Anno vicesimo nono

Georgii II. Regis.

An Act to prevent His Majesty's Subjects from serving as Officers under the *French* King; and for the better enforcing an Act passed in the Ninth Year of His present Majesty's Reign, to prevent the inlisting His Majesty's Subjects to serve as Soldiers without His Majesty's Licence; and for obliging such of His Majesty's Subjects as shall accept Commissions in the *Scotch Brigade*, in the Service of the States General of the United Provinces, to take the Oaths of Allegiance and Abjuration.



WHEREAS divers of His Majesty's Subjects have been induced to serve as Officers under the French King, which Practice is highly to the Dishonour, and is greatly prejudicial to the Safety and Welfare of this Kingdom: For Remedy thereof; 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 if any Subject of the Crown of Great Britain, from and after the First Day of May, One thousand seven hundred and fifty six, shall take or accept of any Military Commission, Preamble.

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The accepting of any Military Commission, &c. in the *French* King's Service, without Leave, under the Sign Manual, made Felony.

Commission, or otherwise enter into the Military Service of the French King, as a Commissioned or Non-commissioned Officer, without Leave or Licence of His Majesty, His Heirs, or Successors, first had and obtained for that Purpose, under the Sign Manual of His Majesty, His Heirs, or Successors, every such Person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of of Clergy.

Officers and Soldiers returning within a limited Time to their Duty and Allegiance, and taking, &c. the Oaths, exempted from all Penalties;

And be it further enacted by the Authority aforesaid, That if any Commissioned or Non-commissioned Officer, or Private Soldier (being a Subject of the Crown of Great Britain) who may be now in the said Service, without His Majesty's Licence first had and obtained as aforesaid, do and shall, on or before the Twenty ninth Day of September, One thousand seven hundred and fifty seven, return into this Kingdom, with Intent to become, and shall become, a dutiful and faithful Subject to His Majesty, His Heirs, and Successors, and surrender himself to any One or more of His Majesty's Justices of the Peace within this Kingdom, and shall within the Time aforesaid, with good and sufficient Sureties, enter into a sufficient Recognizance to appear at the next General Assizes, or General Quarter Sessions of the Peace to be held for the County in which he or they shall so surrender, and shall at such General Assizes, or Quarter Sessions of the Peace, take and subscribe the Oaths of Allegiance and Abjuration in open Court, such Officer or Soldier shall from thenceforth be exempted and freed from all Offences, Penalties, and Forfeitures created by this Act, or by any other Act, against enlisting in Foreign Service; any thing in this Act, or in any former Act, to the contrary thereof in any wise notwithstanding.

otherwise, they are liable to be adjudged of Felony, and suffer Death.

And be it further enacted, That if any Commissioned or Non-commissioned Officers or Private Soldiers (Subjects of the Crown of Great Britain) who are now in the Service of the French King, shall remain and continue in such Service, from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, without Leave or Licence from His Majesty, His Heirs, and Successors, first had and obtained, under the Sign Manual of His Majesty, His Heirs, or Successors, all and every such Persons and Person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

And whereas a Practice has been introduced in order to evade and elude the Provisions made by an Act passed in the Ninth Year of His present Majesty's Reign, intituled, An Act to prevent the Listing His Majesty's Subjects to serve as Soldiers without His Majesty's Licence, by hiring, retaining, or procuring His Majesty's Subjects to go beyond the Seas, or embark, with an Intent upon their Arrival Abroad, to inlist and enter themselves to serve as Soldiers in Foreign Service, without actually giving them any Inlisting Money at the Time of their so procuring them to go Abroad, with the Intent aforesaid: And whereas a Doubt has arose, whether the so hiring, retaining, or procuring, His Majesty's Subjects, with Intent to embark, and go beyond the Seas, to be inlisted when Abroad to serve as Soldiers in Foreign Service, without actually paying to such Persons, and their receiving Inlisting Money here from the Persons so hiring, retaining, or procuring, be an Inlisting within the Meaning and Intention of the said Act of the Ninth of His present Majesty, so as to make such Person liable to the Provisions and Penalties of the said Act: For removing the said Doubt, and for the more effectually preventing a Practice so highly detrimental to this Kingdom; be it declared and enacted, That if any Subject of the Crown of Great Britain hath engaged, contracted, or agreed, or shall engage, contract, or agree, within the Kingdom of Great Britain or Ireland, to go beyond the Seas, or embark, with an Intent and in order to inlist and enter himself to serve as a Soldier in any Foreign Service, though no Inlisting Money be actually paid to or received by him; or if any Person hath hired, retained, engaged, or procured, or shall hire, retain, engage, or procure any Subject of His Majesty, His Heirs, or Successors, though no Inlisting Money hath been or shall be actually paid to or received by him, to agree to go beyond the Seas, or embark, with an Intent and in order to be inlisted to serve any Foreign Prince, State, or Potentate, as a Soldier, without Leave or Licence of His Majesty, His Heirs, or Successors, first had and obtained for that Purpose, every such Person so offending, being thereof lawfully convicted, shall be adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Act 9 Geo. II.

Subjects contracting, &c. to inlist in any Foreign Service,

and Persons engaging them without Licence from His Majesty,

to suffer Death.

And whereas it is highly necessary that Officers of Troops composed of British Subjects and recruited in Great Britain, by His Majesty's Permission, should not be permitted to enter into the Service of any Foreign Power

or State whatsoever, without giving the most solemn Testimony of the Allegiance which they owe to His Most Sacred Majesty; be it further enacted by the Authority aforesaid, That if any of His Majesty's British Subjects shall, from and after the Twenty fourth Day of June, One thousand seven hundred and fifty six, accept of Commissions in the Corps in the Service of their High Mightinesses the States General of the United Provinces, distinguished by the Name of The Scotch Brigade, and who are not already in that Service, every such Person shall within Six Months after the Date of such his Commission, take and subscribe the Oaths of Allegiance and Abjuration in One of His Majesty's Courts at Westminster, or at the General Assizes or General Quarter Sessions of the Peace to be holden for some County, in that Part of Great Britain called England, or in the Court of Session, Court of Justiciary, Court of Exchequer, in that Part of Great Britain called Scotland, or in a Sheriff or Stewart Court, or before the Justices of the Peace at their Quarter Sessions there, or in the Dominions of the States General, before His Majesty's Minister there (who are hereby impowered to administer such Oaths) and every such Officer shall within Six Months after he shall have taken and subscribed such Oaths as aforesaid, transmit a Certificate thereof signed by Order of such Court, or Person or Persons before whom the same shall have been so taken and subscribed, as before directed, together with an Account of the Date of his Commission, to His Majesty's Secretary at War for the time being, who is hereby required to register the Names of all such Officers, and the Dates of their Commissions; and such Court, or Person or Persons, before whom such Oaths are taken and subscribed, are hereby required to give such Certificate to every such Officer, as aforesaid; and every such Officer not now in the Service of the States General, who shall accept of a Commission in the Corps aforesaid, and shall not take and subscribe the Oaths aforesaid, and transmit a Certificate thereof, in Manner before directed, shall forfeit and pay the Sum of Five hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Session or Exchequer in Scotland; One Moiety whereof shall go to the Person or Persons who shall sue for the same, and the other Moiety to His Majesty, within One Year after such Person so offending shall come into Great Britain.

Subjects accepting of Commissions in *The Scotch Brigade*, in the States Generals Service,

to take, &c. the Oaths,

and transmit a Certificate thereof,

with the Date of their Commissions, to the Secretary at War, to be registered, &c.

on Penalty of 500*l.*

And be it further enacted by the Authority aforesaid, That any Offence against this Act, though committed without this Realm, shall and may be alledged to be committed, and may be laid, enquired of, and tried, in any County in Great Britain. Offences committed without this Realm, may be tried in *Great Britain*.

Provided always, and be it enacted by the Authority aforesaid, That no Attainder for any Offence made Felony by this Act, shall make or work any Corruption of Blood, Loss of Dower, or Disherison of Heir or Heirs. Limitation of the Effects of Attainders.

FINIS.