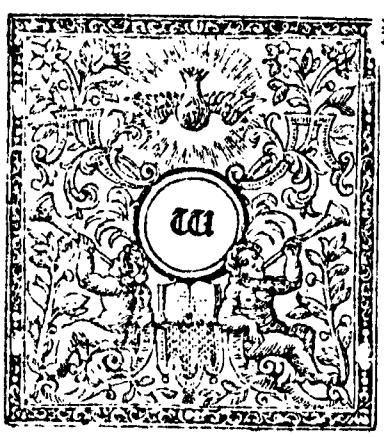
Anno ſexto

Georgii III. Regis.

CAP. XVIII.

An Act to amend and render more effectual, in His Majeſty's Dominions in *America*, an Act paſt in this preſent Seſſion of Parliament, intituled, *An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters.*



WHereas in and by an Act made in the preſent Seſſion of Parliament, intituled, An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; ſeveral Regulations are made and enacted for the better Government of the Army, and their obſerving ſtrict Diſcipline, and for providing Quarters for the Army, and Carriages on Marches and other neceſſary Occaſions, and inflicting Penalties on Offenders againſt the ſame Act, and for many other good Purpoſes therein mentioned; but the ſame may not be ſufficient for the Forces that may be employed in His Majeſty's Dominions Preamble.

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Dominions in America: And whereas, during the Continuance of the said Act, there may be Occasion for marching and quartering of Regiments and Companies of His Majesty's Forces in several Parts of His Majesty's Dominions in America: And whereas the Publick Houses and Barracks, in His Majesty's Dominions in America, may not be sufficient to supply Quarters for such Forces: And whereas it is expedient and necessary that Carriages and other Conveniencies, upon the March of Troops in His Majesty's Dominions in America, should be supplied for that Purpose: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tythingmen, Magistrates, and other Civil Officers of Villages, Towns, Townships, Cities, Districts, and other Places, within His Majesty's Dominions in America, and, in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such Village, Township, City, District, or Place, and for no others; and such Constables, Tythingmen, Magistrates, and other Civil Officers as aforesaid, are hereby required to quarter and billet the Officers and Soldiers, in His Majesty's Service, in the Barracks provided by the Colonies; and if there shall not be sufficient Room in the said Barracks for the Officers and Soldiers, then, and in such Case only, to quarter and billet the Residue of such Officers and Soldiers, for whom there shall not be Room in such Barracks, in Inns, Livery Stables, Ale-houses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses, or Places thereunto belonging, and all Houses of Persons selling of Rum, Brandy, Strong Water, Cyder, or Metheglin, by Retail, to be drank in Houses; and in case there shall not be sufficient Room for the Officers and Soldiers in such Barracks, Inns, Victualling and other publick Ale-houses, that in such and no other Case, and upon no other Account, it shall and may be lawful for the Governor and Council of each respective Province in His Majesty's Dominions in America, to authorize and appoint, and they are hereby directed and impowered to authorize and appoint, such proper Person or Persons as they shall think fit, to take, hire, and make fit, and in Default of the said Governor and Council appointing and authorizing such Person or Persons, or in

Constables, &c. to quarter Officers and Men in the Barracks provided for them;

and if there shall not be sufficient Room there, to billet the Residue in Inns, Ale-houses, &c.

and if these shall be also insufficient, then in hired uninhabited Houses, to be provided and furnished for the Purpose.

Default of such Person or Persons so appointed neglecting or refusing to do their Duty; in that Case it shall and may be lawful for any Two or more of His Majesty's Justices of the Peace in or near the said Villages, Towns, Townships, Cities, Districts, and other Places, and they are hereby required to take, hire, and make fit for the Reception of His Majesty's Forces, such and so many uninhabited Houses, Outhouses, Barns, or other Buildings, as shall be necessary, to quarter therein the Residue of such Officers and Soldiers for whom there should not be Room in such Barracks and Publick Houses as aforesaid, and to put and quarter the Residue of such Officers and Soldiers therein.

No more Billets to be ordered than there are effective Men.

And it is hereby declared and enacted, That there shall be no more Billets at any Time ordered, than there are effective Soldiers present to be quartered therein: And, in order that this Service may be effectually provided for, the Commander in Chief in America, or other Officer under whose Orders any Regiment or Company shall march, shall, from time to time, give, or cause to be given, as early Notice as conveniently may be, in Writing, signed by such Commander or Officer, of their March, specifying their Numbers and Time of marching as near as may be, to the respective Governors of each Province through which they are to march; in order that proper Persons may be appointed and authorized, in pursuance of this Act, to take up and hire, if it shall be necessary, uninhabited Houses, Outhouses, Barns, or other Buildings, for the Reception of such Soldiers as the Barracks and Publick Houses shall not be sufficient to contain or receive.

Commander in Chief to give early Notice to the respective Governors, of the marching of the Troops, and their Numbers,

that Quarters may be provided accordingly.

Military Officers taking on themselves to quarter Soldiers; or using any Menace to a Civil Officer, to deter them from their Duty;

to be cashiered;

And be it further enacted by the Authority aforesaid, That if any Military Officer shall take upon himself to quarter Soldiers, in any of His Majesty's Dominions in America, otherwise than is limited and allowed by this Act; or shall use or offer any Menace or Compulsion to or upon any Justice of the Peace, Constable, Tithingman, Magistrate, or other Civil Officer before mentioned, in His Majesty's Dominions in America, tending to deter and discourage any of them from performing any Part of the Duty hereby required or appointed; such Military Officer, for every such Offence, being thereof convicted before any Two or more of His Majesty's Justices of the Peace living within or near such Villages, Towns, Townships, Cities, Districts, or other Places, by the Oaths of Two or more credible Witnesses, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any

Military Employment in his Majesty's Service, upon a Certificate thereof being transmitted to the Commander in Chief in America; unless the said Conviction shall be reversed upon an Appeal brought, within Six Months, in the proper Court for hearing Appeals against convicting by Justices of the Peace: And in case any Person shall find himself aggrieved, in that such Constable, Tithingman, Magistrate, or other Civil Officer, shall have quartered or billeted in or upon his House a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Village, Town, Township, City, District, or other Place, where such Soldiers are quartered; such Justice or Justices has or have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person or Persons, as they shall see Cause; and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

unless the Conviction be reversed upon Appeal.

Persons aggrieved by being quartered on, may complain to the Justices, and be relieved.

Provided also, and be it further enacted, That no Justice or Justices of the Peace, having or executing any Military Office or Commission in his Majesty's Regular Forces in America, may, during the Continuance of this Act, directly or indirectly, act or be concerned in the quartering, billeting, or appointing any Quarters, for any Soldier or Soldiers, according to the Disposition made for quartering of any Soldier or Soldiers by virtue of this Act (except where there shall be no other Justice or Justices of the Peace) but that all Warrants, Acts, Matters, or Things, executed or appointed by such Justice or Justices of the Peace for or concerning the same, shall be void; any thing in this Act contained to the contrary notwithstanding.

No Justice having any Military Office to be concerned in billeting Soldiers,

except where there shall be no other Justice.

Provided nevertheless, and it is hereby enacted, That the Officers and Soldiers so quartered and billeted as aforesaid (except such as shall be quartered in the Barracks, and hired uninhabited Houses, or other Buildings as aforesaid) shall be received and furnished with Diet, and Small Beer, Cyder, or Rum mixed with Water, by the Owners of the Inns, Livery Stables, Alehouses, Victualling-houses, and other Houses in which they are allowed to be quartered and billeted by this Act; paying and allowing for the same the several Rates herein after-mentioned to be payable, out of the Subsistence-money, for Diet and Small Beer, Cyder, or Rum mixed with Water.

Officers and Soldiers quartered in Inns, or Alehouses, are to be furnished with Provisions at a certain Rate.

Provided

What Innholders, &c. may allow Men quartered on them instead of Meat.

Provided always, That in case any Innholder, or other Person, on whom any Non-commission Officers or Private Men shall be quartered by virtue of this Act, in any of His Majesty's Dominions in America (except on a March, or employed in Recruiting, and likewise except the Recruits by them raised, for the Space of Seven Days at most, for such Non-commission Officers and Soldiers who are recruiting, and Recruits by them raised) shall be desirous to furnish such Non-commission Officers or Soldiers with Candles, Vinegar, and Salt, and with Small Beer or Cyder, not exceeding Five Pints, or Half a Pint of Rum mixed with a Quart of Water, for each Man per Diem, gratis, and allow to such Non-commission Officers or Soldiers the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then, and in such Case, the Non-commission Officers and Soldiers so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive, or that actually does receive, the Pay and Subsistence of such Non-commission Officers and Soldiers, shall pay the several Sums herein aftermentioned to be payable, out of the Subsistence-money, for Diet and Small Beer, to the Non-commission Officers and Soldiers aforesaid, and not to the Innholder or other Person on whom such Non-commission Officers and Soldiers are quartered; any thing herein contained to the contrary notwithstanding.

What Officers and Soldiers quartered in Barracks, or hired Houses, are to be furnished with at the Provincial Expence.

And whereas there are several Barracks in several Places in His Majesty's said Dominions in America, or some of them, provided by the Colonies, for the lodging and covering of Soldiers in lieu of Quarters, for the Ease and Convenience as well of the Inhabitants of and in such Colonies, as of the Soldiers; it is hereby further enacted, That all such Officers and Soldiers, so put and placed in such Barracks, or in hired uninhabited Houses, Out-houses, Barns, or other Buildings, shall, from time to time, be furnished and supplied there by the Persons to be authorized or appointed for that Purpose by the Governor and Council of each respective Province, or, upon Neglect or Refusal of such Governor and Council in any Province, then by Two or more Justices of the Peace residing in or near such Place, with Fire, Candles, Vinegar, and Salt, Bedding, Utensils for dressing their Victuals, and Small Beer or Cyder, not exceeding Five Pints, or Half a Pint

Pint of Rum mixed with a Quart of Water, to each Man, without paying any thing for the same.

And, that the several Persons who shall so take, hire, and fit up, as aforesaid, such uninhabited Houses, Out-houses, Barns, or other Buildings, for the Reception of the Officers and Soldiers, and who shall so furnish the same, and also the said Barracks, with Fire, Candles, Vinegar, and Salt, Bedding, Utensils for dressing Victuals, and Small Beer, Cyder, or Rum, as aforesaid, may be reimbursed and paid all such Charges and Expences they shall be put to therein,

How the Expences incurred thereby are to be reimbursed.

be it enacted by the Authority aforesaid, That the respective Provinces shall pay unto such Person and Persons all such Sum or Sums of Money so by them paid, laid out, or expended, for the taking, hiring, and fitting up, such uninhabited Houses, Out-houses, Barns, or other Buildings, and for furnishing the Officers and Soldiers therein, and in the Barracks, with Fire, Candles, Vinegar, and Salt, Bedding, Utensils for dressing Victuals, and Small Beer, Cyder, or Rum, as aforesaid; and such Sum or Sums are hereby required to be raised, in such Manner as the Publick Charges for the Provinces respectively are raised.

Penalty on taking Money to excuse any Person from being quartered on.

Provided always, and be it enacted by the Authority aforesaid, That if any Officer, within His Majesty's said Dominions of America, shall take, or cause to be taken, or knowingly suffer to be taken, any Money, of any Person, for excusing the Quartering of Officers or Soldiers, or any of them, in any House allowed by this Act; every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

And whereas some Doubts may arise, whether Commanding Officers of any Regiment or Company, within His Majesty's said Dominions in America, may exchange any Men quartered in any Village, Town, Township, City, District, or Place, in His Majesty's said Dominions in America, with another Man quartered in the same Place, for the Benefit of the Service; be it declared and enacted by the Authority aforesaid, That such Exchange as above mentioned may be made by such Commanding Officers respectively, provided the Number of Men do not exceed the Number at that Time billeted on such House or Houses; and the Constables, Tythingmen, Magistrates, and other Chief Officers of the Villages, Towns, Townships, Cities, Districts, or other Places, where any Regiment

Commanding Officers may exchange Men in their Quarters.

or

or Company shall be quartered, are hereby required to billet such Men so exchanged accordingly.

And be it further enacted by the Authority aforesaid, That if any Constable, Tythingman, Magistrate, or other Chief Officer or Person whatsoever, who, by virtue or colour of this Act, shall quarter or billet, or be employed in quartering or billeting, any Officers or Soldiers, within His Majesty's said Dominions in America, shall neglect or refuse, for the Space of Two Hours, to quarter or billet such Officers or Soldiers, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Forces; or shall receive, demand, contract, or agree for, any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse, any Person or Persons whatsoever from quartering, or receiving into his, her, or their House or Houses, any such Officer or Soldier; or in case any Victualler, or any other Person, within His Majesty's Dominions in America, liable by this Act to have any Officer or Soldier billeted or quartered on him or her, shall refuse to receive or victual any such Officer or Soldier so quartered or billeted upon him or her as aforesaid; or in case any Person or Persons shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein before directed to be furnished or allowed to Officers and Soldiers, so quartered or billeted on him or her, or in the Barracks and hired uninhabited Houses, Out-houses, Barns, or other Buildings, as aforesaid, at the Rate herein after mentioned; and shall be thereof convicted before One of the Magistrates of any One of the Supreme Chief or Principal Common Law Courts of the Colony where such Offence shall be committed, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath such Magistrate of such Court is hereby impowered to administer) every such Constable, Tithingman, Magistrate, or other Chief Officer or Person so offending, shall forfeit, for every such Offence, the Sum of Five Pounds Sterling, or any Sum of Money not exceeding Five Pounds, nor less than Forty Shillings, as the said Magistrate (before whom the Matter shall be heard) shall in his Discretion think fit; to be levied by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal of such Magistrate before whom such Offender shall be convicted, to be directed to a Constable or other Officer within the Village, Town, Township, City, District, or other

Penalty on Constables, &c. delaying to quarter or billet Officers or Soldiers, after due Notice;

or receiving Money to excuse any Person from being quartered on;

and on Persons refusing to receive the Officers and Soldiers billeted on them,

or to furnish them with necessaries as the Act directs;

Is any Sum not exceeding 5*l.* nor less than 40*s.*

Place, where the Offender shall dwell; and shall direct the said Sum of Five Pounds, or such other Sum as shall be ordered to be levied in pursuance of this Act as aforesaid, when levied, to be paid into the Treasury of the Province or Colony where the Offence shall be committed, to be applied towards the General Charges of the said Province or Colony.

to be paid to the Treasurer of the Colony.

And, that the Quarters both of Officers and Soldiers, in His Majesty's said Dominions in America, may hereafter be duly paid and satisfied, be it enacted by the Authority aforesaid, That from and after the Twenty fourth Day of March, in the Year One thousand seven hundred and sixty six, every Officer to whom it belongs to receive, or that does actually receive, the Pay or Subsistence-money either for a whole Regiment, or particular Companies, or otherwise, shall immediately, upon each Receipt of every particular Sum which shall from time to time be paid, returned, or come to his or their Hands, on account of Pay or Subsistence, give Publick Notice thereof to all Persons keeping Inns, or other Places where Officers or Soldiers are quartered by virtue of this Act; and shall also appoint the said Inn-keepers and others to repair to their Quarters, at such Times as they shall appoint for the Distribution and Payment of the said Pay and Subsistence-money to the said Officers or Soldiers, which shall be within Four Days at farthest after Receipt of the same as aforesaid; and the said Inn-keepers and others shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Soldiers so quartered in their respective Houses; which Account the said Officer or Officers are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed either to the Officers or Soldiers; provided the Accounts exceed not for a Commission Officer of Foot, being under the Degree of a Captain, for such Officer's Diet and Small Beer per Diem, One Shilling; and if such Officer shall have a Horse or Horses, for each Horse or Horses, for their Hay and Straw per Diem, Six Pence; nor for One Foot Soldier's Diet and Small Beer, Cyder, or Rum mixed as aforesaid, per Diem, Four Pence: And if any Officer or Officers as aforesaid shall not give Notice as aforesaid, and not immediately, upon producing such Account stated, satisfy, content, and pay the same, upon Complaint and Oath made thereof by any Two Witnesses, before Two of His Majesty's Justices for the Village, Town, Township, City, District, or other Place,

Officers to give Notice to Inn-keepers, &c. of Subsistence-money in their Hands;

and their Accounts to be paid off according to the Rates of Subsistence here established.

Officers not giving such Notice,

Place, where such Quarters were (which Oath such Justices are hereby authorized and required to administer) the Paymaster or Paymasters of his Majesty's Guards and Garrisons, upon Certificate of the said Justices before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing, are hereby required and authorized to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers; upon Penalty that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster, and be discharged from holding the same for the future; and in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby authorized and required to deduct the Sums he or they shall pay, pursuant to the Certificates of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong: And such Officer or Officers shall, for every such Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken, and is hereby declared, to be ipso facto cashiered.

the Accounts to be discharged out of their Arrears of Pay;

if no Arrears are due, then out of the Subsistence-money of the Regiment,

and the Officer to be cashiered.

And, where it shall happen that the Subsistence-money due to any Officer or Soldier, within his Majesty's said Dominions in America, shall, by Occasion of any Accident, not be paid to such Officer or Soldier, or such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be or are not paid as this Act directs; and where any Forces shall be upon their March, in his Majesty's said Dominions in America, so that no Subsistence can be remitted to them to make Payment as this Act directs; or they shall neglect to pay the same; in every such Case, it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters, where such Regiment, Troop, or Company, shall remain for any Time whatsoever, make up the Accounts with every Person with whom such Regiment or Company shall have quartered, and sign a Certificate thereof, and give the said Certificate, so by him signed, to the Party to whom such Money is due, with the Name of such Regiment or Company to which he or they shall belong, to the End the said Certificate may be forthwith transmitted to the Paymaster of his Majesty's Guards and Garrisons, who is hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the end the same may be applied to such Regiment or Company respectively; under Pain as

On Nonpayment of Quarters, for want of Money, the Officer to make up the Accounts, and give Certificates for the Sums due.

before in this Act directed for Non-payment of Quarters.

Justices may demand an Account of quartering of the Officers and Soldiers, in order to prevent and remedy Abuses in quartering.

And, for the better preventing Abuses in quartering or billeting the Soldiers in His Majesty's Dominions in America, in pursuance of this Act, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more Justices of the Peace, or other Officer, within their respective Villages, Towns, Townships, Cities, Districts, or other Places, in His Majesty's said Dominions in America, by Warrant or Order under his or their Hand and Seal, or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any Constable, Tythingman, Magistrate, or other Chief Officer, who shall quarter or billet any Soldiers in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices, or other Officer requiring the same, of the Number of Officers and Soldiers who shall be quartered or billeted by them, and also the Names of the House-keepers or Persons upon whom, and the Barracks and hired uninhabited Houses, or other Buildings as aforesaid, in which and where every such Officer or Soldier shall be quartered or billeted, together with an Account of the Street or Place where every such House-keeper or Person dwells, and where every such Barrack or hired uninhabited House or Building is or are, and of the Signs (if any) which belong to their Houses; to the end that it may appear to the said Justice or Justices, or other Officer, where such Officers or Soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the Quartering or Billeting them.

Justices, in pursuance of Orders received, are to issue Orders to Constables to provide Carriages for the Troops on their March.

And be it further enacted by the Authority aforesaid, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Cloaths, or Accoutrements, in His Majesty's said Dominions in America, all Justices of the Peace within their several Villages, Towns, Townships, Cities, Districts, and Places, being duly required thereunto by an order from his Majesty, or the General of His Forces, or of the General commanding, or the Commanding Officer there, shall, as often as such Order is brought and shewn unto One or more of them, by the Quarter-master, Adjutant, or other Officer of the Regiment, Detachment, or Company, so ordered to march, issue out his or their Warrants to the Constables, Tithingmen, Magistrates, or other Officers

ficers of the Villages, Towns, Townſhips, Cities, Diſtricts, and other Places, from, through, near, or to which, ſuch Regiment, Detachment, or Company, ſhall be ordered to march, requiring them to make ſuch Proviſion for Carriages, with able Men to drive the ſame, as ſhall be mentioned in the ſaid Warrant; allowing them reaſonable Time to do the ſame, that the neighbouring Parts may not always bear the Burthen: And in caſe ſufficient Carriages cannot be provided within any ſuch Village, Town, Townſhip, City, Diſtrict, or other Place, then the next Juſtice or Juſtices of the Peace of the Village, Town, Townſhip, City, Diſtrict, or other Place, ſhall, upon ſuch Order as aforeſaid being brought or ſhewn to One or more of them, by any of the Officers as aforeſaid, iſſue his or their Warrants to the Conſtables, Tithingmen, Magiſtrates, or other Officers, of ſuch next Village, Town, Townſhip, City, Diſtrict, or other Place, for the Purpoſes aforeſaid, to make up ſuch Deficiency; and ſuch Conſtable, Tithingman, Magiſtrate, or other Officer, ſhall order or appoint ſuch Perſon or Perſons, having Carriages, within their reſpective Villages, Towns, Townſhips, Cities, Diſtricts, or other Places, as they ſhall think proper, to provide and furniſh ſuch Carriages and Men, according to the Warrant aforeſaid; who are hereby required to provide and furniſh the ſame accordingly.

Rates of Carriages.

And be it further enacted, That the Pay or Hire for a New York Waggon, carrying Twelve hundred Pounds groſs Weight, ſhall be Seven Pence Sterling for each Mile; and for every other Carriage, in that and every other Colony in His Majeſty's ſaid Dominions in America, in the ſame Proportion; and at or after the ſame Rate or Price for what Weight every ſuch other Carriage ſhall carry; and that the Firſt Day's Pay or Hire for every ſuch Carriage, ſhall be paid down by ſuch Officer to ſuch Conſtable, Tithingman, Magiſtrate, or other Civil Officer, who ſhall get or procure ſuch Carriages, for the Uſe of the Owner or Owners thereof; and the Pay or Hire for every ſuch Carriage after the Firſt Day, ſhall be paid every Day, from Day to Day, by ſuch Officer as aforeſaid, into the Hands of the Driver or Drivers of ſuch Carriages reſpectively, until ſuch Carriages ſhall be diſcharged from ſuch Service, for the Uſe of the Owner and Owners thereof.

Carriages not obliged to carry above 12 Cwt.

Provided always, and be it further enacted, That no ſuch Waggon, Cart, or Carriage, impreſt by Authority of this Act, ſhall be liable or obliged, by virtue of this Act, to carry

above Twelve hundred Weight; any thing herein contained to the contrary notwithſtanding.

nor to travel above 1 Day's March, unleſs other Carriages cannot be procured.

Provided alſo, That no ſuch Waggon, Cart, or Carriage, ſhall be obliged to travel more than One Day's March, if, within that Time, they ſhall arrive at any other Place where other Carriages may be procured; but, in caſe other ſufficient Carriages cannot be procured, then ſuch Carriages ſhall be obliged to continue in the Service till they ſhall arrive at ſuch Village, Town, Townſhip, City, Diſtrict, or other Place, where proper and ſufficient Carriages, for the Service of the Forces, may be procured.

Penalty on Conſtables, &c. neglecting to provide or furniſh Carriages.

And be it further enacted by the Authority aforeſaid, That if any Conſtable, Tithingman, Magiſtrate, or other Civil Officer, within His Majeſty's Dominions in America, ſhall wilfully neglect or refuſe to execute ſuch Warrants of the Juſtices of the Peace, as ſhall be directed unto them for providing Carriages as aforeſaid; or if any Perſon or Perſons appointed by ſuch Conſtable, Tithingman, Magiſtrate, or other Civil Officer, to provide or furniſh any Carriage and Man, ſhall refuſe or neglect to provide the ſame; or any other Perſon or Perſons whatſoever ſhall wilfully do any Act or Thing whereby the Execution of the ſaid Warrants ſhall be delayed, hindered, or fruſtrated; every ſuch Conſtable, Tithingman, Magiſtrate, Civil Officer, or other Perſon ſo offending, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings Sterling, nor leſs than Twenty Shillings, to be paid into the Treaſury of the Province where any ſuch Offence ſhall be committed; to be applied towards the aforeſaid Contingent Charges of the Province: And all and every ſuch Offence and Offences, and all and every other Offence or Offences in this Act mentioned, and not otherwiſe provided, ſhall and may be inquired of, heard, and fully determined, by Two of His Majeſty's Juſtices of the Peace dwelling in or near the Village, Town, Townſhip, City, Diſtrict, or Place, where ſuch Offence ſhall be committed; who have hereby Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Offenders Goods and Chattles, rendering the Overplus (if any) to the Owner.

And whereas the Allowance hereby provided, for the Payment of the Carriages that may be neceſſary in the marching of Troops, may not be a ſufficient Compenſation for the ſame, and to ſatisfy the Conſtables, Tithingmen, Magiſtrates, and other Civil Officers, their Charges and Expences therein; for Remedy whereof,

whereof, be it further enacted by the Authority aforesaid, That the Constables, Tithingmen, Magistrates, and Civil Officers, procuring such Carriages, shall pay a reasonable Expence or Price for every Carriage so procured; and that every such Constable, Tythingman, Magistrate, Civil Officer, or other Person, shall be repaid what he or they shall so expend, together with his or their own Charges and Expences attending the same, by the Province or Colony where the same shall arise.

Colony to repay the extra Expences of Carriages.

Provided always, and be it further enacted by the Authority aforesaid, That where it shall be necessary to take Waggons or other Carriages for long Marches, beyond the Settlements, an Appraisement shall be made of the Value of such Horses and Carriages, at the Time of the taking them up to be employed in such Marches beyond the Settlements, by Two indifferent Persons, One to be chosen by the Commanding Officer of such Forces, and the other by the Owner of such Cattle or Carriages; a Certificate of which Appraisement shall be given to the Owner or Owners of such Cattle or Carriages respectively: And in case any of the Cattle or Carriages, so taken up for such Service, shall, in the Execution thereof, be lost or destroyed; that then, and in every such Case, upon producing the said Certificate, and proper Vouchers upon Oath of such Loss or Destruction, to the Paymaster General of his Majesty's Guards and Garrisons, the said Paymaster shall, and he is hereby required to pay to the respective Owners of such Cattle or Carriages, the Sums specified, in such Certificates and Vouchers, to be the Value of such Cattle or Carriages so lost or destroyed.

Where Carriages shall be necessarily provided for long Marches beyond the Settlements,

the Horses and Carriages are to be fairly appraised;

and if lost or destroyed to be paid for according to Certificate.

And whereas several Soldiers, being duly inlisted in his Majesty's Service, do often desert such Service; For Remedy whereof, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Constable, Tythingman, Magistrate, or other Civil Officer, of the Village, Town, Township, City, District, or Place, within the said Dominions in America, where any Person, who may be reasonably suspected to be such a Deserter, shall be found, to apprehend, or cause him to be apprehended; and to cause such Person to be brought before any Justice of the Peace or other Chief Magistrate living in or near such Village, Town, Township, City, District or Place, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or the Knowledge of such Justice of the Peace, or other Magistrate, it shall appear, or be found,

Deserter may be apprehended,

and committed;

found, that such suspected Person is a listed Soldier, and ought to be with the Regiment or Company to which he belongs, such Justice of the Peace, or other Magistrate shall forthwith cause him to be conveyed to the Gaol of the Village, Town, Township, City, District, County, or Place where he shall be found, or to the House of Correction or other publick Prison in such Village, Town, Township, City, District, County, or Place, where such Deserter shall be apprehended, and transmit an Account thereof to the Commander in Chief of His Majesty's Forces in the said Dominions in America, or to the Commanding Officer of the Forces posted nearest to such Justice or Justices, or other Magistrate or Magistrates, for the time being, to the End that such Person may be proceeded against according to Law: And the Gaoler or Keeper of such Gaol, House of Correction, or Prison, shall receive the full Subsistence of such Deserter or Deserters during the Time that he or they shall continue in his Custody for the Maintenance of such Deserter or Deserters; but shall not be intitled to any Fee or Reward on account of the Imprisonment of such Deserter or Deserters; any Law, Usage, or Custom, to the contrary notwithstanding.

Gaoler to receive his Subsistence-money in the Interim.

Penalty on Persons harbouring Deserters;

Provided always, That if any Person shall harbour, conceal, or assist, any Deserter from His Majesty's Service within His Majesty's said Dominions in America, knowing him to be such, the Person so offending, shall forfeit for every such Offence, the Sum of Five Pounds; or if

or buying Soldiers Arms or Clothes, &c.

any Person shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, within His Majesty's Dominions in America, or cause the Colour of such Clothes to be changed; the Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds; and upon Conviction upon the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Five Pounds, and Five Pounds, shall be levied by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattles of the Offenders; One Moiety of the said first-mentioned Penalty of Five Pounds to be paid to the Informer, by whose Means such Deserter shall be apprehended; and One Moiety of the said last mentioned Penalty of Five Pounds to be paid to the Informer; and the Residue of the said respective Penalties to be paid to the Officer to whom

whom any ſuch Deſerter or Soldier did belong: And in caſe any ſuch Offenders who ſhall be convicted as aforeſaid, of harbouring or aſſiſting any ſuch Deſerter or Deſerters; or having knowingly received any Arms, Clothes, Caps, or other Furniture belonging to the King; or having cauſed the Colour of ſuch Clothes to be changed, contrary to the Intent of this Act, ſhall not have ſufficient Goods and Chattles, whereon Diſtreſs may be made, to the Value of the Penalties recovered againſt him for ſuch Offence, or ſhall not pay ſuch Penalties within Four Days after ſuch Conviction; then, and in ſuch Caſe, ſuch Juſtice of the Peace ſhall and may, by Warrant under his Hand and Seal, commit ſuch Offender to the Common Gaol, there to remain, without Bail or Mainprize for the Space of Three Months, or cauſe ſuch Offender to be publickly whipt, at the Diſcretion of ſuch Juſtice.

Penalty on Officer breaking open a Houſe to ſearch for Deſerters, without Warrant.

And be it further enacted, That no Commiſſion Officer ſhall break open any Houſe, within His Majeſty's Dominions in America, to ſearch for Deſerters, without Warrant from a Juſtice of the Peace, and in the Day-time; and that every Commiſſion Officer who ſhall, in the Night, or without Warrant from One or more of his Majeſty's Juſtices of the Peace (which ſaid Warrants the ſaid Juſtice or Juſtices are hereby impowered to grant) forcibly enter into, or break open, the Dwelling-houſe or Out-houſes of any Perſon whatſoever, under Pretence of ſearching for Deſerters, ſhall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Perſons not being Soldiers committing any Offences in any Fort or Garriſon, &c. not within the Juriſdiction of any Civil Government,

And whereas ſeveral Crimes and Offences have been, and may be, committed by ſeveral Perſons, not being Soldiers, at ſeveral Forts or Garriſons, and ſeveral other Places within His Majeſty's Dominions in America, which are not within the Limits or Juriſdiction of any Civil Government there hitherto eſtabliſhed; and which Crimes and Offences are not properly cognizable, or triable and puniſhable, by a Court-martial, but by the Civil Magiſtrate; by Means whereof ſeveral great Crimes and Offences may go unpuniſhed, to the great Scandal of Government; for Remedy whereof, be it further enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of March, One thouſand ſeven hundred and ſixty ſix, and for ſo long afterwards as this Act ſhall continue in Force, if any Perſon or Perſons, not being a Soldier or Soldiers, do or ſhall commit any Crime or Crimes, or Offence or Offences, in any of the ſaid Forts, Garriſons, or Places, within His Majeſty's Dominions in America, which are not

within the Limits or Jurisdiction of any Civil Government hitherto established, it shall and may be lawful for any Person or Persons to apprehend such Offender or Offenders, and to carry him, her, or them, before the Commanding Officer for the time being of His Majesty's Forces there; and such Offender being charged upon Oath in Writing, before the said Commanding Officer, and which Oath the said Commanding Officer is hereby impowered to administer, that then, and in every such Case, the said Commanding Officer shall receive and take into his Custody, and safely keep, every such Offender, and shall convey and deliver, or cause to be conveyed and delivered, with all convenient Speed, every such Offender to the Civil Magistrate of the next adjoining Province, together with the Cause of his or her Detainer, to be committed and dealt with by such Civil Magistrates or Magistrate according to Law; and every such Civil Magistrate is hereby commanded and required to commit every such Offender, that he or she may be dealt with according to Law; and in every such Case, it shall and may be lawful to prosecute and try every such Offender in the Court of such Province or Colony, where Crimes and Offences of the like Nature are usually tried, and where the same would be properly tried in case such Crime or Offence had been committed within the Jurisdiction of such Court; and such Crime shall and may be alledged to be committed within the Jurisdiction of such Court; and such Court shall and may proceed therein to Trial, Judgement, and Execution, in the same Manner as if such Crime or Offence had been really committed within the Jurisdiction of such Court; any Law, Usage, Custom, Matter, or Thing, whatsoever to the contrary notwithstanding.

may be apprehended;

and being charged on Oath with the Offence,

may be committed to safe Custody, till delivered over to the Civil Magistrate.

And be it further enacted by the Authority aforesaid, That every Bill, Plaint, Action, or Suit, against any Person or Persons, for any Act, Matter, or Thing, to be acted or done in pursuance of this Act, or the said other in Part recited Act, in any of His Majesty's Dominions in America, shall be brought and prosecuted in and before some principal Court of Record in the Colony where such Matter or Thing shall be done or committed; and in case the same shall not be done or committed within the Jurisdiction of any such Court, then in the Court of the Colony next to the Place where the same shall be done and committed, and in no other Court whatsoever.

Suits in what Courts to be prosecuted.

And be it further enacted by the Authority aforesaid, That where any Troops or Parties upon Command have

have Occaſion in their March, in any of His Majeſty's Dominions in America, to paſs regular Ferries, it ſhall and may be lawful for the Commanding Officer either to paſs over with his Party as Paſſengers, or to hire the Ferry-boat entire to himſelf and his Party, debarring others for that Time in his Option; and in caſe he ſhall chuſe to take Paſſage for himſelf and Party as Paſſengers, he ſhall only pay for himſelf and for each Perſon, Officer or Soldier, under his Command, Half of the ordinary Rate payable by ſingle Perſons at any ſuch Ferry; and in caſe he ſhall hire the Ferry-boat for himſelf and Party, he ſhall pay Half of the ordinary Rate for ſuch Boat or Boats; and in ſuch Places where there are no regular Ferries, but that all Paſſengers hire Boats at the Rate they can agree for, Officers with or without Parties are to agree for Boats at the Rates that other Perſons do in the like Caſes. How the Troops are to pay in paſſing Ferries.

And be it further enacted by the Authority aforeſaid, That all Sum and Sums of Money mentioned in this Act, and all Penalties and Forfeitures whatſoever to be incurred or forfeited for any Offence, Cauſe, Matter, or Thing whatſoever, to be done, committed, or omitted to be done in His Majeſty's Colonies and Dominons in America, contrary to the true Intent and Meaning of this Act, ſhall be, and ſhall be paid and forfeited in lawful Money of the Colony or Place where the ſame ſhall be forfeited or become due, at the Rate of Four Shillings and Eight Pence Sterling Money for a Spaniſh Milled Dollar, and not otherwiſe. Pecuniary Penalties to be paid at the Rate of 4 *s.* 8 *d. Sterling*, the *Spaniſh* Milled Dollar.

And be it further enacted by the Authority aforeſaid, That if any Action, Bill, Plaint, or Suit, ſhall be brought or commenced againſt any Perſon or Perſons for any Act, Matter, or Thing, done or acted in Purſuance of this Act, that it ſhall and may be lawful to and for all and every Perſon or Perſons ſo ſued to plead thereto the General Iſſue that he or they are Not Guilty, and to give the Special Matter in Evidence to the Jury who ſhall try the Cauſe; and if the Verdict therein ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs therein ſhall become nonſuit, or ſuffer a Diſcontinuance, or by any other Means Judgement therein ſhall be given for the Defendant or Defendants therein; that in every ſuch Caſe the Juſtice or Juſtices, or other Judge or Judges of the Court in which ſuch Action ſhall be brought, ſhall by force and virtue of this Act allow unto ſuch Defendant or Defendants his or their Treble Coſts, which he or they ſhall have ſuſtained, or be put to, by reaſon of the Defence Limitation of Actions. General Iſſue. Treble Coſts.

Defence of such Suit, for which Costs such Defendant and Defendants shall have the like Remedy as in other Cases where Costs are by the Law given to Defendants.

This Act to be in force from 24 *March*, 1766, to 24 *March*, 1768.

And be it further enacted by the Authority aforesaid, That this Act, and every Thing herein contained, shall continue and be in Force in all his Majesty's Dominions in America, from the Twenty fourth Day of March, in the Year One thousand seven hundred and sixty six, until the Twenty fourth Day of March, in the Year of our Lord One thousand seven hundred and sixty eight.

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FINIS.