

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, and thence continued by several Prorogations to the Ninth day of June, 1801, in the Forty-first Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, &c. being the Second Session of the Eighth General Assembly, convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

41 George III – Chapter 4

An Act in amendment of an Act, made in the Thirty-fifth year of His Majesty's reign, entitled, "An Act to prevent the harbouring of Deserters from His Majesty's Army, and the sale of arms, accoutrements and cloathing, belonging to His Majesty."

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that when the magistrates of any county or district within the province, shall have incurred any expence in securing or apprehending any deserter or deserters from His Majesty's army or navy, or shall have been at any expence in maintaining them, or either or any of them, or in transmitting such deserter or deserters to the corps or ship to which he or they may severally belong, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to order such reasonable charges as may have actually been incurred in performing such service, to be paid out of the provincial treasury, in case such expences cannot be recovered upon due application to the corps or ship to which such deserter or deserters shall belong.

II. And be it further enacted, that if any person or persons whatsoever shall, directly or indirectly, persuade, entice or procure, or endeavor or encourage, persuade, entice or procure, any soldier, or soldiers, in the service of His Majesty, or of his heirs or successors, to desert, it shall and may be lawful for the commanding officer of the regiment, company or party, to which such soldier or soldiers shall belong, at his option, to cause the person or persons so offending to be prosecuted by information in His Majesty's supreme court, or before two of His Majesty's justices of the peace, according to the nature and circumstances of the case: and if the person or persons, on such prosecution in the supreme court, shall, by the verdict of a jury, be convicted of any or either of the foregoing offences, such person or persons shall forfeit and pay for each and every offence, not exceeding forty pounds, the same to be paid and applied for the use of the poor of the town or district where such offence shall be committed, and the person so convicted, shall, by the judgment of such court, be imprisoned, until he or she shall pay the said penalty, with the cost of prosecution, to be taxed and allowed by said court, and if such prosecution shall be carried on before two of His Majesty's justices of the peace, the person or persons, who, on the oath of one or more credible witness or witnesses, shall be convicted by such justices of any, or either, of the foregoing offences, shall forfeit and pay, for each and every offence, the sum of five pounds, the same to be paid, and applied, for the use of the poor of the town or district

where such offence shall be committed; and such offender or offenders, shall, by such justices, be committed to jail, until he, she, or they, shall pay and discharge the said penalty of five pounds, together with the cost of prosecution; and if such offender shall not pay the penalty or penalties against him, within ten days after conviction by said justices as aforesaid, it shall and may be lawful for such justices to cause such offender to be publicly whipped, and discharged from said jail.