

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1805.* Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 6

**An Act for the more effectual Prevention of Desertion from His Majesty's Forces. Passed the 5th of March, 1805.**

Whereas the provisions and penalties in an Act made and passed in the Thirty-third year of the reign of His present Majesty, intituled, "An Act for apprehending Deserters from His Majesty's service, and for punishing unlawful dealings with Soldiers" have been found ineffectual—

- I. Be it therefore enacted by the President, Council and Assembly, That the said Act be and the same is hereby repealed.
- II. And be it further enacted, That if any person or persons after the passing of this Act, shall harbour, conceal or assist any Deserter from His Majesty's service, knowing him to be such, every such person so offending shall for every offence on conviction forfeit the sum of Twenty Pounds.
- III. And be it further enacted, That if any person shall knowingly buy, exchange or detain, or otherwise receive from any Soldier or Deserter upon any account whatsoever, any Arms, Clothing, Caps, or other furniture belonging to the King, or any such articles belonging to any Soldier or Deserter as are generally deemed Regimental necessaries according to the custom of the Army, or shall exchange, buy or receive from any Soldier any provisions unless by consent of the Officer commanding the Company to which such Soldier shall belong, every person so offending shall incur the penalty of Five Pounds.
- IV. And be it further enacted, That the first mentioned penalty shall and may be recovered before any two Justices of the Peace, and the last mentioned penalty before any one Justice in the County where such offences may be committed, upon conviction on the Oath of one or more credible witness or witnesses, to be levied by warrant of distress under the hand of such Justice, by distress and sale of the goods and chattels of the offender, one moiety of which penalties shall be paid into the Province. Treasury for the purpose of encouraging the apprehension of Deserters, the other moiety to such persons as shall prosecute the same offences to conviction; and in case no sufficient goods or chattels can be found whereon to levy such distress every offender shall by such Justice be committed to the common Gaol in such County, there to remain without bail or main prize for a term not exceeding Three Months.
- V. And for the better encouragement for apprehending Deserters, Be it further enacted, That any person or persons who shall apprehend any Deserter or Deserters from His Majesty's forces and deliver up such Deserter to any Officer commanding any Military Post in this Province, shall for each and every Deserter so apprehended and delivered up receive a reward of Ten Pounds on producing a certificate of such apprehension and delivery, specifying the name or names of such Deserter and to what Regiment or Corps he or they belong, signed by such commanding Officer

and one Justice of the Peace for the County or District before whom such Deserter or Deserters shall be brought. Provided the rewards so to be given out of the Province Treasury shall not in any one Year exceed One Hundred Pounds.

VI. And be it further enacted That it shall be the duty of all keepers of His Majesty's Gaols on the Road between the place or places where such Deserter may be apprehended and the place of his or their final destination, to receive such Deserter into their custody without any fee or reward, whether such Deserter be conveyed by virtue of a warrant from any Justice of the Peace or under Military escort by an order of the commanding Officer of His Majesty's forces or of the War office.

VII. And be it further enacted, That the Treasurer of the Province be, and he is hereby authorized and required on producing such certificate signed as aforesaid, to pay such reward above mentioned to the person or persons producing the same, provided the same do not exceed the sum of One Hundred Pounds limited as aforesaid.

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