

Temporary
ACTS
AND
LAW S
OF
His MAJESTY'S Province
OF
NEW-HAMPSHIRE,
IN
New-England.

By Order of the GOVERNOR,
COUNCIL and ASSEMBLY,

Pass'd October 16th. 1759.

PORTSMOUTH, Printed by DANIEL FOWLE.

1761.

goaler or prison keeper during their imprisonment ; for which subsistence each prisoner before he be discharged of the prison, shall pay the goaler three shillings and six pence per week.

His allowance.

AN ACT IN ADDITION TO THE ACT FOR THE REGULATING THE MILITIA.

Pass'd the 5th of Geo. 1.

Vide page 80.

Be it Enacted by his Excellency the Governor, Council, and Representatives, in General Assembly convened, and by the Authority of the same :

That when and so often as the commanding officer of any of the companies of trained soldiers within this province, shall be legally required to detach any soldier or soldiers out of such his company for his Majesty's service, it shall be accounted a sufficient impress for such soldier or soldiers, that the commanding officer of such company send a warrant under his hand and seal, by the hand of a serjeant, unto such soldier's house, or usual place of his abode, for that end : And whatever soldier shall presume hereafter to neglect such warrant, or not to attend accordingly, shall pay a fine of four pounds, to be taken from such delinquent by the captains or commanding officers warrant, directed to the clerk of such company, and be applied to the encouragement of other soldiers who shall proceed in his Majesty's service. And if such delinquent refuse to pay such fine, he shall be forthwith sent to his Majesty's goal within this province, by virtue of such captains or commanding officers mittimus, there to remain, until he pay the aforesaid fine, together with all necessary fees and charges.

A warrant under the hand and seal of the captain left at a soldier's dwelling place is sufficient impress.

Penalty for not attending.

Delinquents to be sent to prison.

And be it further Enacted by the Authority aforesaid, That whosoever in the time of war, shall neglect to give their attendance at the garrison to which they are ordered by the committee of militia in the town where they dwell, or shall at any time omit, or negligently perform their duty of watching and warding, as they shall be ordered in their turns ; that is to say, to watch by night constantly from sun-setting to sun-rising, and to ward by day from sun-rising to sun-setting, with well fixed arms and ammunition, as they are ordered to appear on muster-days ; every such offender shall pay a fine of twenty shillings in money, for each offence besides the charges, and the fine to be repeated as often as any of the offences shall be committed. And in case any person or persons shall refuse the present payment of such fine, they shall forthwith, by warrant from the commanding officers of the company to which they belong, directed to the clerk thereof, be forthwith sent to his Majesty's goal in Portsmouth, there to remain until the fine be paid, and all charges accruing thereon. And in like manner, shall delinquents on training-days, and delinquents in appearing on alarms be punished, in case they pay not the fines by law to be inflicted.

Delinquents in watching, warding, how to be punished.

To be sent to goal.

And be it further Enacted by the Authority aforesaid, That no person or persons whatever in any town or garrison within this

No gun to be shot after sunset in time of war.

province, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after sun-setting, or before the sun's-rising, unless in case of alarm, approach of an enemy, or other necessary defence ; on pain that every person so offending, and being thereof convicted before one or more of his Majesty's justices of the peace for this province, shall forfeit and pay the sum of five shillings, for each gun so discharged ; one moiety thereof to the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or prosecute for the same. And if such offender shall not be able to pay the said fine, then he shall be set in the stocks by the space of two hours.

Penalty. And in case any person so offending doth belong to any garrison or forces in actual service, and kept in his Majesty's pay, he shall be punished at the discretion of the commission officers of the garrison, company, or troop where he belongs, by putting into the bilboes, laying neck and heels, riding the wooden horse, or running the gantlet.

If the person offending be in actual service, then to be laid neck & heels, &c.

Deserters accounted as felons, & to be punished with death, &c.

And be it further Enacted by the Authority aforesaid, That no soldier or mariner retained in his Majesty's service, and kept in his Majesty's pay in garrison, or elsewhere by sea or land, shall depart without licence of his commander, and desert his Majesty's service, on pain of being proceeded against as a felon, and shall suffer the pains of death, or some other grievous punishment at the discretion of the court before whom the trial shall be.

To be tried at superior court of oyer and terminer.

And every justice of peace within this province is hereby authorized and required to cause all such deserters, or run-away soldiers, or mariners, which he shall know or be informed of, to be apprehended and secured in order to a trial at the next superior court to be holden for this province, or at a court of oyer and terminer by commissioners to be especially appointed and empowered by the Governor and commander in chief for the time being, who is hereby authorized to grant commissions for that purpose.

Pass'd the 5th of Geo. 1. AN ACT FOR PREVENTING MASTERS OF SHIPS CONVEYING DEBTORS OUT OF THIS PROVINCE.

Preamble. Whereas complaint is made by sundry inhabitants of this province, that they have sustained great damage by masters of ships, and other vessels transporting their debtors out of this province into foreign parts of the world :

For preventing whereof ;

Be it Enacted by his Excellency the Governor, Council, and Representatives, in General Assembly convened, and by the Authority of the same it is hereby Enacted :

No master of ship to har-

That no commander or master of any ship or vessel whatever, coming into, tarrying, or abiding in, or going forth of any port or