ANNO TRICESIMO NONO

GEORGII III. REGIS.

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ninety-nine ſhall remain in ſuch Service, or, during the Continuance of this Act, ſhall be voluntarily entered, and in Pay, as a Marine Officer or Private Man in His Majeſty's Service; and being ordered or employed in ſuch Service, at any Time during the Continuance of this Act, on Shore, in any Place within the Realm of *Great Britain*, or in any other of His Majeſty's Dominions, ſhall begin, excite, cauſe, or join in, any Mutiny or Sedition in the Company to which he doth or ſhall belong, or in any other Company, Troop, or Regiment, either of Marine or Land Forces, in His Majeſty's Service; or ſhall not uſe his utmoſt Endeavours to ſuppreſs the ſame, or coming to the Knowledge of any ſuch Mutiny, or intended Mutiny, ſhall not, without Delay, give Information thereof to his Commanding Officer; or ſhall deſert His Majeſty's Service, or being actually entered as a Marine in any Company, ſhall liſt himſelf in any other Company, Troop, or Regiment, in His Majeſty's Service, without firſt having a Diſcharge in Writing from the Officer commanding in Chief the Company in which he laſt ſerved as a Marine; or ſhall be found ſleeping upon his Poſt, or ſhall leave it before relieved; or ſhall hold Correſpondence with any Rebel or Enemy of His Majeſty, or give them Advice or Intelligence of any Kind, by any Ways or Means, or in any Manner whatſoever; or ſhall treat with ſuch Rebels or Enemies, or enter into any Condition with them, without His Majeſty's Licence, or Licence of the Lord High Admiral of *Great Britain*, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being; or ſhall ſtrike or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office; or ſhall diſobey any lawful Command of his ſuperior Officer; all and every Perſon and Perſons ſo offending in any or either of the Matters before mentioned, on Shore, in any Part of this Kingdom, or in any other of His Majeſty's Dominions, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

who ſhall mutiny or deſert, *etc.*

or liſt in any other Regiment, *etc.*

or ſhall be found ſleeping on, or ſhall deſert his Poſt, or hold Correſpondence with the Enemies of His Majeſty;

or ſhall ſtrike or diſobey his ſuperior Officer; ſhall ſuffer Death, or ſuch Puniſhment as a Court-martial ſhall inflict.

The Lord High Admiral, or Commiſſioners for executing that Office, may grant a Commiſſion for holding a General Court-martial, *etc.*

II. And be it further enacted, That it ſhall and may, from Time to Time, during the Continuance of this Act, be lawful to and for the ſaid Lord High Admiral, or Three or more of the ſaid Commiſſioners for executing the ſaid Office of Lord High Admiral for the Time being, to grant a Commiſſion, under his or their reſpective Hand or Hands, to any Officer of Marines in His Majeſty's Service, not under the Degree of a Field Officer, for the holding a General Court-martial, at any Place or Places on Shore, in this Realm, or in any other of His Majeſty's Dominions; in every of which Courts-martial all or any of the Offences aforeſaid, and all or any other of the Offences herein-after ſpecified, ſhall be tried and proceeded againſt in ſuch Manner as by this Act is directed.

Courts-martial may inflict Corporal Puniſhment for Immoralities, *etc.*

III. And be it alſo enacted, That it ſhall and may be lawful to and for ſuch Courts-martial reſpectively, by their Sentence or Judgement, to inflict Corporal Puniſhment, not extending to Life or Limb, on any Marine, for Immorality, Miſbehaviour, or Neglect of Duty, on Shore, in any Place or Places within this Realm, or in any other of His Majeſty's Dominions, during the Continuance of this Act.

Lords of the Admiralty empowered to

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Lord High Admiral, or Three or more of the Commiſſioners

missioners for executing the Office of Lord High Admiral, at any Time during the Continuance of this Act, to make and establish Rules and Articles in Writing, under his or their respective Hand or Hands, for the Punishment of Mutiny and Desertion, Immorality, Misbehaviour, and Neglect of Duty, in any of His Majesty's Marine Forces while on Shore, in any Part of this Realm, or in any other of His Majesty's Dominions, and for bringing Offenders against the same to Justice; and to erect and constitute Courts-martial, with Power to try, hear and determine, any Crimes or Offences specified in such Rules and Articles, and inflict Punishments, by Sentence or Judgement for the same, according to the true Intent and Meaning of this Act.

make Articles for Punishment of Mutiny and Desertion, *etc.*

and to constitute Courts-martial.

V. Provided always, That no Person or Persons shall be adjudged to suffer any Punishment extending to Life or Limb by the said Rules or Articles, within the Kingdom of *Great Britain*, except for such Crime or Crimes as is or are expressed to be so punishable by this Act.

None to be adjudged of Life or Limb, but for Crimes expressed to be so punishable by this Act.

VI. And it is hereby further enacted and declared, That no General Court-martial, which shall have Power to sit by virtue of this Act, shall consist of a less Number than Thirteen, whereof none to be under the Degree of a Commission Officer; and the President of such Court-martial shall not be under the Degree of a Field Officer of Marines, unless where such Field Officer cannot be had; in which Case the Marine Officer next in Seniority to such Field Officer, not being under the Degree of a Captain, shall preside at such Court-martial; and that such Court-martial shall have Power and Authority, and are hereby required to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them.

General Court-martial not to consist of less than 13; and the President to be a Field Officer or Officer next in Seniority, not under the Degree of a Captain.

Courts-martial may administer Oaths to Witnesses.

VII. Provided always, That in all Trials of Offenders by General Courts-martial, to be held by virtue of this Act, every Officer present at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Court, and Judge-advocate or his Deputy, (who are hereby authorized to administer the same), in these Words; that is to say,

Officers to be sworn.

'YOU shall well and truly try and determine, according to the Evidence which shall be given in the Matter now before you, between our Sovereign Lord the King's Majesty and the Prisoner to be tried:

'*So help you* GOD.'

Judge's Charge before Oath.

'I *A. B.* do swear, That I will duly administer Justice, according to an Act of Parliament now in Force, *for the Regulation of His Majesty's Marine Forces while on Shore*, and according to the Rules and Articles made in pursuance of the said Act of Parliament for the Punishment of Mutiny and Desertion, and other Crimes therein respectively mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, (which is not explained by the said Act of Parliament, or the said Rules and Articles), according to my Conscience, the best of my Understanding, and the Custom of War in like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be approved by the Lord High Admiral, or Three or more of the

The Oath.

'Commiſſioners for executing the Office of Lord High Admiral of *Great* '*Britain*; neither will I, upon any Account, at any Time whatſoever, 'diſcloſe or diſcover the Vote or Opinion of any particular Member of 'the Court-martial, unleſs required to give Evidence thereof as a Wit- 'neſs, by a Court of Juſtice, in a due Courſe of Law:

'*So help me* GOD.'

The Judge-advocate to be ſworn.

And ſo ſoon as the ſaid Oaths ſhall have been adminiſtered to the reſpective Members, the Preſident of the Court is hereby authorized and required to adminiſter to the Judge-advocate, or the Perſon officiating as ſuch, an Oath, in the following Words:

The Oath.

'I *A. B.* do ſwear, That I will not, upon any Account, at any Time 'whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular 'Member of the Court-martial, unleſs required to give Evidence thereof, 'as a Witneſs, by a Court of Juſtice, in a due Courſe of Law:

'*So help me* GOD.'

In Sentences of Death, what Number of Officers ſhall concur, *&c.*

Hours of Trial.

And no Sentence of Death ſhall be given againſt any Offender by any ſuch General Court-martial as aforeſaid, unleſs Nine Officers preſent ſhall concur therein; and if there be more Officers preſent than Thirteen, then the Judgement ſhall paſs by the Concurrence of Two Thirds of the Officers preſent; and no Proceeding or Trial ſhall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning and Three in the Afternoon, except in Caſes which require an immediate Example.

The Party tried entitled to a Copy of the Sentence and Proceedings of the Court-martial.

VIII. Provided always, That the Party tried by any General Court-martial, to be held as aforeſaid, ſhall be entitled to a Copy of the Sentence and Proceedings of ſuch Court-martial, upon Demand thereof made by himſelf, or by any other Perſon or Perſons on his Behalf, (he or they paying reaſonably for the ſame), at any Time not ſooner than Three Months after ſuch Sentence, whether ſuch Sentence be approved or not; any Thing in this Act to the contrary notwithſtanding.

Original Proceedings, *&c.* of Courts-martial to be tranſmitted to the Secretary of the Admiralty, *etc.*

IX. And be it enacted, That every Judge-advocate, or Perſon officiating as ſuch at any General Court-martial, to be held as aforeſaid, do and he is hereby required to tranſmit, with as much Expedition as the Opportunity of Time and Diſtance of Place can admit, the Original Proceedings and Sentence of ſuch Court-martial to the Secretary of the Admiralty for the Time being; which original Proceedings and Sentence ſhall be by him carefully kept and preſerved in the Office of the Admiralty of *Great Britain*, to the End that the Perſons entitled thereto may be enabled, upon Application to the ſaid Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

None to be tried a Second Time for the ſame Offence.

Sentence not to be reviſed more than Once.

X. Provided always, and be it hereby declared and enacted, That no Marine, either Officer or Private Man, being acquitted or convicted of any Offence at any ſuch Court-martial as aforeſaid, ſhall be liable to be tried a Second Time by the ſame or any other Court-martial, for the ſame Offence; and that no Sentence given by any Court-martial, and ſigned by the Preſident thereof, be liable to be reviſed more than Once.

XI. And

XI. And be it further enacted, That if any Officer or Private Man ſhall deſert His Majeſty's Service in any of His Dominions beyond the Seas, or elſewhere beyond the Seas, and ſhall eſcape and come or be brought into this Realm, before he be tried by a Court-martial for ſuch Offence, and ſhall be apprehended for the ſame; ſuch Officer or Private Man ſhall be tried for the ſame, as if the ſame Offence had been committed within this Realm.

Deſerters beyond Sea, &c. may be tried here.

XII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to exempt any Marine, either Officer or Private Man, whatſoever, while on Shore, from being proceeded againſt by the ordinary Courſe of Law.

This Act not to exempt any on Shore from ordinary Proceſs.

XIII. Provided alſo, and be it further enacted, That no Perſon or Perſons, being acquitted or convicted of any Capital Crimes, Violences, or Offences, by the Civil Magiſtrate, ſhall be liable to be puniſhed by a Court-martial for the ſame, otherwiſe than by caſhiering.

Perſons acquitted, &c. by the Civil Magiſtrate, may only be caſhiered by a Court martial.

XIV. Provided alſo, and be it further enacted, That if any Marine Officer, Non-commiſſion Officer, or Private Man, ſhall be accuſed of any Capital Crime, or of any Violence or Offence, againſt the Perſon, Eſtate, or Property of any of His Majeſty's Subjects, which is puniſhable by the known Laws of the Land; the Commanding Officer or Officers of every Company, or Party, is and are hereby required to uſe his and their utmoſt Endeavours to deliver over ſuch accuſed Perſon to the Civil Magiſtrate; and ſhall alſo be aiding and aſſiſting to the Officers of Juſtice in the ſeizing and apprehending ſuch Offender, in order to bring him to Trial: And if any ſuch Commanding Officer ſhall wilfully neglect or refuſe, upon Application made to him for that Purpoſe, to deliver over any ſuch accuſed Perſon to the Civil Magiſtrate, or to be aiding and aſſiſting to the Officers of Juſtice in the apprehending ſuch Offender; every ſuch Officer ſo offending, and being thereof convicted, before any Two or more Juſtices of the Peace for the County where the Fact is committed, by the Oath of Two credible Witneſſes, ſhall be deemed and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace for the ſaid County, and a Certificate thereof be tranſmitted to the Judge-advocate, who is hereby obliged to certify the ſame to the next Court-martial.

Perſons accuſed of Capital Crimes, *etc.* to be delivered over to the Civil Magiſtrate, *etc.*

Penalty on Officers refuſing to deliver over Offenders.

XV. And whereas His Majeſty hath been graciouſly pleaſed in Compaſſion to the diſtreſſed Condition of ſeveral Widows of Officers of the Army, who have loſt their Lives in the Service of the late War, or during the late Rebellion, by Orders made under His Royal Sign Manual, to direct His Commiſſary-general of the Muſters to allow, upon the Muſter-rolls of all the Regiments, Troops, and Companies, a Number of fictitious Names therein mentioned, inſtead of Private Men, in order to raiſe and ſettle a Fund for the Maintenance of ſuch Widows of Officers as are or ſhall be entitled to His Royal Bounty: Therefore for the more effectually fulfilling His Majeſty's ſaid gracious Intentions with reſpect to the allowing of fictitious Names upon the Muſter-rolls of the ſaid Marine

Fictitious Names allowed by His Majeſty's Order upon the Muſter rolls for the Maintenance of Officers Widows, not to be conſtrued a falſe Muſter.

Forces while on Shore, for the Purpoſes aforeſaid; be it further enacted and declared, That it ſhall and may be lawful, during the Continuance of this Act, to and for the ſaid Lord High Admiral, or Three or more of the ſaid Commiſſioners for executing the ſaid Office of Lord High Admiral for the Time being, by Orders in Writing under his or their reſpective Hand or Hands, to direct the Perſon for the Time being authorized to pay the ſaid Marine Forces, to pay over the full Pay of ſuch fictitious Private Men as ſhall be allowed on the Muſter-rolls of the ſaid Marine Forces while on Shore, as aforeſaid, to the proper Receiver appointed by His Majeſty, according to ſuch Orders and Inſtructions as His Majeſty ſhall be pleaſed to make under His Sign Manual, for the Purpoſe aforeſaid; and that no Allowance of any ſuch fictitious Name upon any Muſter-roll of the ſaid Marine Forces while on Shore, as aforeſaid, ſhall be conſtrued to be a falſe Muſter; any Thing in this Act, or any former Act, contained to the contrary notwithſtanding.

Paymaſter to pay the full Pay of ſuch Men to the Receiver.

XVI. And whereas there is and may be Occaſion for the marching and quartering of the ſaid Marine Forces in ſeveral Parts of this Kingdom; be it further enacted, That, for and during the Continuance of this Act, and no longer, (in purſuance of an Order or Orders in Writing in that Behalf, under the Hand of the ſaid Lord High Admiral, or under the Hands of Three or more of the Commiſſioners for executing the Office of Lord High Admiral for the Time being), it ſhall and may be lawful to and for the Conſtables, Tythingmen, Headboroughs, and other Chief Officers and Magiſtrates of Cities, Towns, and Villages, and other Places, within *England*, *Wales*, and the Town of *Berwick upon Tweed*, and in their Default or Abſence, for any One Juſtice of the Peace inhabiting in or near any ſuch City, Town, Village, or Place, and for no others; and ſuch Conſtables, and other Chief Magiſtrates, as aforeſaid, are hereby required to quarter and billet the Marines, both Officers and Private Men, in His Majeſty's Service, in Inns, Livery Stables, Alehouſes, 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 Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houſes, other than and except the Houſe or Houſes of any Diſtillers, who keep Houſes or Places of diſtilling Brandy and Strong Waters, and the Houſe of any Shopkeeper, whoſe principal Dealings ſhall be more in other Goods and Merchandizes than in Brandy and Strong Waters, (ſo as ſuch Diſtillers and Shopkeepers do not permit or ſuffer Tipling in his or their Houſes), and in no other, and in no private Houſes whatſoever, without the Conſent of the Occupier; nor ſhall any more Billets at any Time be ordered than there are effective Marines preſent to be quartered: And if any Conſtable, Tythingman, or ſuch like Officer or Magiſtrate, as aforeſaid, ſhall preſume to quarter or billet any ſuch Officer or Private Man in any ſuch private Houſe without the Conſent of the Occupier; in ſuch Caſe, ſuch Occupier ſhall have his or their Remedy at Law againſt ſuch Magiſtrate or Officer, for the Damage that ſuch Occupier ſhall ſuſtain thereby: And if any Marine Officer ſhall take upon him to quarter Private Men otherwiſe than is limited and allowed by this Act, or ſhall uſe or offer any Menace or Compulſion to any Mayors, Conſtables, or other Civil Officers before mentioned, tending to deter and diſcourage any of them

Conſtables, *etc.* to quarter Officers and Men in Inns, Alehouſes, *etc.*

but in no Diſtillers or Shopkeepers Houſes, or in any private Houſes.

Penalty on Officers quartering Men contrary to this Act, *etc.*

them from performing any Part of their Duty hereby required or appointed; ſuch Marine Officer ſhall, for every ſuch Offence, (being thereof convicted before any Two or more of the next Juſtices of the Peace of the County, by the Oath of Two credible Witneſſes), be deemed and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Military Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace of the ſaid County, and a Certificate thereof be tranſmitted to the Judge-advocate, who is hereby obliged to certify the ſame to the next Court-martial: And in caſe any Perſon ſhall find himſelf aggrieved, in that ſuch Conſtable, Tythingman, or Headborough, Chief-Officer or Magiſtrate, (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace), has quartered or billetted in his Houſe a greater Number of Marines 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 Diviſion, City, or Liberty, where ſuch Marines are quartered; or in caſe ſuch Chief Officer or Magiſtrate ſhall be a Juſtice of the Peace, then on Complaint made to Two or more Juſtices of the Peace of ſuch Diviſion, City, or Liberty, ſuch Juſtice or Juſtices reſpectively ſhall have, and is or are hereby declared to have, Power to relieve ſuch Perſon, by ordering ſuch and ſo many of the ſaid Marines 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 Marines accordingly.

Perſons aggrieved by being quartered on, may complain to any Juſtice and be relieved.

XVII. Provided nevertheleſs, and it is hereby enacted, That the Marine Officers and Private Men, ſo quartered and billetted as aforeſaid, ſhall be received and furniſhed with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouſes, Victualling-houſes, and the Houſes of Sellers of Wine by Retail to be drank in their own Houſes, or Places thereunto belonging, and other Houſes in which they are allowed to be quartered and billetted 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.

Officers and Marines to pay Rates for their Proviſions.

XVIII. 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, (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 Private Men who are recruiting, and Recruits by them raiſed), ſhall be deſirous to furniſh ſuch Non-commiſſion Officers and Private Men with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints for each Man *per Diem*, *gratis*, and allow to ſuch Non-commiſſion Officers or Private Men 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 Private Men ſo quartered ſhall provide their own Victuals; and the Officer to whom it belongs to receive, or who ſhall actually receive, the Pay and Subſiſtence of ſuch Non-commiſſion Officers and Private Men, ſhall pay the ſeveral Sums herein-after mentioned to be payable out of the Subſiſtence-money for Diet and Small Beer, to the Non-commiſſion Officers and Private Men aforeſaid,

If Innholders refuſe to furniſh the Men quartered on them with Meat, they ſhall allow them Candles, Small Beer, *etc. gratis*.

aforeſaid, and not to the Innholder or other Perſon, on whom ſuch Non-commiſſion Officers and Private Men are quartered; any Thing herein contained to the contrary notwithſtanding.

Penalty on taking Money to excuſe any Perſon from quartering.

XIX. Provided always, and be it enacted, That if any Marine Officer 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 Private Men, 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.

Commanding Officer may exchange Marines in their Quarters,

XX. And whereas it may be for the Benefit of the Service for the Commanding Officer to have a Power to exchange the Billets or Quarters of Marines quartered in the ſame Town or Place; be it therefore enacted, That the Commanding Officer of Marines, in any Town or Place where ſuch Marine Forces are quartered, ſhall and he is hereby declared to have Power, from Time to Time, to exchange any Marine or Marines quartered in ſuch Town or Place, for any other Marine or Marines quartered in the ſame Town or Place, provided the Number of Men do not exceed the Number at that Time billetted on ſuch Houſes reſpectively, where ſuch Men ſhall be exchanged; and the Conſtables, Tythingmen, Headboroughs, and other Chief Officers and Magiſtrates of the Cities, Towns, and Villages, or other Places, where any of the ſaid Marine Forces ſhall be quartered, are hereby required to billet ſuch Men ſo exchanged accordingly.

and the Conſtables to billet the ſame accordingly.

No Paymaſter, *&c.* to make Deductions out of Officers or Private Men's Pay.

XXI. And be it further enacted, That, from and after the Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-nine, no Paymaſter, or other Officer or Perſon whatſoever, ſhall receive any Fees, or make any Deductions whatſoever, out of the Pay of any Marine, either Officer or Private Man, in His Majeſty's Service, or from their Agents, which ſhall grow due from and after the ſaid Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-nine,

Exception.

other than the uſual Deductions for Clothing, and Twelve-pence in the Pound to be diſpoſed of as His Majeſty ſhall think fit; and the One Day's Pay in the Year for the Uſe of the Royal Hoſpital at *Chelſea*; and ſuch other neceſſary Deductions as ſhall, from Time to Time, be directed by the ſaid Lord High Admiral, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral for the Time being, by Order in Writing under his or their reſpective Hand or Hands.

Officers to give Notice to Innkeepers of Subſiſtence-money in their Hands.

XXII. And, that the Quarters both of the ſaid Marine Officers and Private Men, while on Shore as aforeſaid, may, during the Continuance of this Act, be duly paid and ſatisfied, and His Majeſty's Duties of Exciſe better anſwered, be it enacted, That, from and after the ſaid Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-nine, every Officer or other Perſon, to whom it belongs to receive, or that ſhall actually receive, the Pay or Subſiſtence-money, for One or more particular Company or Companies of the ſaid Marine Forces, 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

Private Men 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 ſuch Officers or Private Men, which ſhall be within Four Days at the fartheſt after the Receipt of the ſame, as aforeſaid; and the ſaid Innkeepers, and others, ſhall then and there acquaint ſuch Officer or Officers with the Accounts or Debts (if any ſhall be), between them and the Officers and Private Men ſo quartered in their reſpective Houſes; which Accounts the ſaid Officer or Officers is or 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 Private Men: Provided the ſaid Accounts exceed not, for One Marine Commiſſion Officer under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, *per Diem*, One Shilling; and if ſuch Officer ſhall have a Horſe or Horſes, for each ſuch Horſe or Horſes, for their Hay and Straw, *per Diem*, Sixpence; nor for One Private Man's Diet and Small Beer, *per Diem*, Four-pence: And if any Officer or Officers, as aforeſaid, ſhall not give Notice as aforeſaid, and ſhall not immediately, upon producing ſuch Account ſtated, ſatisfy, content, and pay the ſame, upon Complaint and Oath made thereof by any Two Witneſſes, at the next Quarter Seſſions for the County or City wherein ſuch Quarters were, (which Oath the Juſtices of the Peace at ſuch Seſſions are hereby authorized and required to adminiſter), the Paymaſter, or Perſon for the Time being authorized to pay the ſaid Marine Forces, is hereby required and authorized (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) to pay and ſatisfy the ſaid Sums out of the Arrears due to the ſaid Marine Officer or Officers upon Penalty that ſuch Paymaſter or Perſon ſhall forfeit their reſpective Place or Places of Paymaſter, or otherwiſe, 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 Perſon for the Time being authorized to pay the ſaid Marine Forces, is hereby authorized and required to deduct the Sums he ſhall pay, purſuant to the Certificate of the ſaid Juſtices, out of the next Pay or Subſiſtence-money of the Company to which ſuch Officer or Officers ſhall belong; and ſuch Officer or Officers ſhall, for ſuch their Offence, or for neglecting to give Notice of the Receipt of ſuch Pay or Subſiſtence-money as aforeſaid, be deemed and taken, and are hereby declared *ipſo facto* caſhiered.

Rates of Subſiſtence to be paid to Innkeepers, *etc.* for Marines Quarters.

Officers not giving Notice of Subſiſtence-money and paying Quarters,

Paymaſter to ſatisfy them out of the Arrears:

And in caſe of no Arrears due, the Paymaſters may deduct out of the next Subſiſtence-money.

Officers neglecting, to be caſhiered.

XXIII. And where it ſhall happen that the Subſiſtence-money due to any Marine Officer or Private Man ſhall, by Occaſion of any Accident, not be paid to ſuch Officer or Private Man, or ſuch Officer or Private Man ſhall neglect to pay the ſame, ſo that Quarters cannot be or are not paid as this Act directs; 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 Company ſhall remain for any Time whatſoever, make up the Accounts, as this Act directs, with every Perſon with whom ſuch 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 Company to which he or they ſhall belong; to the End the ſaid Certificate may be forthwith tranſmitted to the proper Paymaſter of the Marines, who is hereby required immediately to make Payment thereof to the Perſon or Perſons to whom ſuch Money ſhall

On moving from Quarters the Officer to make up Accounts, and give Certificates for Money due.

Paymaſter to pay the Sum certified for.

be due, to the End the ſame may be applied to ſuch Company, under Pain as is before in this Act directed for Non-payment of Quarters.

Officers, *etc.* to be quartered in *Scotland*, as the Laws in force at the Union direct.

XXIV. And be it enacted, That it ſhall and may be lawful to quarter Officers and Private Men of His Majeſty's Marine Forces in *Scotland*, in ſuch and the like Places and Houſes as Officers and Private Men of the Land Forces might have been quartered in by the Laws in force in *Scotland* at the Time of the Union; and that the Poſſeſſors of ſuch Houſes ſhall only be liable to furniſh the ſaid Marine Officers and Private Men quartered there, as by the ſaid Laws in force at the Time of the Union was provided with reſpect to the Officers and Private Men of the Land Forces; and that no ſuch Marine Officer ſhall be obliged to pay for his Lodging, where he ſhall be regularly billetted, except in the Suburbs of *Edinburgh*.

Juſtices may order Conſtables to provide Carriages for the Marine Forces in their Marches.

XXV. And be it further enacted, That, for the better and more regular Proviſion of Carriages for His Majeſty's Marine Forces in their Marches, or for their Arms, Clothes, and Accoutrements, in *England*, *Wales*, and the Town of *Berwick upon Tweed*, all Juſtices of the Peace, within their ſeveral Counties, Ridings, Diviſions, Shires, Liberties, and Precincts, being duly required thereunto by the ſaid Lord High Admiral, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral for the Time being, by an Order in Writing, under his or their reſpective Hand or Hands, ſhall, as often as ſuch Order ſhall be brought and ſhewn unto One or more ſuch Juſtice or Juſtices, by the Officer or Officers of the Company or Companies of Marines ſo ordered to march, iſſue out his or their Warrant or Warrants to the High Conſtables, or Petty Conſtables, of the Diviſion, Riding, City, Liberty, Hundred, or Precinct, from, through, near, or to which ſuch Company or Companies 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 ſufficient 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 Riding, City, Liberty, Hundred, Diviſion, or Precinct, then the next Juſtice or Juſtices of the Peace for the County, Riding, or Diviſion, ſhall, upon ſuch Order as aforeſaid being brought or ſhewn to One or more of them, by any of the Marine Officers aforeſaid, iſſue his or their Warrant or Warrants to the High Conſtables, or Petty Conſtables of ſuch next County, Riding, Liberty, Diviſion, or Precinct, for the Purpoſes aforeſaid, to make up ſuch Deficiency: And the aforeſaid Officer or Officers, who, by virtue of the aforeſaid Warrant or Warrants from ſuch Juſtice or Juſtices of the Peace, is or are to demand the Carriage or Carriages therein mentioned of the High Conſtable, or Petty Conſtable, to whom the Warrant is directed, is and are hereby required, at the ſame Time, to pay down in Hand to the ſaid Conſtable, or Petty Conſtable, for the Uſe of the Perſon who ſhall provide ſuch Carriages and Men, the Sum of One Shilling for every Mile any Waggon with Five Horſes ſhall travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horſes ſhall travel; and the Sum of Nine-pence for every Mile any Cart with Four Horſes ſhall travel; and ſo in Proportion for leſs Carriages; for which reſpective Sums ſo received, the ſaid Conſtable, or Petty Conſtable, is hereby required to give a Receipt in Writing to the

Rates for Carriages.

Perſon

Perſon or Perſons paying the ſame: And ſuch Conſtable, or Petty Conſtable, ſhall order and appoint ſuch Perſon or Perſons having Carriages, within their reſpective Liberties, 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: And if any Marine Officer or Officers, for the Uſe of whoſe Company or Companies the Carriage was provided, ſhall force and conſtrain any Waggon, Wain, Cart, or Carriage, to travel more than One Day's Journey, or ſhall not diſcharge the ſame in due Time for their Return Home, or ſhall ſuffer any Marine or Servant, (except ſuch as are ſick), or any Woman, to ride in the Waggon, Wain, Cart, or Carriage aforeſaid; or ſhall force any Conſtable, or Petty Conſtable, by Threatenings or menacing Words, to provide Saddle Horſes for themſelves, or Servants, or ſhall force Horſes from the Owners, by themſelves, Servants, or Private Men; every ſuch Officer, for every ſuch Offence, ſhall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majeſty's Juſtices of the Peace for the ſame County or Riding, who are to certify the ſame to the proper Paymaſter of His Majeſty's Marine Forces, who is hereby required to pay the aforeſaid Sum of Five Pounds, according to Order and Appointment under the Hands and Seals of ſuch Juſtices of the Peace; and is alſo hereby empowered to deduct the ſame out of ſuch Officer's Pay.

Penalty on Officers forcing Waggons to travel more than One Day's Journey, *etc.*

XXVI. And be it enacted, That if any High Conſtable, or Petty Conſtable, ſhall wilfully neglect or refuſe to execute any ſuch Warrant of the ſaid Juſtice or Juſtices of the Peace as ſhall be directed unto ſuch Conſtable, or Petty Conſtable, for providing Carriages as aforeſaid; or if any Perſon or Perſons, appointed by ſuch Conſtable, or Petty Conſtable, to provide and furniſh any Carriage and Man, ſhall refuſe or neglect to provide the ſame; or any other Perſon or Perſons whatſoever ſhall wilfully do any Act or Thing, whereby the Execution of any ſuch Warrant or Warrants ſhall be hindered or fruſtrated; every ſuch Conſtable, or other Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, to the Uſe of the Poor of the Pariſh where any ſuch Offence ſhall be committed: And all and every ſuch Offence and Offences ſhall and may be enquired of, heard, and fully determined, by Two of His Majeſty's Juſtices of the Peace, dwelling in or near the 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 Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner.

Penalty on Conſtables, *etc.* Neglect.

XXVII. And whereas the reſpective Sums of Money, by this Act appointed to be paid to the Conſtables by the Officers demanding ſuch Carriages, may not, in many Caſes, be ſufficient to anſwer the Charge and Expence of providing the ſame, whereby the ſaid Conſtables may be frequently at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhips of which they are reſpectively Conſtables, or elſe the Perſons furniſhing ſuch Carriages may be grievouſly oppreſſed; to prevent which, and that ſuch Overplus Charge may be borne by each County or Riding at the general Charge of ſuch County or Riding, be it further enacted, That

Treaſurer of the County to repay the Conſtable's extraordinary Charges.

That the Treaſurer or Treaſurers of each reſpective County or Riding ſhall, without Fee or Reward, pay unto ſuch Conſtable all and every ſuch reaſonable Sum or Sums of Money, ſo by him paid or laid out for ſuch Carriages, over and above what was or ought to have been paid by the Marine Officer requiring ſuch Carriages, out of the publick Stock of ſuch County or Riding, according to ſuch Rates, Orders, Rules, and Directions, as the ſaid Juſtices of the Peace, in their Quarter Seſſions aſſembled, within their reſpective Juriſdictions, ſhall from Time to Time, during the Continuance of this Act, make, direct, and appoint, (which Orders ſhall be made without Fee or Reward), Regard being always had to the Seaſon of the Year, and the Length and Condition of the Roads through which ſuch Carriages are to travel.

The Money for that Purpoſe how to be raiſed.

XXVIII. And in caſe the ſaid publick Stock of the County or Riding be not ſufficient (over and above the other Purpoſes for which it was raiſed) to ſatisfy the extraordinary Charge of Carriages before mentioned, it is hereby further enacted, That the ſaid Juſtices of the Peace, in the General Quarter Seſſions, ſhall have Power, from Time to Time, to raiſe Monies upon the reſpective Counties or Ridings, in ſuch Manner as they now raiſe Monies for building or repairing County Gaols and Bridges, to ſatisfy the ſaid extraordinary Charge of Carriages.

No Waggon, *etc* to carry above 20 Hundred Weight.

XXIX. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impreſſed by Authority of this Act, ſhall be liable or obliged, by virtue of this Act, to carry above Twenty hundred Weight; any Thing in this Act contained to the contrary notwithſtanding.

Carriages in *Scotland* how to be provided.

XXX. And be it further enacted, That the Carriages for the Service of the Marine Forces quartered or marched in *Scotland*, ſhall be provided in like Manner, and at the Rates, and the Furniſher of ſuch Carriages ſhall be paid, as was directed by the Law in force in *Scotland* at the Time of the Union, with regard to the furniſhing Carriages for Land Forces.

Marines Wives, *etc.* not to be quartered without Conſent.

Penalty.

XXXI. And be it enacted, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houſes hereby appointed for that Purpoſe, ſhall, at any Time during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants, of any Officer or Marine, in any ſuch Houſes, againſt the Conſent of the Owners; the Party offending, if an Officer of the Marines, ſhall upon Complaint and Proof thereof made to the Commiſſioners for executing the Office of Lord High Admiral, or Judge-advocate, be *ipſo facto* caſhiered; and if a Conſtable, Tythingman, or other Civil Officer, he ſhall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Juſtice of the Peace; to be levied by Warrant of ſuch Juſtice, by Diſtreſs and Sale of his Goods, rendering the Overplus to the Party, after deducting reaſonable Charges in taking the ſame.

Penalty on Officers or

XXXII. And, for the better Preſervation of the Game in or near ſuch Place where any Officers or Soldiers ſhall at any Time be quartered, be

be it enacted, That if, from and after the ſaid Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-nine, any Officer or Soldier ſhall, without Leave of the Lord of the Manor, under his Hand and Seal firſt had and obtained, take, kill, or deſtroy, any Hare, Coney, Pheaſant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fiſh, or His Majeſty's Game, within the Kingdom of *Great Britain*, and upon Complaint thereof ſhall be, upon Oath of One or more credible Witneſs or Witneſſes, convicted before any Juſtice or Juſtices of the Peace, who is and are hereby empowered and authorized to hear and determine the ſame; (that is to ſay), Every Officer ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, to be diſtributed among the Poor of the Place where ſuch Offence ſhall be committed, and every Officer commanding in Chief upon the Place, for every ſuch Offence committed by any Marine under his Command, ſhall forfeit the Sum of Twenty Shillings, to be paid and diſtributed in Manner aforeſaid: And if, upon Conviction made by the Juſtices of the Peace, and Demand thereof alſo made by the Conſtable or Overſeers of the Poor, ſuch Officer ſhall refuſe or neglect, and not within Two Days pay the ſaid reſpective Penalties, ſuch Officer ſo refuſing or neglecting ſhall forfeit, and he is hereby declared to have forfeited his Commiſſion, and his Commiſſion is hereby declared to be null and void.

Marines deſtroying the Game.

XXXIII. And whereas ſeveral Marines, who being duly entered may afterwards deſert, and be found wandering, or otherwiſe abſenting themſelves illegally from His Majeſty's Service; it is hereby further enacted, That it ſhall and may be lawful to and for the Conſtable, Headborough, or Tythingman, of the Town or Place where any Perſon, who may reaſonably be 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 living in or near ſuch Town or Place, who is hereby empowered and required 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 Marine duly entered, and ought to be with the 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 to the Houſe of Correction, or other Publick Priſon, in ſuch Town or Place where ſuch Deſerter ſhall be apprehended; or to the *Savoy*, in caſe ſuch Deſerter ſhall be apprehended within the Cities of *London* or *Weſtminſter*, or Places adjacent; and tranſmit an Account thereof to the Secretary of the Admiralty for the Time being, to the End ſuch Perſon may be proceeded againſt according to Law: And the Keeper of ſuch Gaol, Houſe of Correction, or Priſon, ſhall receive the full Subſiſtence of ſuch Deſerter during the Time he ſhall continue in his Cuſtody, for the Maintenance of ſuch Deſerter; but ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of any ſuch Deſerter; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Conſtables may apprehend Deſerters, and carry them before a Juſtice.

Juſtices to commit them,

and tranſmit an Account to the Secretary of the Admiralty.

Gaol Keeper to receive the Subſiſtence of Deſerters.

XXXIV. And, for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch Deſerter, be it further enacted, That ſuch Juſtice of the Peace ſhall alſo iſſue his Warrant in Writing, to

Reward for taking up Deſerters.

the Collector or Collectors of the Land Tax Money of the Parish or Townſhip where ſuch Deſerter ſhall be apprehended, for paying, out of the Land Tax Money ariſen, or to ariſe, in the Year One thouſand ſeven hundred and ninety-nine, into the Hands of ſuch Perſon or Perſons who ſhall apprehend, or cauſe to be apprehended, any ſuch Deſerter from His Majeſty's Service, the Sum of Twenty Shillings for every ſuch Deſerter that ſhall be ſo apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector or Collectors to whom ſuch Warrant ſhall be directed, and allowed upon his or their Account.

Penalty on Perſons concealing Deſerters, or receiving their Arms, Clothes, &c.

XXXV. And be it further enacted, That if any Perſon ſhall harbour, conceal, or aſſiſt, any Deſerter from His Majeſty's Marine Service, 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 Marine or Marine Deſerter, or any other Perſon, upon any Account or Pretence whatſoever, or any ſuch Articles belonging to any Marine or Marine Deſerter, as are generally deemed Regimental Neceſſaries, according to the Cuſtom of the Marine Corps, (being provided for the Marine, and paid for by the Deductions out of his Pay), or cauſe the Colour of ſuch Clothes to be changed; every ſuch Perſon ſo offending, in each, any, or either of the Caſes aforeſaid, 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 One or more 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 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 Marine did or doth 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, Clothes, Caps, or other Furniture belonging to the King; or any ſuch Articles as are generally deemed Regimental Neceſſaries; 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 or her for ſuch Offence, or ſhall not pay ſuch Penalties within Four Days after ſuch Conviction; then, and in ſuch Caſe, ſuch Juſtice or Juſtices of the Peace ſhall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, either 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 whipped, at the Diſcretion of ſuch Juſtice or Juſtices.

Offences againſt former Acts may be enquired of and puniſhed as under this Act.

XXXVI. And, in order to prevent all Doubts which may ariſe in relation to puniſhing Offences committed againſt former Acts of Parliament made for the Regulation of the Marine Forces while on Shore, be it enacted, That all Crimes and Offences which have been

been committed againſt any of the former Acts in that Behalf, ſhall and may, during the Continuance of this preſent Act, be enquired of, heard, tried, determined, adjudged, and puniſhed, before and by the like Courts, Perſons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed againſt this preſent Act may be enquired of, heard, tried, determined, adjudged, and puniſhed.

Provided no Perſon be liable to be tried for Offences committed Three Years before iſſuing the Warrant for Trial; except in Caſes of Deſertion only.

XXXVII. Provided always, That no Perſon ſhall be liable to be tried or puniſhed for any Offence committed againſt any of the ſaid former Acts, which ſhall appear to have been committed more than Three Years before the iſſuing of the Commiſſion or Warrant for ſuch Trial; except only for the Offence of Deſertion.

No Volunteer liable to Proceſs unleſs for ſome criminal Matter,

or unleſs for a real Debt of the Value of 20 *l.*

Oath of the Debt to be made before a Judge,

and a Memorandum thereof marked on the Proceſs; otherwiſe the Priſoner to be diſcharged with Coſts.

XXXVIII. And to prevent, as far as may be, any unjuſt or fraudulent Arreſts that may be made upon Marines, whereby His Majeſty and the Publick may be deprived of their Service, it is hereby further enacted, That no Perſon whatſoever who is entered, or ſhall enter himſelf as a Volunteer in His Majeſty's Service as a Marine, during the Continuance of this Act, ſhall be liable to be taken out of His Majeſty's Service by any Proceſs or Execution whatſoever, other than for ſome criminal Matter, unleſs for a real Debt, or other juſt Cauſe of Action; and unleſs, before the taking out of ſuch Proceſs or Execution, (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons on his or their Behalf, ſhall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge the original Sum juſtly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cauſe of Action on which ſuch Proceſs ſhall iſſue, or the original Debt for which ſuch Execution ſhall be iſſued out, amounts to the Value of Twenty Pounds at leaſt, over and above all Coſts of Suit in the ſame Action, or in any other Action on which the ſame ſhall be grounded; a Memorandum of which Oath ſhall be marked on the Back of ſuch Proceſs or Writ; for which Memorandum or Oath no Fee ſhall be taken: And if any Perſon ſhall nevertheleſs be arreſted contrary to the Intent of this Act, it ſhall and may be lawful for One or more Judge or Judges of ſuch Court, upon Complaint thereof made by the Party himſelf, or by any his ſuperior Officer, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant, under his or their Hands and Seals, to diſcharge ſuch Marine ſo arreſted contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them that ſuch Marine ſo arreſted was legally liſted as a Marine in His Majeſty's Service, and arreſted contrary to the Intent of this Act; and alſo to award to the Party ſo complaining ſuch Coſts as ſuch Judge or Judges ſhall think reaſonable; for the Recovery whereof he ſhall have the like Remedy that the Perſon who takes out the ſaid Execution might have had for his Coſts, or the Plaintiff in the like Action might have had for the Recovery of his Coſts, in caſe Judgement had been given for him with Coſts againſt the Defendant in the ſaid Action.

Plaintiff giving Notice may file a Common Appearance,

and proceed to Judgement and Execution.

XXXIX. And, to the End that honeſt Creditors, who aim only at the Recovery of their juſt Debts due to them from Perſons entered as Marines in His Majeſty's Service, may not be hindered from ſuing for the ſame, but on the contrary may be aſſiſted and forwarded in their Suits; and, inſtead of an Arreſt, which may at once hurt the Service, and occaſion a great Expence and Delay to themſelves, may be enabled to proceed in a more ſpeedy and cheap Method; be it further enacted, That it ſhall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice firſt given in Writing of the Cauſe of Action to ſuch Perſon or Perſons ſo entered, or left at his or their laſt Place of Reſidence before ſuch Entering, to file a Common Appearance in any Action to be brought for or upon Account of any Debt whatſoever, ſo as to entitle ſuch Plaintiff to proceed therein to Judgement and Outlawry; and to have an Execution thereupon, other than againſt the Body or Bodies of him or them ſo entered as aforeſaid; this Act, or any Thing herein, or any former Law or Statute, to the contrary notwithſtanding.

Marines while confined for Debt, not to receive Pay.

XL. And be it further enacted, That, from the paſſing of this Act, no Marine, being arreſted or confined for Debt in any Priſon, Gaol, or other Place, ſhall be entitled to any Part of his Pay from the Day of ſuch Arreſt or Confinement, until the Day of his Return to the Regiment or Company to which he ſhall belong.

Penalty on Conſtables, *etc* neglecting to quarter Marines;

or taking Money to excuſe any Perſon from quartering;

and on Victuallers refuſing to receive Marines.

XLI. And be it further enacted, That if any High Conſtable, Conſtable, Beadle, or other Officer, or Perſon whatſoever, who, by virtue or colour of this Act, ſhall quarter or billet, or be employed in quartering or billetting any Marine Officers or private Men, ſhall neglect or refuſe for the Space of Two Hours, to quarter or billet ſuch Officers or Marines, 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 ſuch Officer or Marine; or in caſe any Victualler, or any other Perſon liable by this Act to have any Officer or Marine billetted or quartered on him or her, ſhall refuſe to receive or victual any ſuch Officer or Marine ſo quartered or billetted upon him or her, as aforeſaid; or ſhall refuſe to furniſh or allow according to the Directions of this Act, the ſeveral Things herein-before reſpectively directed to be furniſhed or allowed to Non-commiſſion Officers or Marines ſo quartered or billetted on him or her, as aforeſaid, at the Rate herein-before mentioned, and ſhall be thereof convicted, before any One or more Juſtice or Juſtices of the Peace of the County, City, or Liberty, within which ſuch Offence ſhall be committed, either by his own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered to adminiſter), every ſuch High Conſtable, Conſtable, Beadle, or other Officer or Perſon ſo offending, ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds, or any Sum, not exceeding Five Pounds nor leſs than Forty Shillings, (as the ſaid Juſtice or Juſtices, before whom the Matter ſhall be heard, ſhall, in his

or their Diſcretion, think fit); to be levied, by Diſtreſs and Sale, of the Goods of the Perſon offending, by Warrant under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, or of One or more of them, to be directed to any other Conſtable within the County, City, or Liberty, or to any of the Overſeers of the Poor of the Pariſh where the Offender ſhall dwell; and the ſaid Sum of Five Pounds, or the ſaid Sum not exceeding Five Pounds nor leſs than Forty Shillings, when levied, to be paid to the Overſeers of the Poor of the Pariſh where the Offence ſhall be committed, or to ſome One of them, for the Uſe of the Poor of ſuch Pariſh.

To prevent Abuſes in quartering, Juſtices may order Conſtables to give an Account of the Number of Officer and private Men, and where quartered.

XLII. And for the better preventing Abuſes in quartering or billetting the Marines in purſuance of this Act, be it further enacted, That it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace, within their reſpective Counties, Cities, or Liberties, by Warrant or Order under his or their Hand and Seal, or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Conſtable, Conſtable, Beadle, or other Officer, who ſhall quarter or billet any Marines in purſuance of this Act, to give an Account, in Writing, unto the ſaid Juſtice or Juſtices requiring the ſame, of the Number of Officers and private Men who ſhall be quartered or billetted by them, and alſo the Names of the Houſekeepers or Perſons upon whom every ſuch Officer or private Man ſhall be quartered or billetted, together with an Account of the Street or Place where every ſuch Houſekeeper dwells, and of the Signs (if any) belonging to their Houſes; to the End it may appear to the ſaid Juſtice or Juſtices where ſuch Officers and private Men are quartered or billetted, and that he or they may thereby be the better enabled to prevent or puniſh all Abuſes in the quartering or billetting of them.

Clauſe for Relief of Perſons haſtily inliſting themſelves.

XLIII. Provided nevertheleſs, and it is hereby declared, That, from and after the Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-nine, when and as often as any Perſon or Perſons ſhall be inliſted as a Marine or Marines in His Majeſty's Service, he and they ſhall, within Four Days, but not ſooner than Twenty-four Hours, after ſuch Inliſting reſpectively, be carried before the next Juſtice of the Peace of any County, Riding, City, or Place, or Chief Magiſtrate of any City or Town Corporate, (not being an Officer of Marines), and before ſuch Juſtice or Chief Magiſtrate he or they ſhall be at Liberty to declare his or their Diſſent to ſuch Inliſting; and upon ſuch Declaration, and returning the Inliſting Money, and alſo each Perſon ſo diſſenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, ſuch Perſon or Perſons ſo inliſted ſhall be forthwith diſcharged and ſet at Liberty, in the Preſence of ſuch Juſtice or Chief Magiſtrate; but if ſuch Perſon or Perſons ſhall refuſe or neglect, within the Space of Twenty-four Hours, to return and pay ſuch Money as aforeſaid, he or they ſhall be deemed and taken to be inliſted, as if he or they had given his or their Aſſent thereto before the ſaid Juſtice or Chief Magiſtrate; or if ſuch Perſon or Perſons ſhall declare his or their having voluntarily inliſted himſelf or themſelves, then ſuch Juſtice

or Chief Magiſtrate ſhall, and he is hereby required forthwith to certify under his Hand, that ſuch Perſon or Perſons is or are duly inliſted; ſetting forth the Place of the Birth, Age, and Calling, of him or them reſpectively, (if known), and that the Second and Third Sections of the Articles of War, for the better Government of His Majeſty's Marine Forces while on Shore, were read to him or them, and that he or they had taken the Oath of Fidelity mentioned in the Twelfth Section of the ſaid Articles of War; and if any ſuch Perſon or Perſons, ſo to be certified as duly inliſted, ſhall refuſe to take the ſaid Oath of Fidelity before the ſaid Juſtice or Chief Magiſtrate, it ſhall and may be lawful for ſuch Officer, from whom he has received ſuch Money as aforeſaid, to detain or confine ſuch Perſon or Perſons until he or they ſhall take the Oath before required; and every Officer of Marines that ſhall act contrary hereto, or offend herein, upon Proof thereof, upon Oath made by Two Witneſſes, before a General Court-martial to be thereupon called, ſhall, for ſuch Offence, be forthwith caſhiered and diſplaced from ſuch his Office, and ſhall be thereby utterly diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majeſty's Service.

As often as it ſhall be neceſſary, Officers of the Marine and Land Forces may ſit in Conjunction upon Courts-martial;

taking Rank according to the Seniority of their Commiſſions.

XLIV. And whereas it may be expedient, in certain Caſes, particularly where a ſufficient Number of Marine Officers cannot be conveniently aſſembled, or in Matters wherein any of His Majeſty's Land Forces may be intereſted, that Officers of the Land Forces ſhould be aſſociated with the Marine Officers for the Purpoſe of holding Courts-martial; be it enacted and declared, That when and as often as it ſhall be neceſſary, it ſhall and may be lawful for Officers of the Marine and Land Forces to ſit in Conjunction upon Courts-martial, and to proceed in the Trial of any Marine Officer or private Man, in like Manner, to all Intents and Purpoſes, as if ſuch Courts-martial were compoſed of Marine Officers only; and the Officers of the Marine and Land Forces are, in ſuch Caſes, to take Rank according to the Seniority of their Commiſſions in either Service.

Marine Forces being borne as Part of the Complement of any Ships of War, are liable to be governed by the Rules eſtabliſhed by Act 22 *Geo.* II.

XLV. Provided always, and it is hereby declared, That all His Majeſty's Marine Forces, as well Officers as private Men, ſhall, from Time to Time, during their being reſpectively borne as Part of the Complement of any of His Majeſty's Ships or Veſſels, or as Supernumeraries on board the ſame, be ſubject or liable, in like Manner, in all Reſpects, as any Officers or Seamen employed in His Majeſty's Sea Service are ſubject and liable to be governed, and proceeded againſt, and puniſhed, for Offences committed by them during the Time they ſhall be borne as Part of the Complement of ſuch Ships or Veſſels, or as Supernumeraries on board the ſame, according to the Purport, Tenor, Effect, and true Intent and Meaning of an Act of Parliament, made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majeſty's Ships, Veſſels, and Forces by Sea)*; this preſent Act, or any Thing herein contained, notwithſtanding.

Continuance of this Act.

XLVI. And be it further enacted, That this Act, and every Thing herein contained, ſhall be and continue in force from the ſaid Twenty-

fifth Day of *March* in the Year of our Lord One thouſand ſeven hundred and ninety-nine, until the Twenty-fifth Day of *March* in the Year of our Lord One thouſand eight hundred; and that this Act, ſo far as relates to the Allowances to be made for the quartering of Marines, and providing for their Horſes, may be altered and varied by any Act or Acts to be made in this Seſſion of Parliament.

Act, in Part, may be altered this Seſſion.

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