenders against this Act, and convey to some Justice of Peace, the Persons so apprehended to be proceeded against as is herein after directed, and in Case any Constable or other such Officer refuse or neglect to use his best Endeavours

Lawful for any Person to apprehend Offenders.