

For Acts respecting soldiers, see chap. 5. of this session, 40th Geo. 3d. cap. 18, 41st Geo. 3d. cap. 4. 43d. Geo. 3d. cap. 4. Preamble.

Billeting of Officers and Soldiers on a march.

Penalty for such as refuse to billet them.

## CAP. IV.

## An ACT for quartering and billeting His Majesty's Forces, when marching from one District to another, within the Province.

**W**HEREAS it is expedient that His Majesty's forces, when marching from one district or county to another, should be provided with quarters :

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for any one Justice of the Peace, inhabiting in, or near, any town, village or place, within this Province, to quarter and billet the officers and soldiers in His Majesty's service, when marching from one district to another, in inns, taverns and ale houses; and where there shall not be found room in such houses, then in the houses of persons selling spirituous liquors by retail, on the officer or non-commissioned officer commanding the regiment or detachment producing to such Justice the order of the officer commanding His Majesty's forces, within this Province, directing such march.

II. *And be it further enacted,* That if any inn holder, tavern or ale house keeper, or persons selling spirituous liquors by retail, shall, on being presented with a billet in writing from a Justice of the Peace as aforesaid, refuse to quarter and billet the officers and soldiers directed in the said billet, to be by him quartered and billeted, he shall forfeit and pay for each and every offence the sum of five pounds: to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record within this Province: the one half whereof shall go to the informer, and the remainder be paid into the Treasury, for the use of the Province.

## CAP. V.

## An ACT to prevent the harbouring Deserters from His Majesty's Army, and the Sale of Arms, Accoutrements and Clothing, belonging to His Majesty.

Penalty for such as harbour or assist any deserter.

Penalty for the purchase of Soldiers' Necessaries

Recovery and application of penalties.

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That if any person shall harbour, conceal or assist, any deserter from His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever; or any hats, shoes, shirts or stockings, or other articles generally deemed regimental necessaries, according to the custom of the army, provided for such soldier or deserter, by his captain, or other officer commanding the company to which he belongs, and paid for by deductions out of his pay, without leave in writing, from such captain or officer, or cause the colour of such clothes to be changed, the person so offending shall forfeit for every such offence the sum of five pounds; and, upon conviction by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the Justices of the Peace, by distress and sale of the goods and chattels of the offender: one moiety of the said first mentioned penalty of five pounds, to be paid to the informer by whose means such deserter shall be apprehended: and one moiety of the said last mentioned penalty of five pounds to be paid to the informer, and the residue of the said respective penalties to be paid to the officer to whom any such deserter or soldier did

did belong. And in case any such offender who shall be convicted as aforesaid, or assisting any such deserter or deserters, of harbouring, or having knowingly received any arms, clothes, caps, or other furniture, belonging to the King; or any hats, shoes, shirts, stockings or other regimental necessaries provided and paid for as aforesaid, without leave in writing as aforesaid; or having caused the colour of such clothes to be changed, contrary to the intent of this Act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then, and in such case, such Justices may, by warrant under their hands and seals, commit such offender to the common jail; there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly whipped at the discretion of such Justices. *Provided always*, That no commission officer shall break open any house to search for deserters without a warrant from a Justice of the Peace, obtained upon oath made of a desertion, from the regiment to which he belongs, and that there is reason to believe that such deserter or deserters be concealed in the dwelling or out-house in which it is proposed to search for him or them, and into which he the said officer, has been refused admittance. And that every commission officer, who shall without warrant from one or more of His Majesty's Justices of the Peace, (which said warrant the said Justice or Justices are hereby empowered to grant) forcibly enter into, or break open the dwelling-house, or out-house, of any person whatsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Commissioned officers entering houses to search for deserters, liable to a penalty.

## CAP. VI.

## An ACT to amend, and reduce into one Act, the several Laws now in being, relating to a Militia in this Province.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, every male inhabitant or resident within this Province, from sixteen to sixty years of age, inclusive, shall be enrolled in some independent company, or in one of the regimented companies in the district where he dwells or resides, and the clerk of such company, is hereby required to keep a book for the purpose of registering the names of all persons required by this Act to be enrolled in the Militia, and to make fair entries therein of all such names: such book to be ready at all times for the inspection of the captains or other officers belonging to such company, and every person enrolling himself in any independent company shall continue therein for three years, unless in case of his removal from the county, in which such company may be, or of his being discharged by the captain or officer commanding such company.

For Acts in amendment of this Act, see 36th Geo. 3d. cap. 10, 37th Geo. 3d. cap. 6, 40th Geo. 3d. cap. 18.

Men from sixteen to sixty to be enrolled in Militia.

II. *And be it further enacted*, That the militia shall be formed into regiments by counties; and in case any county shall be sufficiently populous to admit of the regiment being subdivided into two, or more battalions, then, and in such case, the said regiment may be subdivided into battalions, not consisting of less than three hundred men each; that no independent company shall consist of more than fifty four men rank and file, nor any artillery company, (that of Halifax excepted,) of more than thirty two rank and file, and there shall not be more than one independent company in any county, for every battalion of militia in said county; and all regimented companies, those of grenadiers and light infantry excepted, shall be formed by districts in such manner, as that such companies may be assembled as conveniently as possible; that no such company shall consist of less than thirty men, to be commanded by one captain and two subalterns; and when any such company shall exceed sixty men, ad-

Forming of Militia into regiments and battalions.

Forming of companies.

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