

of their respective Counties.

Clerks of said Courts directed to lay said Estimates before the General Court.

The Sums to be apportioned on the several Towns, and by the Assessors to be assessed, &c.

Unless.

tive Counties for one Year, specifying as nearly as may be, the Purposes for which such Sum or Sums may be necessary, and which have been usually considered as County Charges; which Estimate the Clerks of said Court are hereby directed to lay before the General Court from Time to Time, at their next Session after such Estimate shall be formed, so that such Sum as may be necessary for discharging the County Charges of the several Counties of this Commonwealth may be regularly laid on the Inhabitants of each County respectively.

And be it enacted by the Authority aforesaid, That the Sums which shall from Time to Time be granted or laid on the several Counties within this Commonwealth by the General Assembly, for the Purposes aforesaid, shall by the Justices aforesaid, be apportioned on the several Towns and Places, within the respective Counties, and by the Assessors shall be assessed, and by the Collectors or Constables collected, and paid in like Manner as County Taxes have been used and accustomed to be apportioned, assessed, collected and paid, agreeable to the Laws of this Commonwealth, unless in such Cases where the same shall be otherwise ordered by any Act of the General Assembly.

November 2, 1781.

1781. — Chapter 23.

[September Session, ch. 13.]

Chap. 23 AN ACT FOR APPREHENDING AND SECURING DESERTERS FROM THE CONTINENTAL ARMY; AND FROM THE FLEETS AND ARMIES OF OUR ALLIES; AND FOR REPEALING ALL ACTS HERETOFORE MADE AND PASSED FOR THAT PURPOSE.

Preamble.

Whereas the Acts already made and passed for apprehending and securing Deserters from the Continental Army, are found to be insufficient to answer the Purposes for which they were designed:

All acts passed for apprehending and securing Deserters repealed.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That all Acts, and every Clause in any Act already passed for apprehending and securing Deserters from the Continental Army, be and hereby are repealed and declared null and void.

Commanding Officers, &c. of the several Towns empowered to apprehend.

And be it further enacted by the Authority aforesaid, That the commanding Officer of every Militia Company, and the Selectmen and Committees of the several Towns

and Plantations within this Commonwealth, where no such commanding Officer is, are hereby directed and empowered to apprehend all such non-commissioned Officers and Soldiers as have or may desert from the Continental Army, that may reside or come within the Limits of their respective Companies, Towns or Plantations, and to command the Assistance of the Militia, if necessary, for that Purpose, and deliver him or them, so apprehended, to some Continental Officer within the County, going to the Continental Army, or commit him or them to the common Gaol of the County, there to remain in close Confinement, till he or they can be sent to the Company or Companies in the said Army they belong to: And the several Gaolers in this Commonwealth are directed to receive them accordingly, whose Fees therefor shall be paid out of the Treasury of this Commonwealth. And the said Militia Officers, Selectmen, Committees, or other Persons, apprehending or securing any Deserters as aforesaid, shall make Return of his or their Doings touching the same, with his or their reasonable Charges, to the Governor and Council of this Commonwealth. And in Case any Deserters shall be committed to Gaol, and Return thereof be made as aforesaid, the Governor and Council shall send them to their respective Companies in the said Army, in the Way and Manner most advantageous to the Commonwealth; and allow and pay out of the public Treasury the reasonable Expences of any commanding Officer, Selectmen, Committee, any Continental Officer, or other Person who shall apprehend or convey any Deserter to Gaol or to his Company as aforesaid, and charge the same to the Account of such Deserter or Deserters, to be adjusted in a future Settlement.

And it is further enacted by the Authority aforesaid, That if any commanding Officer of a Company, Selectmen, or Committee, within this Commonwealth, shall neglect to perform the Duty by this Act enjoined, he or they shall, for every such Neglect, severally forfeit and pay a Fine not exceeding *One Hundred Pounds*, nor less than *Ten Pounds*; one Moiety thereof to be for the Use of this Commonwealth, the other Moiety to him or them who shall prosecute for the same to final Judgment, by Action, Information or Indictment, before any Court proper to try the same, in any County within this Commonwealth, where the said Neglect may happen; and the

send all Non-commissioned Officers and Soldiers Deserters from the Continental Army.

Gaolers directed to receive said Deserters. Their Fees. Militia Officers &c to make Returns of their Doings, with their reasonable Charges, to the Governor and Council — And in Case.

Officers commanding Companies, &c. neglecting to perform the Duty required of them.

Penalty.

How recovered.

State's Attorney, and all others acting or who may act on Behalf of this Commonwealth, in the several Counties within the same, are hereby directed to assist in the Prosecution of all Offences committed against this Act.

And whereas many Deserters may escape on board the armed Ships and other Vessels sailing from this Commonwealth, as Seamen or otherwise, to the great Injury of the Land Service: To prevent which,

Be it further enacted by the Authority aforesaid, That every Commander of an armed Ship or Vessel, or other Ship or Vessel, that shall hereafter sail from any Port or Harbour of this Commonwealth, who shall ship or convey away on board his Ship or Vessel, any Deserter or Deserters from the Continental Army, knowing him or them to be such, and be convicted thereof, shall pay for every Deserter he shall be convicted of shipping or conveying away as aforesaid, a Fine not exceeding Three Hundred Pounds, nor less than Fifty Pounds, to be recovered as aforesaid: And all Prizes or Shares of Prizes that otherwise might accrue to such Deserters, shall be paid by the Agent of such Deserter or Deserters, into the Treasury of this Commonwealth. And every Commander of any armed Vessel within this Commonwealth, shall, before he sails upon his Cruize, make out, upon Oath, and file in the Naval Office for the Port he shall last sail from within the Commonwealth upon his Cruize, a descriptive List of all his Officers, Marines and Mariners, belonging to his said Vessel for the said Cruize, together with the Shares and Parts of Shares they are respectively intitled to, upon Pain of forfeiting a Sum of Money not exceeding Three Hundred Pounds, nor less than Fifty Pounds, to be recovered as aforesaid, for the Uses aforesaid. And the Naval Officer is hereby directed and enjoined to transmit the said List immediately to the Governor and Council of this Commonwealth, who are to take the same into Consideration as soon as may be, and return the same to the Naval Officer, certifying the Deserters, if any there are contained therein: And the several Naval Officers are directed to make out attested Copies of such Lists so returned, for any Person requesting the same, for which he shall receive not more than One Shilling. And if the Agent of any Officers, Marines or Mariners, belonging to any armed Vessel as aforesaid, shall at any Time hereafter pay, deliver or distribute, any

Commanders of armed Vessels and others who shall convey any Deserters from the Continental Army, upon Conviction—

Penalty —

How recovered.

All Shares of Prizes of such Deserters, to be paid into the Treasury.

Commanders of armed Vessels to file in the Naval Office a descriptive List of all their Officers, Marines and Mariners.

Penalty.

Naval Officers directed to transmit said Lists to the Governor and Council, who are to take the same into Consideration.

Fees.

Agents delivering any share of Prizes to any Deserter properly certified —

Share or Shares, or Parts of a Share of any Prize which shall hereafter be taken by any armed Vessel (the Commander of which is required by this Act to make out such List) to any Officer, Marine or Mariner, who shall be certified by the Governor and Council to be a Deserter, in Manner aforesaid, such Agent shall be accountable to the Treasurer of this Commonwealth for the Time being, for the Share or Shares, or Parts of a Share so paid, delivered or distributed; and shall also forfeit a Sum of Money not exceeding *Three Hundred Pounds*, nor less than *Fifty Pounds*, to be recovered as aforesaid, for the Use aforesaid: And the several commanding Officers of the respective Regiments in the Continental Army, belonging to this Commonwealth, are hereby required to send descriptive Lists of the Deserters from their several Regiments into the Secretary's Office, for the Purpose of detecting said Deserters.

Such Agent to be accountable to the Treasurer.

Penalty.

And it is hereby further enacted, That it shall be lawful for any Person belonging to this Commonwealth, to apprehend any Non-commissioned Officer or Soldier, who may be suspected as a Deserter from the *American Army*, and bring such Person so suspected, before some Justice of the Peace in or near the Town or Place where he shall be apprehended; and such Justice is hereby empowered and directed to examine such suspected Person; and if, by his own Confession, or by other Evidence, to the Satisfaction of such Justice, it shall appear to him that such suspected Person belongs to the Continental Army, and he doth not, to the Satisfaction of such Justice, prove that he hath Leave of Absence, such Justice of the Peace shall, by Warrant under his Hand and Seal, commit him to the common Gaol of the County wherein such Justice hath Jurisdiction; and each Gaoler is hereby required to receive and keep him in close Custody until called for by an Officer of said Army, or shall deliver him to some Continental or Militia Officer, or any Selectmen or Committees, so that the said Deserter may be returned to the Corps to which he belongs: And any Person who shall apprehend any Deserter as aforesaid, shall, for every Deserter so taken up and secured, receive out of the public Treasury of this Commonwealth, the Sum of *Six Pounds*, on his producing a Certificate thereof to the Governor and Council of this Commonwealth, from any of the Officers, Selectmen, or Committees aforesaid; the

Persons suspected being Deserters, to be carried before some Justice of the Peace.

Justices empowered to examine such suspected Persons.

Bounty for apprehending Deserters.

said Certificate specifying the Description of the Person or Persons so taken up, and also the Regiment and Company to which he belongs.

And whereas many of the Men who have been enlisted or detached from the Militia, to reinforce the Continental Army, and have deserted before they have joined the said Army, or before the Time of Service for which they were engaged was expired :

Deserters from the Militia to be included within the true Meaning of this Act.

Be it therefore enacted by the Authority aforesaid, That all such Persons shall be considered as included within the true Meaning of this Act to all Intents and Purposes, and be treated in the same Manner as those Deserters who were enlisted for three Years or during the War.

Justices of the Peace empowered upon Complaint.

And be it further enacted, That any Justice of the Peace in the County to which he belongs, be, and he hereby is authorised and empowered, upon Complaint being made to him by any commissioned Officer in the Continental Army, or any commissioned Officer in the Service of this Commonwealth, or any Selectmen or Committees, or by any commissioned Officer belonging to the Fleets or Armies of any Power who shall prosecute the War in America, in Conjunction with these States, that any non-commissioned Officer or Soldier having enlisted, or being detached to serve in the Continental Army, or belonging to any of the Fleets or Armies aforesaid, hath deserted, the Complainant making Declaration before the said Justice, in Writing, and supporting the same by Oath or Affirmation, that he hath good Reason to suspect that such Deserter or Deserters are concealed in any Dwelling House, Barn, Out-House or other Building, or are secreted on board any Ship or Vessel, in either of the Ports or Harbours within any County in this Commonwealth wherein such Justice hath Jurisdiction, to issue his Warrant, directed to the Sheriff or his Deputy within the County, or any Constable within the Town where such Deserter is supposed to be concealed, directing him to make diligent Search for such Deserters in all Places specially designated in said Warrant (the said Search to be made in the Day Time only :) And in Case any Deserter be found in Consequence of such Search, him or them to apprehend and deliver to the Officer who made the Complaint, or commit him or them to the common Gaol in said County (the Keeper whereof is hereby required to take such Deserter or

The Complainant making Declaration upon Oath

to issue their Warrants.

In Case.

Deserters into his Custody) and to make Return of his Doings to the Justice who issued the Warrant; and said Justice hereby is directed to give Notice of such Deserter or Deserters as may be secured in Gaol as aforesaid (as soon as may be) to the commanding Officer of any Post or Detachment of Continental Troops within this Commonwealth.

And be it further enacted, That any Person or Persons, who shall promote or encourage Desertion, or shall harbour or conceal any Deserter from the Fleets or Armies of any Power who shall prosecute the War in *America*, in Conjunction with these States, shall be subject to the same Fine and Penalties as are by this Law inflicted on each Person who shall promote Desertion, or conceal any Deserter from the Continental Army.

Persons encouraging Desertions subject to a Penalty.

And be it further enacted, That any Person who shall employ for more than Forty-eight Hours, or who shall conceal or secrete any Deserter from the Continental Army, knowing him to be such, and be convicted thereof, shall forfeit a Sum of Money not exceeding *Three Hundred Pounds*, nor less than *Fifty Pounds*, to be recovered as aforesaid, for the Use aforesaid.

Persons concealing Deserters from the Continental Army.

Penalty.

Provided nevertheless, and be it further enacted, That any Person prosecuted for employing, concealing, or secreting such Deserter, shall be deemed and taken to have known him to have been such Deserter, unless he shall give in Evidence upon the Trial, a Certificate of some Justice of the Peace or Town Clerk within this Commonwealth, or some Field Officer of the Militia thereof, bearing Date previous to the Time of such employing, concealing or secreting, and certifying that such Justice, Town Clerk or Field Officer, hath good Reason to believe that the Person so employed, secreted or concealed (mentioning his Name, and describing his Person) is not a Deserter from the Continental Army.

Proviso.

Unless.—

And it is hereby further enacted by the Authority aforesaid, That any Person or Persons who have taken up any Deserter or Deserters by Virtue of the Act passed in the Year one Thousand seven Hundred and Eighty, and have not received the Reward therein mentioned, shall be intitled to the Reward that is granted by this Act.

Persons intitled to the Reward by an Act passed A. D. 1780.

November 2, 1781.