

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1834. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1834.

4 William IV – Chapter 18

An Act to prevent Desertion from His Majesty's Forces and to punish unlawful Dealings with Soldiers or Deserters. Passed 22d March 1834.

Whereas Soldiers stationed within this Province for the Defence of the same, have been frequently found to desert or absent themselves from the Head Quarters of their respective Regiments or Detachments without Leave, to the great Injury of His Majesty's Service;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Person shall directly or indirectly persuade any Soldier to desert His Majesty's Service, and every Person who shall assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, every such Person so offending shall, for each and every Offence, on Conviction, forfeit the Sum of Twenty Pounds.

II. And be it enacted, That if any Person shall buy, exchange or detain, or otherwise receive, from any Soldier or Deserter, upon any Account whatever, 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 Regiment or Detachment to which such Soldier shall belong, every Person so offending shall for each and every Offence incur the Penalty of Five Pounds.

III. And be it 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 of the Peace in the County where such Offence may be committed, upon Conviction, at the Suit of the Commanding Officer of that Regiment, or any Person who may prosecute for the same, on the Oath of One or more credible Witness or Witnesses, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the Offender, One Moiety of which Penalty shall be paid into the Province Treasury for the Purpose of encouraging the Apprehension of Deserters, the other Moiety to such Person who 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 or Justices be committed to the common Gaol in such County, thereto remain without Bail or Mainprize for a Term not exceeding Three Months, nor less than One Month.

IV. And be it enacted, That any Person or Persons who shall apprehend any Deserter or Deserters from His Majesty's Forces, and deliver up such Deserter or Deserters 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 Five Pounds, on producing a Certificate of such Apprehension and Delivery, specifying the Name or Names of such Deserter or Deserters, 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 Deserter shall be brought: Provided always, that the Rewards so to be given out of the Province Treasury shall not in any One Year exceed the Sum of One hundred Pounds.

V. And be it enacted, That it shall henceforth be the Duty of all Keepers of His Majesty's Gaols, in the County or Counties between the Place or Places where such Deserter or Deserters may be apprehended and the Place of his or their final Destination, to receive such Deserter or Deserters into their Custody, without any Fee or Reward, whether such Deserter or Deserters be conveyed by virtue of a Warrant from any Justice of the Peace or under Military Escort by an Order of the Commandant of any Garrison within this Province.

VI. And be it enacted, That the Rewards so to be paid, under and by virtue of this Act, shall be by Warrant under the Hand and Seal of the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council, directed to the Province Treasurer, provided the same do not exceed the Sum of One hundred Pounds.

VII. And be it enacted, That no Proceedings shall be had under this Act for any of the Offences aforesaid, which may have been prosecuted to Conviction under and by virtue of the Mutiny Act, or any other Act of the Imperial Parliament, or of the Assembly.

VIII. And be it enacted, That this Act shall continue and be in Force until the First Day of May which will be in the Year of our Lord One thousand eight hundred and forty four.