

## C A P. III.

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

**W**HEREAS 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 Officer of the King's troops. The Gaoler 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 suffer 5<sup>l</sup>.*

shall