

The Quartering Act; May 15, 1765

An act to amend and render more effectual, in his Majesty's dominions in America, an act passed 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 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 conveniences, 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, tithingmen, 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 other place, and for no others; and such constables, tithingmen, 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 alehouses, 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 empowered 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 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, town, 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 rooms in such barracks and publick houses as aforesaid, and to put and quarter the residue of such officer and soldiers therein.

II. 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.

III. 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 reserved 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.

IV. 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..

V. 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.

VI. 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-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.

VII. 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 officer and soldiers, so put and placed in such barracks, or 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 of rum mixed with a quart of water, to each man, without paying any thing for the same.

VIII. 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, be it enacted by the authority aforesaid, That the respective provinces shall pay unto such person or 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.

IX. 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.

X. 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, tithingmen, magistrates, and other chief officers of the villages, towns, townships, cities, districts, or other places where any regiment or company shall be quartered, are hereby required to billet such men so exchanged accordingly.

XI. And be it further enacted by the authority aforesaid, That if any constable, tithingman, 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 of 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 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 empowered to administrate) 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 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.

XII. 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 five, 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 innkeepers and others to repair to their quarters, at such times as they shall appoint for the distribution and payment of the said pay or 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 other 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 commissions officer of foot, being under the degree of a captain, for such officers 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 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.

XIII. 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 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 before in this act directed for nonpayment of quarters.

XIV, And, for 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 or seals, at any time or times during the continuance of this act, to require and command any constable, tithingman, 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 of soldiers 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.

XV. 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, clothes, or accoutrements, in his Majesty's said dominions in America, all justices of the peace within their several villages, town, 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 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, tithingman, magistrate, 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.

XVI. And be it further enacted, That the pay or hire for a New York wagon, 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.

XVII. Provided always, and be it further enacted, That no such wagon, cart, or carriage, impressed 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.

XVIII. Provided also, That no such wagon, 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.

XIX. 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 willfully 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 willfully 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, no 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 or 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 chattels, rendering the overplus (if any) to the owner.

XX. 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, to satisfy the constables, tithingmen, magistrates, and other civil officer, their charges and expences therein; for remedy 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, tithingman, 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.

XXI. Provided always, and be it further enacted by the authority aforesaid, That where it shall be necessary to take wagons 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.

XXII. And whereas several soldiers, being duly enlisted 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, tithingman, 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 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, that such suspected person is a lifted 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.

XXIII. Provided always, That if any person shall harbour, conceal, or assist, any deserter for 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 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 chattels 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 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 chattels, 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.

XXIV. 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 a 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 empowered 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.

XXV. And whereas several crimes and offenses have been and may be, committed by several person, 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 offenses are not properly cognizable or triable and punishable, by a court-martial, but by the civil magistrate; by means whereof several great crimes and offenses 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 five, 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 offenses, 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 offenses 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 alleged to be committed within the jurisdiction of such court; and such court shall and may proceed therein to trial, judgment, and execution, in the same manner as if the 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,

XXVI. 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.

XXVII. And be it further enacted by the authority aforesaid, That where any troops or parties upon command 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 passenger, 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.

XXVIII. 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 dominions 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.

XXIX. 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 judgment therein shall be given for the defendants or defendant 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 of such suit, for which cost such defendant and defendants shall have the like remedy as in other cases where costs are by the law given to defendants.

XXX. 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 five, until the twenty fourth day of March in the year of our Lord one thousand seven hundred and sixty seven.