

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 12

An Act to prevent the Sale of Slop-Cloathing, and for punishing the Concealers or Harbourers of Seamen or Marines deferring from the Royal Navy.

Whereas for the better carrying on the present War, it has been His Most Gracious Majesty's Royal Will and Pleasure, from time to time, to send large squadrons of His ships of war into North-America: And whereas the harbour of Halifax in this His Majesty's Province of Nova-Scotia from its situation, great convenience, and safety for capital ships, hath always hitherto been, and probably during the war, will continue to be the rendezvous of His Majesty's fleet in that part of His American dominions. And whereas many and great inconveniences have arisen to the service of the royal navy, by persons enticing, assisting, harbouring and concealing seamen deserting from His Majesty's ships, and by buying the Slop-Cloaths issued to seamen on board His Majesty's ships, by means whereof they become subject to impositions, and are induced to sell their necessary cloathing to procure spirituous liquors, whereby they are rendered unfit for duty, become diseased and die for want of proper apparell to defend them against the inclemencies of the weather, and by means of such practices the commanders of His Majesty's ships of war have been under a necessity of detaining such seamen on board, not only to the great prejudice of their health by such confinement and want of exercise, but also to the disadvantage of the Province, from the want of the assistance and labour of such seamen. For remedy whereof, be it enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, that if any person shall entice any seaman or marine to desert, or harbour, conceal, or assist any deserter from any of war, knowing him to be such, the person so offending shall forfeit the sum of twenty pounds, on conviction by one or more credible witness, before any three Justices of Peace, (quorum unus) for the use of His Majesty's government, to be levied by distress, and for want of such distress, the person so offending shall be committed to His Majesty's goal, there to remain without bail or mainprize for the space of six months, or till such time as the said fine shall be paid.

And be it further enacted, that if any person shall buy or receive as a pledge, or exchange any cloaths from any seaman or marine belonging to any of His Majesty's ships of war, upon conviction thereof or confession, or by the oath of one credible witness, or if such cloaths shall be found in the possession of any person, upon complaint that they were bought from, or pledged or exchanged by such seamen or marines in such case the party offending shall pay a fine of five pounds; forty shillings of which to the informer, and three pounds to the use of His Majesty's government; and the cloaths shall be taken from such person and returned to such seaman or marine, and he to be utterly debarred from recovering in any action, the purchase or loan money for the same. Any person offending may be convicted of such offence before any one or more of His Majesty's Justices of the Peace, who are hereby empowered to levy the penalty by distress, and in default of distress to commit the offender

to His Majesty's goal, there to remain without bail or mainprize for the space of two months, or till such time as the penalty shall be paid.

Be it further enacted, that it shall and may be lawful for any person, upon seeing or knowing of any seaman or marine belonging to any of His Majesty's ships of war, selling or exposing to sale any of his or their cloathing or slops, to apprehend such seaman or marine, and carry him or them immediately to some Justice of the Peace, of the county, who is hereby impowered to commit such seaman or marine to His Majesty's goal, and to deliver him or them over to the captain, or other officer of the ship to whom he or they may belong.

Be it further enacted by the authority aforesaid, that on information made on oath, before any of His Majesty's Justices of the Peace, by any of the officers of His Majesty's ships of war, that one or more of the seamen in His Majesty's service have deserted or absconded, who there is reason to beleive be concealed in some dwelling or outhouse, where the said officer has been refused admittance; that then it shall and may be lawful for such Justice of the Peace, before whom such complaint is made, to issue his warrant to some one or more constables impowreing him or them, in the day time, to search for said deserters or absconders, in any dwelling or outhouse that shall be suspected for concealing said deserters or absconders, accompanied by one officer only, either lieutenant or midshipman, and no other seaman or marine with him, and in case any matter or mistress of any dwelling-house or outhouse in this Province, shall refuse entrance to said constable or constables, so impowered by warrant as aforesaid to search for said deserters or absconders, they shall forfeit the sum of twenty pounds; upon conviction, to be levied by Warrant of Distress under the hand and seal of two of His Majesty's Justices of the Peace, from off the offenders goods; and for want of such distress, shall be committed to His Majesty's goal for months, and that it shall and may be lawful for any of His Majesty's Justices of the Peace, who are hereby required upon information on oath as aforesaid, in the night time in his own person, attended with the constables, accompanied by one officer either lieutenant or midshipman, and no other seaman or marine with him, to demand entrance into any dwelling or outhouse in this Province, on suspicion of deserters or absconders being concealed there, and the matter or mistress refuting entrance to such Justice of the Peace so demanding entrance in the night time, shall forfeit the sum of twenty pounds to be levied as aforesaid upon conviction; and for want of such distress, to be committed to His Majesty's goal for six months; the aforesaid sums to be for the uses of this government: And that the person or persons so apprehended supposed to be deserters or absconders from His Majesty's service, shall be committed to His Majesty's Goal, until proof is made before one or more of His Majesty's Justices of the Peace, of his or their desertion or absconding, and then to be delivered up to such officer or officers of His Majesty's navy who shall make demand of said deserter or deserters. And in case said person or persons so committed are not deserters, absconders, or shall not be in His Majesty's service, then such person or persons to be discharged without cost.

And be it further enacted by the authority aforesaid, that this Act shall be and continue in force during the present war, and no longer.

This Act to commence and be in full force from seven days after the publication hereof.