

L A W S

OF THE

PROVINCE of NEW-BRUNSWICK.

CAP. I.

An ACT for the more effectual Punishment of such Persons as shall seduce Soldiers to Desert. Passed the 5th of March, 1807.

WHEREAS the Laws now in force in this Province for the punishment of such evil disposed persons as seduce Soldiers to desert, have been found ineffectual,

I. Be it therefore enacted by the President, Council, and Assembly, That if any person or persons whatsoever (other than such as are or shall be enlisted as Soldiers, against whom sufficient remedy is already provided by law) shall by words or other means, or act whatever, directly or indirectly persuade or procure any Soldier or Soldiers in the service of His Majesty, his heirs, or successors, to desert or leave such service, or shall go about and endeavour, in manner aforesaid, to persuade, prevail on, or procure such Soldier or Soldiers to desert or leave such service as aforesaid, and be thereof convicted before any two Justices of the Peace for the County, City or place where the offence shall be committed, either upon the confession of the party, or proof by one or more credible witness or witnesses upon oath, every such person so offending and convicted, shall for every such offence forfeit and pay the sum of *Twenty Pounds*, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of such Justice, and when so levied to be paid, one moiety to the Informer, and the other moiety to the Overseers of the Poor of the Parish where the offence shall be committed; and the overplus (if any) after the costs and charges of such conviction and distress and sale are deducted, to be returned to the owner or owners; and in case such distress shall not be found, and such penalty and forfeiture, and the said costs and charges shall not be forthwith paid, it shall and may be lawful for such Justices and they are hereby authorized and required, by warrant under their hands and seals, to commit such offender or offenders to the common Gaol or House of Correction of the County or place where the offence shall be committed, for any time not exceeding Six calendar months, nor less than sixty days, unless the said penalty and forfeiture, and costs and charges, shall respectively be sooner paid and satisfied.

Preamble.

Persons persuading or endeavouring to persuade Soldiers to desert.

to forfeit sol. to be levied by distress and sale of the offender's goods, half to the informer, half to the Overseers of the Poor.

If no distress found and penalty, &c. not paid.

Offender to be committed to Gaol not exceeding six months nor less than sixty days.

II. PROVIDED ALWAYS, *and be it further enacted*, That no such prosecution or information shall be brought or carried on, by virtue of this act, unless the same be commenced within Six months after the offence committed.

III. *And be it further enacted*, That this Act shall be and remain in force during the present War and no longer.

CAP. II.

An ACT for the further relief of Debtors, with respect to the imprisonment of their Persons.
Passed the 5th of March, 1807.

WHEREAS it might tend to the discharge from imprisonment of many Prisoners in execution for debt, if their Creditors were enabled to discharge such Debtors without losing the whole benefits of the Judgments obtained against such Debtors.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly*,

Creditors may by writing consent to the discharge of their debtors in custody on execution

without losing the benefit of the judgment upon which the execution issued.

Judgment upon which such debtor was taken or charged in execution shall continue in force.

Creditor may take out execution against the lands and goods of the debtor other than bedding, apparel and tools to the value of 10l.

Or bring any action or use any remedy for the recovery of the demand as if debtor had never been taken in execution.

Debtor once discharged shall not be again arrested upon the same judgment.

No proceeding to be had against the bail.

That from and after the passing of this Act, it shall be lawful for any creditor or creditors at whose suit any debtor or debtors is or are, or shall be in Prison and taken or charged in execution for any sum of money, by writing signed by such creditor or creditors, or by one of them for and in behalf of himself or herself and the others of them (being complainants in the same action) to signify or declare his, her or their consent to the discharge of such debtor or debtors from the Goal or Prison in which he, she or they is, are or shall be confined in execution at the suit of such creditor or creditors, without losing the benefit of the Judgment upon which the execution against such debtor or debtors issued, except as herein after provided; and that, notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the Judgment upon which such debtor or debtors was or were taken or charged in execution shall continue and remain in full force to all intents and purposes except as herein after provided: and it shall be lawful for such creditor or creditors at any time to take out execution on every such Judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them (other than and except the necessary apparel and bedding of him, her or them, or his, her or their family, and the necessary tools of his or their trade or occupation, not exceeding the value of *Ten Pounds* in the whole) or to bring any action or actions on every such Judgment, or to bring any action or use any remedy for the recovery of his, her or their demand, against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done in case such debtor or debtors had never been taken or charged in execution upon such Judgment. *Provided always*, That no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution or arrested upon any Judgment herein before declared to continue and remain in full force, or in any action which may be brought on any such Judgment; and that no proceeding by *scire facias*, action, or otherwise,