

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1840. York: Robert Stanton, 1840.

### 3 Victoria – Chapter 3

**An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, “An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to Desert His Majesty's Service, or who shall harbor, conceal, receive or assist any Deserter from such Service,” and to make further provision for the punishment of such offenders. Passed 10th February, 1840.**

Whereas the laws now in force in this Province for the punishment of persons concerned in enticing Soldiers to Desert Her Majesty's Service, or who may harbor Deserters from Her said Majesty's Service, are found insufficient to prevent or restrain such unlawful and pernicious practices: And whereas it is necessary to extend punishment to such persons as shall persuade, or attempt to persuade Sailors engaged in the Naval Service of Her Majesty to Desert, or who shall harbor Deserters from the said Naval Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of die said Province,’” and by the authority of the same, That an Act passed in the forty-fourth year of the reign of His late most Gracious Majesty George the Third, entitled, “An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to Desert His Majesty's Service, or who shall harbor, conceal, receive or assist any Deserter from such Service,” be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, if any person other than enlisted Soldiers in Her Majesty's Service, or Sailors engaged in the Naval Service of Her Majesty, shall by words or with money, or by any ways, methods or means whatsoever, directly or indirectly, prevail upon, procure, persuade or encourage any such Soldier or Sailor to Desert or leave Her Majesty's Naval or Military Service as aforesaid, and shall be thereof lawfully convicted before any Court of Oyer and Terminer and General Gaol Delivery in this Province, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to be punished by imprisonment in the Common Gaol of the District in which such conviction shall happen, or by imprisonment in the Provincial Penitentiary in this Province, for such period as the Court before which such trial shall take place shall in their discretion adjudge, and shall be further liable to the payment of such Fine as the said Court shall impose upon and require to be paid by such offender.

III. And be it further enacted by the authority aforesaid, That if any person other than an enlisted Soldier, or Sailor engaged in the Naval Service of Her said Majesty, shall, after the passing of this Act harbor, conceal, receive or assist any Deserter from Her Majesty's Naval or Military Service, knowing him to be a Deserter, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to the same penalties and punishments as are mentioned and set forth in the preceding clause of this Act.