

C A P. III.

An ACT for apprehending DESERTERS from HIS MAJESTY'S SERVICE, and for punishing unlawful Dealings with SOLDIERS or DESERTERS.

WHEREAS several Soldiers, being duly listed, do afterwards desert and are often found wandering or otherwise absenting themselves illegally from His MAJESTY'S service :

Preamble.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for any constable of the town or place where any person, who may be reasonably suspected to be such a Deserter, shall be found within this province, to apprehend or cause him to be apprehended, and to cause such person to be brought before any Justice of the Peace living in or near such town or place, who hath hereby power to examine such suspected person; and if, by his confession or the testimony of one or more witness or witnesses upon oath or by the knowledge of such Justice of the Peace, it shall appear or be found that such suspected person is a listed Soldier and ought to be with the troop or company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found or other public prison where such Deserter shall be apprehended, and transmit an account thereof to the Officer commanding His MAJESTY'S forces within this province for the time being, to the end such person may be proceeded against according to law; and the Keeper of such gaol 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 person suspected to be a Deserter, may be apprehended by any Constable and brought before the nearest Justice of the Peace, who is to examine him;

and if it appears to the Justice that he is a Deserter,

he shall commit him to prison,

and transmit an account thereof to the commanding Office of the King's troops. The Gaoler is to receive the subsistence of such Deserter while in his custody; but not intitled to fees for imprisonment.

And be it further enacted, That if any person shall harbour, conceal or assist any Deserter from His MAJESTY'S service, knowing him to be such, the person so offending

Persons harbouring or assisting Deserters to forfeit 5*l*.

shall

or purchasing  
arms, cloathing  
&c.

or causing the  
colour of their  
cloathes to be  
changed, to for-  
feit 5l. for every  
offence;

to be levied by  
Warrant of dis-  
tress and sale.

One half of the  
penalties to the  
Informer;

the residue to the  
Officer to whom  
the Deserter be-  
longed.

For want of  
goods and chat-  
tles where n to  
levy the penalties

or non-payment  
in four days af-  
ter conviction;  
the offender to be  
committed to  
Gaol for three  
months.

shall forfeit for every such offence the sum of *five pounds*; or, if any person shall knowingly detain, buy or exchange or otherwise receive from any Soldier or Deserter, or any other person, upon any account or pretence whatsoever, any Arms, Cloathing, Caps or other Furniture belonging to the *KING*, or any such Articles belonging to any Soldier or Deserter, as are generally deemed *Regimental Necessaries* according to the custom of the army, being provided for the Soldier and paid for by deductions out of his pay, or cause the colour of any such cloathes to be changed, the person so offending shall forfeit for every such offence the sum of *five pounds*; and upon conviction by the oath of one or more credible witness or witnesses before any of His *M A J E S T Y*'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 chattles of the offender; 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 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 offender who shall be convicted as aforesaid, of harbouring or assisting any such Deserter or Deserters or having knowingly received any Arms, Cloathes, Caps or other Furniture belonging to the *KING*, or having caused the colour of such cloaths to be changed contrary to the intent of this act, shall not have sufficient goods and chattels whereon distresses 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.