

ary, *One Thousand Seven Hundred and Eighty-two, five Commissioners are or may be appointed under the Direction of the Superintendent of Finance for the Settlement of Accounts in the several Departments of the Quarter Master, Commissary, Hospital, Cloathier and Marine: And whereas it is necessary that the Commissioners who are or may be so appointed, be empowered to call Witnesses and examine them, touching such Accounts as are to them respectively assigned for Settlement:*

Therefore, be it enacted by the Authority aforesaid, That all the Powers and Authorities which by this Act are given to the Commissioner for settling and adjusting Accounts between the United States and this Commonwealth be, and they hereby are given to each of the said five Commissioners respectively, to be by them used and exercised in the same Manner as they are or may be used or exercised by the aforesaid Commissioner in like Cases.

*And be it further enacted by the Authority aforesaid, That the United States, by the Name of, The United States of America, shall be, and hereby are fully authorized and empowered to commence and prosecute to final Judgment and Execution, in any Court within this Commonwealth proper to try the same, any Action proper for the Recovery of any Debts, Dues, or Effects, belonging to the said United States, of or from any Individual or Individuals in the said Commonwealth; and may appear by their Commissioner, to whose Department the Cause of Action may pertain, or by any Attorney duly appointed by such Commissioner; and shall have all the Privileges touching such Actions as any natural Person or Subject of this Commonwealth might have. *Provided always, That Depositions shall and may be used in all Cases referred to in this Act, in the Manner they are or may be used on like Occasions in Civil Causes.**

March 12, 1783.

1782. — Chapter 54.

[January Session, ch. 21.]

Chap. 54 AN ACT IN ADDITION TO AN ACT, ENTITLED, "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 in and by the aforesaid Act no Encouragement is given to such Militia Officers, Selectmen or Com-

Same Powers vested in the Commissioner to be given to each of the five Commissioners.

United states to commence any Action for the recovery of Debts.

Proviso.

mittees, as shall apprehend and secure Deserters from the Continental Army, other than the Payment of their reasonable Expences:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That any Militia Officers, Selectmen, or Committees of any Town or Plantation, within this Commonwealth, where no Militia Officer is, who shall apprehend and secure any Deserter from the Continental Army, and make Return thereof as in the said Act is provided, shall be entitled to receive out of the Public Treasury of this Commonwealth, the Sum of Six Pounds, in Addition to the Payment of their reasonable Expences, for each Deserter by them apprehended and secured, as in the aforesaid Act is required.

Deserters
apprehended by
Militia Officers,
etc.

Bounty.

And whereas it often happens that Soldiers inlisted to serve in the Continental Army, and mustered by some Muster Master within this Commonwealth, desert from the Service before they arrive in Camp, and are placed in any Regiment or Company:

Be it further enacted by the Authority aforesaid, That there shall be paid out of the Public Treasury to such Militia Officers, Selectmen, and Committees as aforesaid, and other Person or Persons, as shall apprehend and secure Soldiers, who have, or shall have inlisted and been mustered, to serve in the Continental Army for any Town or Class within this Commonwealth, and deserted from the Service before their Arrival in Camp, the same Bounty and Payment of reasonable Expences, for each such Deserter by them apprehended and secured, as for those who desert after their Arrival in Camp; which Sums, so paid, shall be charged to the United States, and an Account thereof transmitted by the Secretary of this Commonwealth, to the Secretary at War, in order that the same may be deducted out of the Wages of such Deserters.

Deserters
apprehended
before their
arrival in
Camp — the
same Bounty
allowed.

And whereas it likewise happens, that Persons, who have inlisted and received Monies of Committees of Towns, Heads of Classes, and Persons appointed by Classes to procure Soldiers, abscond or refuse to be mustered:

Be it further enacted by the Authority aforesaid, That whenever any Person shall inlist to serve as a Soldier, for any Term of Time, for any Town or Class within this Commonwealth, and shall receive a Reward therefor, of

Persons inlisted
and receive a
Reward there-
for, and
abscond.

In such Cases

any Committee of a Town or Plantation, Head of a Class, or Person or Persons appointed by any Class to procure Soldiers, and shall, after having so inlisted and received a Reward, abscond or refuse to be mustered, it shall be lawful, in every such Case, for any Justice of the Peace within the County where such inlisted Person is suspected to be, upon the Application, in Writing, supported by the Oath of any Committee, Head of a Class, or Person or Persons appointed by any Class to procure Soldiers as aforesaid, of whom such inlisted Person received the Reward, to issue his Warrant, directed to the Sheriff of the said County, his Under Sheriff or Deputy, or some Constable of the Town where such inlisted Person is suspected to be, authorizing and requiring such Sheriff, Under Sheriff or Deputy, or Constable, to apprehend such inlisted Person, and him convene before some Justice of the Peace in and for the same County, to be examined and tried relating to the Matters alleged against him: And if upon Trial, it shall appear to the Justice that such apprehended Person did inlist and receive a Reward as aforesaid, the said Justice shall then, by Warrant under his Hand and Seal, direct and require some proper Officer to convey such inlisted Person to some Muster Master, to be mustered.

And whereas it is necessary that Provision should be made for apprehending Marines and Mariners that may desert from Ships or Vessels of War belonging to this Commonwealth:

Bounties given
to Militia Officers
for apprehending
Mariners.

Be it therefore further enacted by the Authority aforesaid, That the same Bounties shall be given, and the same Payments made, and in the same Manner, to Militia Officers, Selectmen, Committees of Towns and Plantations within this Commonwealth, and to all other Persons who shall apprehend and secure Marines or Mariners, who shall desert from any Ship or Vessel of War belonging to this Commonwealth, as by this and the aforesaid Act are given and made for apprehending and securing Deserters from the Continental Army. And all Persons who shall harbour or conceal any Marine or Mariner, who shall desert as aforesaid, or who shall desert from any Ship or Vessel of War in the Service of the United States. And all Commanders of private Vessels, who shall inlist or carry off any such Marine or Mariner, shall be liable to all the Penalties to which, by the aforesaid Act, they are sub-

jected for harbouring, concealing, or carrying off any Soldier who shall desert from the Continental Army; to be recovered in the same Way and Manner as such Penalties, by the aforesaid Act, are recoverable.

March 12, 1783.

1782.—Chapter 55.

[January Session, ch. 22.]

AN ACT PROVIDING FOR THE PAYMENT OF COSTS IN CRIMINAL SUITS. Chap. 55

Whereas Witnesses and others necessarily concerned in the Prosecution of criminal Offenders, are equitably entitled to a reasonable Consideration for their Time and Expences upon such Occasions, as well when the Party or Parties charged shall be acquitted, as convicted; and no Provision being made by Law in such Cases: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That in all criminal Prosecutions in the Supreme Judicial Court, and in the Courts of General Sessions of the Peace, when the Party or Parties prosecuted, shall be ordered to go without Day, or when being convict shall not have sufficient Goods or Estate to pay Costs of Prosecution; in every such Case, it shall be in the Power of the Court before whom such Acquittal or Conviction shall be, to tax such Costs for Court Charges, as the Case shall appear to require, not exceeding the Fees that are, or by Law may be stated; and such Costs so taxed by the Courts of General Sessions of the Peace, shall be paid out of the respective County Treasuries. And such Costs, so taxed by the Supreme Judicial Court, shall be paid by the Sheriffs of the respective Counties, out of such Fines and Forfeitures as may have arisen and been incurred by Force of any Judgment or Sentence of such Court; and allowance shall be made by the Treasurer of the Commonwealth to the several Sheriffs for any Sums paid as aforesaid: And when and so often as it shall happen that any Sheriff shall not have in his Hands any Monies received for Fines and Forfeitures as aforesaid, such Costs shall be paid out of the Public Treasury, by Warrant from the Governor, with Advice of Council, to the Sheriff, or such other Person as the same Court shall direct.

When Parties prosecuted shall be ordered to go without Day or when convict.

In such Cases.