

staff officers, or other officer, nor any soldier or person in the regular service of this state, or the United States, or any of them, shall be affected by any matter or thing herein contained.

C. H. A. R.
XX.

XXV. AND, to prevent this state from becoming an asylum for the disaffected fugitives from other states, BE IT ENACTED, That the governor and council, or any magistrate of the county, on their or his own knowledge, or information, that any male person above the age of eighteen years, belonging to any of the United States, has taken shelter in this state, shall immediately cause such person to be apprehended and examined, and if such person cannot, upon such examination, produce a certificate of his having taken the oath or affirmation prescribed by his state, or if such person has not taken the oath, or affirmation, (as the case may be,) which has been prescribed by this state, and refuses to take the said oath or affirmation, and shall also refuse to take the following oath, or affirmation if a quaker, menonist or tunker, viz. "I, A. B. do swear, or solemnly affirm, (if a quaker, menonist or tunker,) that I do not hold myself bound to yield any allegiance or obedience to the king of Great-Britain, his heirs or successors, and that I will be true and faithful to the United States of America, and will, to the utmost of my power, support, maintain and defend, the freedom and independence thereof," the governor and council, or the said magistrate, may commit such person to the public gaol, or the governor and council may remand such person back to his own state, and in such manner as they may adjudge the most expedient; and if such person hath property in this state, he shall be subject to the treble tax aforesaid, in manner and form prescribed as aforesaid, and such person shall also be subject to all the disabilities imposed by this act; and upon every commitment of such person by any magistrate as aforesaid, the said magistrate shall immediately give notice thereof to the said governor and council.

Persons taking
shelter to be ap-
prehended, &c.

XXVI. It being represented to this general assembly, that many persons who gave bonds to the presidents of the late conventions, councils of safety, and to the committees of observation, for their good behaviour and fidelity to this state, have been guilty of breaches, BE IT ENACTED, That all bonds taken in the name of any president of convention, council of safety, or in the name or names of any other person or persons, for the use of this state, be transmitted as soon as possible to the clerk of the county where the principal and the security reside, or if the principal has departed this state, to the clerk of the county where the security may reside, and thereupon *scire facias* shall immediately issue in the name of this state against the obligors in the bonds, alleging a breach of every part of the condition, and requiring the defendants to shew cause why judgment and execution should not be had for the penalty, and the defendant appearing shall plead the general issue of performance, and trial shall be had the first court, unless for special reasons the court shall grant one imparlance, and if two *nihil* shall be returned, judgment of execution shall be rendered.

Bonds to be
transmitted,
&c.

XXVII. AND BE IT ENACTED, That if any subject or inhabitant of this state shall go on board any vessel of war or transport belonging to the enemy, or to their camp, or to any city, town, port or place, within any of the United States, in their possession, without permission in writing from the governor and the council of this state, and if any subject or inhabitant of this state shall receive any protection for himself or property from the enemy, or any one under their authority, such person, on conviction thereof in the general or any county court of this state, shall be fined by the court not exceeding the rate of ten pounds for every hundred pounds of property belonging to such person within this state, and if any person convicted of any of the offences aforesaid shall not have property within this state, valued and rated agreeable to the late assessment act at more than two hundred pounds, the court may fine such person at the rate aforesaid, and also adjudge him to be imprisoned for any term not exceeding one year, or to be whipped not exceeding thirty-nine lashes, or both, in their discretion.

Fine for going
on board the e-
nemy's vessels,
&c.

XXVIII. WHEREAS persons guilty of high treason may, by being out of the reach of a legal process in the common course of proceeding, evade a trial and the punishment of their crimes, BE IT ENACTED, That on indictment found by the grand jury of the general court against any person for treason, the court shall immediately order *capias* to apprehend such person, directed to the sheriff of the county in which such person lived or resided, and on return by the said sheriff of the flight of such person from this state, or that he is not to be found in the county, the general court shall cause such person to be proclaimed, and solemnly called and required, in full and open court, to appear and answer to the indictment against him, and on default thereof entered on their record, the said court shall issue a writ to the sheriff who returned the *capias*, to cause such person to be proclaimed, and solemnly called and required, at two several courts to be held for his county, in full and open court, to surrender himself to his custody, to answer to the indictment found against him, and the said sheriff shall make his return of such proclamation and default to the general court, who shall

Certain persons
to be outlawed,
&c.

record