

ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

***

ſubjected in Time of Peace to any Kind of Puniſhment within this Realm, by Martial Law, or in any other Manner than by the Judgement of His Peers, and according to the known and eſtabliſhed Laws of this Realm; yet nevertheleſs it being requiſite, for the retaining all the before mentioned Forces in their Duty, that an exact Diſcipline be obſerved, and that Soldiers who ſhall mutiny or ſtir up Sedition, or ſhall deſert His Majeſty's Service, be brought to a more exemplary and ſpeedy Puniſhment than the uſual Forms of the Law will allow; be it therefore 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 Perſon who is or ſhall be commiſſioned or in Pay as an Officer, or who is or ſhall be liſted or in Pay as a Non-commiſſioned Officer or Soldier, ſhall, at any Time during the Continuance of this Act, begin, excite, cauſe, or join in, any Mutiny or Sedition, in any Regiment, Troop, or Company, either of His Majeſty's Land or Marine Forces, or ſhall not uſe his utmoſt Endeavours to ſuppreſs the ſame, or coming to the Knowledge of any Mutiny, or intended Mutiny, ſhall not without Delay give Information thereof to his Commanding Officer; or ſhall miſbehave himſelf before the Enemy; or ſhall ſhamefully abandon or deliver up any Garriſon, Fortreſs, Poſt, or Guard, committed to his Charge, or which he ſhall be commanded to defend; or ſhall compel the Governor or Commanding Officer of any Garriſon, Fortreſs, or Poſt, to deliver up to the Enemy, or to abandon the ſame; or ſhall ſpeak Words, or uſe any other Means to induce ſuch Governor or Commanding Officer, or others, to miſbehave before the Enemy, or ſhamefully to abandon or deliver up any Garriſon, Fortreſs, Poſt, or Guard, committed to their reſpective Charge, or which he or they ſhall be commanded to defend; or ſhall leave his Poſt before relieved; or ſhall be found ſleeping on his Poſt; or ſhall hold Correſpondence with, or give Advice or Intelligence to, any Rebel or Enemy of His Majeſty, either by Letters, Meſſages, Signs, or Tokens, in any Manner or Way whatſoever; or ſhall treat or enter into any Terms with ſuch Rebel or Enemy, without His Majeſty's Licence, or Licence of the General, or Chief Commander; 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; or ſhall deſert His Majeſty's Service; all and every Perſon and Perſons ſo offending in any of the Matters before mentioned, whether ſuch Offence ſhall be committed within this Realm, or in any other of His Majeſty's Dominions, or in Foreign Parts, upon Land, or upon the Sea, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be awarded.

Every Officer, or Private Man, during the Continuance of this Act, who ſhall mutiny or deſert, *etc.*

or abandon any Fortreſs, *etc.*

or ſhall induce others to do the like;

or ſhall be found ſleeping upon, 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.

II. Provided, and it is hereby declared and enacted, That any Non-commiſſioned Officer or Soldier, inliſted or in Pay in any Regiment, Troop, or Company, who ſhall, without having firſt obtained a regular Diſcharge therefrom, inliſt himſelf in any other Regiment, Troop, or Company, ſhall be deemed to have deſerted His Majeſty's Service, and ſhall in like Manner ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be awarded.

Non-commiſſioned Officers and Soldiers inliſting in any other Regiment, *&c.* to be deemed Deſerters.

III. And whereas Doubts have ariſen, whether Soldiers, who of Right belong to another Corps in which they firſt inliſted, and from which they

Deſerters who ſhall inliſt in another Regi-

they have not obtained a Diſcharge, may be proceeded againſt and tried for deſerting any Corps in which they may afterwards have inliſted, or for any Crime committed by them whilſt ſerving therein; be it enacted by the Authority aforeſaid, That if any Perſon who is or ſhall be liſted or in Pay, as a Soldier, in any Regiment, Troop, or Company, in His Majeſty's Service, ſhall deſert the ſame, or ſhall, while ſerving therein, commit any Offence againſt this Act, or againſt the Rules or Articles of War, ſuch Perſon ſhall be liable to be tried by a Court-martial, and puniſhed in like Manner as if he had originally inliſted in, and of Right belonged to the ſame, notwithſtanding it ſhall have been diſcovered or known that he had previouſly belonged to ſome other Regiment, Troop, or Company, and had not been diſcharged therefrom: Provided always, That if ſuch Perſon ſhall be claimed by ſuch other Regiment, Troop, or Company, and be proceeded againſt as a Deſerter therefrom, his ſubſequent Deſertion from any One or more Corps in which he may have unwarrantably inliſted, may (unleſs he ſhall already have been tried for the ſame) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to ſuch Deſerter of the Fact or Facts intended to be produced in Evidence upon his Trial.

ment, &c. may be puniſhed by a Court-martial in ſuch Regiment, &c.

IV. And be it further enacted and declared, That in the Caſe of any Non-commiſſioned Officer or Soldier tried and convicted of Deſertion, whenſoever the Court-martial, which ſhall paſs Sentence upon ſuch Trial, ſhall not think the Offence deſerving of capital Puniſhment, ſuch Court-martial may, inſtead of awarding a corporal Puniſhment, adjudge the Offender, if they ſhall think fit, to ſerve as a Non-commiſſioned Officer or Soldier in any of the Corps ſtationed in any of His Majeſty's Dominions beyond the Seas, or in Foreign Parts, for Life, or for a certain Term of Years, according to the Degree of the Offence: And if ſuch Non-commiſſioned Officer or Soldier ſhall afterwards (without Leave from His Majeſty, or from the Commanding Officer of the Corps, in which he ſhall be appointed to ſerve) return into any Part of the United Kingdom of *Great Britain* and *Ireland*, before the Expiration of the Term limited by ſuch Sentence, and ſhall be convicted thereof by a Court-martial, he ſhall ſuffer Death.

Deſerter may be adjudged to ſerve in any Corps abroad for Life, or for a Term of Years;

but returning without Leave before Expiration of ſuch Term, he ſhall ſuffer Death.

V. And be it further enacted by the Authority aforeſaid, That His Majeſty may, from Time to Time, grant a Commiſſion, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore uſed; and that His Majeſty may likewiſe, from Time to Time, by His Royal Commiſſion, empower the Chief Governor or Governors of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, the Governor of *Gibraltar*, and the Governor of any of His Majeſty's Dominions beyond the Seas reſpectively, or the Perſon or Perſons there commanding in Chief His Majeſty's Forces for the Time being, and may alſo from Time to Time extend His Royal Warrant to the Commander of the Forces in that Part of the ſaid United Kingdom called *Ireland*; and to any General Officer having the command of a Body of His Majeſty's Forces within the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majeſty's Dominions or elſewhere beyond the Seas, or to the General Officer commanding ſuch Body of Forces for the

The King may grant a Commiſſion for holding Courts-martial, *etc.*

and may empower the Chief Governor, &c. of *Ireland*, and the Governor of *Gibraltar*, *etc.* to appoint Courts-martial.

the Time being empowering them reſpectively to appoint General Courts-martial, as well as to authorize any Officer under their reſpective Command, not below the Degree of a Field Officer, to convene General Courts-martial, as Occaſion may require, for the Trial of Offences committed by any of the Forces under their ſeveral Command; all which Courts-martial ſhall be conſtituted, and ſhall regulate their Proceedings according to the ſeveral Proviſions herein-after ſpecified.

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

VI. And be it further enacted, That it ſhall and may be lawful to and for ſuch Courts-martial, by their Sentence or Judgement, to inflict corporal Puniſhment, not extending to Life or Limb, on any Soldier for Immoralities, Miſbehaviour, or Neglect of Duty.

None to be tried a Second Time for the ſame Offence, except in Caſes of Appeal.

VII. Provided always, and be it hereby declared and enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, ſhall be liable to be tried a Second Time by the ſame or any other Court-martial for the ſame Offence, unleſs in the Caſe of an Appeal from a Regimental to a General Court-martial, and that no Sentence given by any Court-martial, and ſigned by the Preſident thereof, ſhall be liable to be reviſed more than Once.

This Act not to exempt Soldiers from ordinary Proceedings.

VIII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to exempt any Officer or Soldier whatſoever from being proceeded againſt by the ordinary Courſe of Law.

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

IX. Provided alſo, That if any Officer, Non-commiſſion Officer, or Soldier, 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 Regiment, Troop, Company, or Party, is and are hereby required to uſe his 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 or aſſiſting to the Officers of Juſtice in apprehending ſuch Offenders; 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 the United Kingdom of *Great Britain* and *Ireland*, 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 in *London*, if ſuch Conviction ſhall be affirmed in *Great Britain*, or to the Judge Advocate in *Dublin*, if ſuch Conviction ſhall be affirmed in *Ireland*; and the ſaid Judge Advocates reſpectively in *London* or in *Dublin* are hereby obliged to certify the ſame to the next Court-martial, which ſhall be holden in *London* or in *Dublin* reſpectively.

X. Provided

X. Provided alſo, 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, *etc.* by the Civil Magiſtrate may only be caſhiered by a Court-martial.

XI. And it is hereby further enacted and declared, That no General Court-martial, which ſhall be held under the Authority of this Act, ſhall conſiſt of a leſs Number than Thirteen Commiſſion Officers; except the ſame ſhall be holden in *Africa*, or in *New South Wales*, in which Places ſuch General Court-martial may conſiſt of any Number not leſs than Five; of whom none ſhall be under the Degree of a Commiſſion Officer; nor ſhall the Preſident of any General Court-martial be the Commander in Chief, nor Governor of the Garriſon where the Offender ſhall be tried, nor under the Degree of a Field Officer, unleſs where a Field Officer cannot be had; nor in any Caſe whatſoever under the Degree of a Captain; and that all General Courts-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 (except in *Africa*, or in *New South Wales*, where they are to conſiſt of Five at leaſt;) and the Preſident to be a Field Officer, or Officer next in Seniority, not under the Degree of a Captain. Courts-martial may adminiſter Oath to Witneſſes.

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

Officers to be ſworn.

'YOU ſhall well and truly try and determine, according to your Evidence in the Matter now before you:

'So help you GOD.'

Oaths to be taken by all Members of a General Court-martial.

'I *A. B.* do ſwear, That I will duly adminiſter Juſtice, according to the Rules and Articles for the better Government of His Majeſty's Forces, and according to an Act of Parliament now in force, for the Puniſhment of Mutiny and Deſertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt ſhall ariſe, which is not explained by the ſaid Articles, or Act of Parliament, according to my Conſcience, the beſt of my Underſtanding, and the Cuſtom of War in the like Caſes: And I further ſwear, That I will not divulge the Sentence of the Court until it ſhall be approved by His Majeſty, or by ſome Perſon duly authorized by him; 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 Witneſs, by a Court of Juſtice, in a due Courſe of Law:

'So help me GOD.'

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 Judge-advocate to be ſworn.

'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

The Oath.

'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.

And no Sentence of Death ſhall be given againſt any Offender in ſuch Caſe by any General Court-martial, unleſs Nine Officers preſent ſhall concur therein; (except ſuch General Court-martial ſhall be holden in *Africa*, or in *New South Wales*); and in all Caſes where a Court-martial ſhall conſiſt of more Officers than Thirteen, and alſo in *Africa*, and in *New South Wales*, when the ſame ſhall conſiſt of a leſſer Number of Officers, then the Judgement ſhall paſs by the Concurrence of Two Thirds at the leaſt 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: Provided alſo, that all Witneſſes duly ſummoned by the Judge-advocate, or the Perſon officiating as ſuch, ſhall, during their neceſſary Attendance in ſuch Courts, and in going to and returning from the ſame, be privileged from Arreſt in like Manner as Witneſſes attending any of His Majeſty's Courts of Law are privileged; and that if any ſuch Witneſs ſhall be unduly arreſted, he ſhall be diſcharged from ſuch Arreſt by the Court out of which the Writ or Proceſs iſſued by which ſuch Witneſs was arreſted, or if the Court out of which the Writ or Proceſs iſſued be not ſitting, then by any Judge of the Court of King's Bench, in *London* or in *Dublin*, according as the Caſe ſhall require, upon its being made appear to ſuch Court or Judge by Affidavit in a ſummary Way, that ſuch Witneſs was arreſted in going to or returning from, or attending upon ſuch Court-martial; and that all Witneſſes ſo duly ſummoned as aforeſaid, who ſhall not attend on ſuch Courts, ſhall be liable to be attached in the Court of King's Bench, in *London* or *Dublin* reſpectively, upon Complaint made to the ſaid Court of King's Bench in like Manner as if ſuch Witneſs had neglected to attend on a Trial in any Criminal Proceeding in that Court.

Hours of Trial.

Witneſſes attending Courts-martial to be privileged from Arreſts.

Witneſſes not attending liable to be attached.

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

XIII. And whereas it may be expedient in certain Caſes, and particularly in ſuch Matters wherein any of His Majeſty's Marine Forces may be intereſted, that Officers of the Marines ſhall be aſſociated with Officers of the Land Forces, for the Purpoſe of holding Courts-martial; be it enacted and declared, That when and as often as it may be neceſſary, it ſhall and may be lawful for Officers of the Land and Marine Forces to ſit in Conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces, in like Manner, to all Intents and Purpoſes, as if ſuch Courts-martial were compoſed of Officers of the Land Forces only; and the Officers of the Land and Marine Forces are, in ſuch Caſes, to take Rank according to the Seniority of their Commiſſions in either Service.

taking Rank according to the Seniority of their Commiſſions.

Officers of the King's Forces and Officers in the *Eaſt India* Company's Service may ſit in Conjunction at Courts-martial, &c.

XIV. And whereas it may alſo be expedient, when any of His Majeſty's Land Forces are employed in the *Eaſt Indies*, that Officers in the Service of the United Company of Merchants of *England* trading to the *Eaſt Indies* ſhould, in certain Caſes, be aſſociated with Officers of His Majeſty's Land Forces, for the Purpoſe of holding Courts-martial; be it enacted and declared, That when and as often as there may be Occaſion, it ſhall and may be lawful for Officers of His Majeſty's Land Forces, and of the Forces in the Service of the United Company of Merchants of

England trading to the *East Indies*, to sit in Conjunction at Courts-martial, and to proceed in the Trial of any Officer or Soldier, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of His Majesty's Land Forces, or of Officers in the Service of the said United Company only: With this Distinction, that, upon the Trial of any Officer or Soldier of His Majesty's Land Forces, Regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Court-martial shall be in the Terms by this Act prescribed: And upon the Trial of any Officer or Soldier in the Service of the said United Company, Regard shall be had to the Regulations and Provisions made by or in pursuance of an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East Indies; *and for the Punishment of Offences committed in the* East Indies, *or at the Island of* Saint Helena; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act.

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

XV. Provided always, and be it enacted, That the Party tried by any General Court-martial within *Europe* (except in the Garrison of *Gibraltar*), 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; and in case of Trials by any General Court-martial at *Gibraltar*, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in the Case of Trials by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any Thing in this Act to the contrary notwithstanding.

Original Proceedings, &c. of Courts-martial to be transmitted to the Judge-advocate General in *London*, or to the Judge Advocate General in *Dublin* in Cases where the Courts-martial have been appointed in *Ireland*.

XVI. Provided also, and be it enacted by the Authority aforesaid, That every Judge-advocate, or Person officiating as such at any General Court-martial, 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 Judge-advocate General in *London*, unless such Court-martial shall have been appointed in *Ireland*, in which case they shall be transmitted to the Judge Advocate General for that Part of the United Kingdom, in *Dublin*; and the said original Proceedings and Sentences are to be carefully kept and preserved in their respective Offices, to the End that the Persons entitled thereto may be enabled, upon Application to such Offices respectively, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Proceedings of Courts, or Entries, or Copies thereof, not liable to Stamp-duties.

XVII. Provided also, and be it further enacted and declared, That none of the Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp Duty whatsoever; any Thing contained in any former Act or Acts to the contrary notwithstanding.

XVIII. And

His Majeſty empowered to make Articles of War,

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for His Majeſty to form, make, and eſtabliſh, Articles of War, for the better Government of His Majeſty's Forces; which Articles ſhall be judicially taken Notice of by all Judges, and in all Courts whatſoever.

and to conſtitute, and to authorize others to convene, Courts-martial.

XIX. And be it further enacted by the Authority aforeſaid, That for bringing Offenders againſt ſuch Articles of War to Juſtice, it ſhall be lawful for His Majeſty to erect and conſtitute Courts-martial as well as to grant His Royal Commiſſions or Warrants to the Perſons and in the Manner herein-before mentioned and expreſſed for convening and authorizing others to convene Courts-martial; with Power to try, hear, and determine, any Crimes or Offences by ſuch Articles of War, and to inflict Penalties by Sentence or Judgement of the ſame, as well within the United Kingdom of *Great Britain* and *Ireland*, in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the Iſlands thereto belonging, as in His Majeſty's Garriſon of *Gibraltar*, and in any of His Majeſty's Dominions beyond the Seas, or elſewhere beyond the Seas.

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

XX. Provided always, That no Perſon ſhall, by ſuch Articles of War, be ſubjected to any Puniſhment extending to Life or Limb, within the United Kingdom of *Great Britain* and *Ireland*, *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or any of the Iſles thereto belonging, for any Crime which is not expreſſed to be ſo puniſhable by this Act; nor for ſuch Crimes as are expreſſed to be ſo puniſhable, in any Manner, or under any Regulations, which ſhall not accord with the Proviſions of this Act.

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

XXI. Provided alſo, and be it further enacted, That if any Officer or Soldier ſhall, in any of His Majeſty's Dominions beyond the Seas, or elſewhere beyond the Seas, commit any of the Offences triable by Courts-martial, by virtue of this Act, and ſhall come or be brought into this Realm, or into *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or the Iſlands thereto belonging, before he be tried by a Court-martial for ſuch Offence; ſuch Officer or Soldier ſhall be tried and puniſhed for the ſame, as if the ſaid Offence had been committed within this Realm.

Muſters to be made Twice a Year.

XXII. And whereas it is of eſſential Importance, as well to the due Obſervance of publick Economy, as to the Diſcipline of His Majeſty's Forces, that they ſhould be regularly muſtered, and that the Muſters ſhould be taken with the ſtricteſt Accuracy and Exactneſs; be it enacted by the Authority aforeſaid, That Muſters ſhall be made, had, or taken, of every Regiment, Troop, or Company, in His Majeſty's Service, Twice at the leaſt in every Year, at ſuch Times as ſhall be appointed.

No Muſter in *Weſtminſter*, &c. but in the Preſence of Two or more Juſtices.

XXIII. And be it further enacted, That no Commiſſary ſhall muſter any Regiment, Troop, or Company, within the City of *Weſtminſter*, and Borough of *Southwark*, and Liberties thereof, but in the Preſence of Two or more Juſtices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being diſcharged from his Office; unleſs ſuch Juſtices, upon Forty-eight Hours Notice being given to Six of His Majeſty's Juſtices of the Peace, reſiding within the City and Liberties

aforeſaid reſpectively, ſhall neglect to attend ſuch Muſter; and in caſe of ſuch Neglect, ſuch Commiſſary may proceed to muſter ſuch Regiment, Troop, or Company; provided that Oath be made before any of His Majeſty's Juſtices of the Peace, within Forty-eight Hours after ſuch Muſter taken, that ſuch Notice was given to Six Juſtices of the Peace as aforeſaid, which Juſtices ſo attending are hereby empowered to ſign the ſaid Muſter-rolls, and to take Cognizance of ſuch Muſter, and to examine the Truth thereof before they ſign the ſame.

Penalty for giving falſe Certificates to excuſe Soldiers from Muſters.

XXIV. And, for preventing of Fraud and Deceit in the muſtering of Soldiers, be it further enacted by the Authority aforeſaid, That if any Perſon do make or give, or procure to be made or given, any falſe or untrue Certificate, whereby to excuſe any Soldier for his Abſence from any Muſter, or any other Service, which he ought to attend or perform, upon Pretence of being employed on ſome other Duty of the Regiment, or of Sickneſs, being in Priſon, or on Furlough; then every ſuch Perſon, ſo making, giving, or procuring, ſuch Certificate, ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, and ſhall be forthwith caſhiered and diſplaced from his Office, and ſhall be thereby utterly diſabled to have or hold any Military Office or Employment within this Realm, or in His Majeſty's Service; and no Certificate ſhall excuſe the Abſence of any Soldier, but for the Reaſons above mentioned, or One of them.

Penalty on Officers making falſe Muſters, *etc.*

XXV. And be it further enacted by the Authority aforeſaid, That every Officer that ſhall make any falſe or untrue Muſter of Man or Horſe, and every Commiſſary, Muſter-maſter, or other Officer, who ſhall wittingly or willingly allow or ſign the Muſter-roll wherein ſuch falſe Muſter is contained, or any Duplicate thereof; and alſo every Commiſſary, Muſter-maſter, or other Officer, who ſhall, directly or indirectly, take, or cauſe to be taken, any Sum or Sums of Money, or any other Gratuity, on or for the muſtering any Regiment, Troop, or Company, or on or for the ſigning of any Muſter-rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witneſſes, before a General Court-martial to be thereupon called, (which is hereby authorized and required to adminiſter ſuch Oath), 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 the United Kingdom of *Great Britain* and *Ireland*, or in His Majeſty's Service.

Penalty on Officers muſtering Perſons by wrong Names.

XXVI. And it is enacted, That if any Officer or Commiſſary ſhall muſter any Perſon by a wrong Name knowingly, upon Conviction thereof, before a General Court-martial, the ſaid Officer or Commiſſary ſhall ſuffer ſuch Penalties and in ſuch Manner as is directed and inflicted by this Act upon thoſe who ſhall make falſe Muſters.

Penalty on Perſons offering themſelves to be falſely muſtered.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall be falſely muſtered, or offer himſelf falſely or deceitfully to be muſtered, upon Proof thereof made upon Oath by Two Witneſſes, before the next Juſtice of the Peace for the County where ſuch Muſter ſhall be made, and upon Certificate thereof in Writing, under the Hand of the Commiſſary of the Muſters, or Chief Magiſtrate as aforeſaid,

made to ſuch Juſtice of the Peace, the ſaid Juſtice is hereby authorized and required to commit ſuch Offender to the Houſe of Correction, there to remain for the Space of Ten Days: And if any Perſon ſhall wittingly or willingly lend or furniſh any Horſe to be muſtered, which ſhall not truly belong to the Trooper or Troop ſo muſtered, the ſaid Horſe ſo falſely muſtered ſhall be forfeited to the Informer, if the ſame doth belong to the Perſon lending or furniſhing the ſaid Horſe; or otherwiſe, the Perſon lending or furniſhing the ſaid Horſe ſhall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witneſſes, before the next Juſtice of the Peace; which Twenty Pounds ſhall be levied, by Warrant under the Hand and Seal of the ſaid Juſtice, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering the Overplus (if any be) to the Owner: And in caſe ſuch Offender ſhall not have ſufficient Goods and Chattels whereon Diſtreſs may be made to the Value of the Penalty to be recovered againſt him, or ſhall not pay ſuch Penalty 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, 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; and the ſaid Forfeiture ſhall be to ſuch Perſon or Perſons that ſhall give Information thereof; and the ſaid Informer or Informers, if belonging to the Service ſhall have a Right to be diſcharged forthwith, if he or they ſhall demand the ſame.

Horſes falſely muſtered, to be forfeited, *etc.*

Forfeiture how to be levied.

XXVIII. And be it further enacted by the Authority aforeſaid, That in *Great Britain* the Deputy or Deputies of the Commiſſary General ſhall, upon every half-yearly Muſter, taken by him or them reſpectively of any Regiment, Troop, or Company, in His Majeſty's Service at any Place Ten Miles diſtant from *London*, cloſe the Muſter-rolls of the ſaid Regiment, Troop, or Company, within Twenty-four Hours after ſuch Muſter ſhall have been made; and ſhall return the Rolls ſo taken, by the Poſt (or other ſafe Conveyance), within Seven Days after their being cloſed, to the Office of the Commiſſary General of Muſters, who ſhall, and he is hereby directed and required to tranſmit One Set of every of the ſaid Rolls to the Secretary at War, One to the Paymaſter General of His Majeſty's Land Forces, and One to the Comptrollers of the Accounts of the Army, on or before the Firſt Day of *May*, and Twenty-ninth Day of *September* reſpectively following ſuch half-yearly Muſter: And no Alterations ro Indorſements ſhall be made in or upon the ſaid Muſter-rolls, other than in the Caſe of Orders of Leave or Dates of Commiſſions, and other than involuntary Errors or literal Miſtakes in writing or tranſcribing the ſaid Muſter-rolls, upon Pain of forfeiting their reſpective Employments, and the Sum of Twenty Pounds to any Perſon that will ſue for the ſame, for every ſuch Offence.

Muſter-rolls Ten Miles diſtant from *London*, to be cloſed within 24 Hours after the Muſter,

and returned within Seven Days, to the Commiſſary General of Muſter, *etc.*

Penalty.

XXIX. And whereas by the *Petition of Right*, in the Third Year of King *Charles* the Firſt, it is enacted and declared, That the People of the Land are not by the Laws to be burthened with the Sojourning of Soldiers againſt their Wills; and by a Clauſe in an Act of the *Britiſh* Parliament, made in the One-and-thirtieth Year of the Reign of King *Charles* the Second, for granting a Supply to His Majeſty of Two hundred and ſix thouſand four hundred ſixty-two Pounds, Seventeen Shillings, and Three-

Recital of the *Petition of Right*, 3 Car. 1. *etc.*

pence, for paying and disbanding the Forces, it is declared and enacted, That no Officer, Civil or Military, nor other Person whatsoever, should from thenceforth presume to place, quarter or billet, any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billeting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies, in several Parts of the United Kingdom of *Great Britain* and *Ireland*; be it further enacted by the Authority aforesaid, That, for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tithingmen, 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 Officers and Soldiers in His Majesty's Service in Inns, Livery Stables, Ale-houses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses, or Places thereunto belonging; other than and except Persons who keep Taverns only, being Freemen of the Company of Vintners of the City of *London*, who were admitted to the Freedom before the Fifth Day of *July* One thousand seven hundred and fifty-seven, or who since have or shall hereafter be admitted to their Freedom of the said Company in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; 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 for 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 Tippling in his or their Houses), and in no other, and in no private Houses whatsoever; nor shall any more Billets at any Time be ordered than there are effective Soldiers present to be quartered; all which Billets when made out by such Chief Magistrates or Constables, shall be delivered into the Hands of the Commanding Officer present: And if any Constable, Tithingman, or such like Officer or Magistrate, as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any such private House, without the Consent of the Owner or Occupier; in such Case such Owner or Occupier shall have his or their Remedy at Law against such Magistrate or Officer, for the Damage that such Owner or Occupier shall sustain thereby: And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers before-mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed; such Military Officer shall, for every such Offence, (being thereof convicted before any Two or more of the Justices of the Peace of the County, by the Oath of Two credible Witnesses), be deemed

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

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

Penalty on Constables, *etc.* quartering Soldiers in private Houses, *etc.*

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

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 in *London*, 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, Tithingman, or Headborough, Chief Officer or Magiſtrate, (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace), has quartered or billeted in his Houſe a greater Number of Soldiers 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 Soldiers 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 Juſtices reſpectively ſhall have, and have hereby Power to relieve ſuch Perſon, by ordering ſuch and ſo many of the Soldiers 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 Soldiers accordingly.

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

No Juſtice having any Military Office in *England* to be concerned in billetting his Soldiers.

XXX. Provided alſo, and be it further enacted, That no Juſtice or Juſtices of the Peace, having or executing any Military Office or Commiſſion in that Part of *Great Britain* called *England*, ſhall and may, during the Continuance of this Act, directly or indirectly, be concerned in the quartering, billetting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company, under the immediate Command or Commands of ſuch Juſtice or Juſtices, according to the Diſpoſition made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things executed or appointed by ſuch Juſtice or Juſtices of the Peace, for or concerning the ſame, ſhall be void; any Thing in this Act contained to the contrary notwithſtanding.

Conſtables, *etc.* may billet Soldiers in *Weſtminſter*, &c.

XXXI. And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for the High Conſtables, Petty Conſtables, Headboroughs, and Tithingmen, within the City and Liberties of *Weſtminſter*, and Places adjacent, lying in the County of *Middleſex* and in the County of *Surrey*, and in the Borough of *Southwark* in the ſaid County of *Surrey*, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majeſty's Regiments of Foot-guards, in ſuch Houſes only as by this Act are limited in and about the ſaid City and Liberties of *Weſtminſter*, and Places adjacent, lying in the ſaid County of *Middleſex*, (except the City of *London*), and in the ſaid County of *Surrey*, and in the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, during the Continuance of this Act; and when any Order ſhall iſſue for the quartering or billetting any Officers or Soldiers within the ſaid City and Liberties of *Weſtminſter*, and Places adjacent, lying in the ſaid County of *Middleſex*, and in the ſaid County of *Surrey*, and in the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, the High Conſtables ſhall deliver out Precepts to the ſeveral Petty Conſtables, Headboroughs, or Tithingmen, of each Pariſh, Ward, Hamlet, and Diſtrict, within their reſpective Diviſions, to billet

and Petty Conſtables, *etc.* to quarter Soldiers in their reſpective Diviſions.

and quarter such Officers and Soldiers of His Majesty's Regiments of Foot-guards on such Houses only as by this Act is limited within their respective Parishes, Hamlets, or Districts; and such Petty Constables, Headboroughs, and Tithingmen, shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act, equally and proportionably, according to the Number of such Officers and Soldiers so to be billetted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot-guards shall be quartered within the said City and Liberties of *Westminster* and the Places adjacent, lying in the said County of *Middlesex*, (except the City of *London* as aforesaid), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the same Manner, and under the same Regulations, as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act.

Constables, &c. in *Westminster*, &c. to deliver Lists at Quarter Sessions, on Oath, of Inhabitants and Soldiers quartered in their respective Divisions;

XXXII. And, for the better preventing Abuses in billetting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, be it enacted by the Authority aforesaid, That the Petty Constables, Headboroughs, and Tithingmen, of their respective Parishes, Wards, Hamlets, and Districts, within the same, shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, in the said County of *Middlesex*, and the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, make and deliver to the Justices then in open Sessions assembled, upon Oath, (which Oath they the said Justices are hereby authorized and required to administer), true Lists, signed by them respectively, of all such Houses, together with the Number of all such Persons respectively inhabiting the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, to the Intent that all and every Person and Persons may be at Liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith, from Time to Time, make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copies so taken, each Sheet to be computed at and contain One hundred and fifty Words: and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tithingman, of any such Parish, Ward, Hamlet, or District, in the delivering such Lists to the Justices at their Quarter Sessions, as aforesaid; or if he or they shall so deliver, or cause to be delivered in, any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; such Petty Constable, Headborough, and

to be inspected without Fee.

Copies of such Lists to be wrote by the Clerk at 2 *d.* *per* Sheet, containing 150 Words.

Penalty on Default.

Penalty on giving defective Lists.

and Tithingman, or any of them, ſo offending therein, ſhall, for each ſuch Offence, forfeit each the Sum of Five Pounds, to the Uſe of the Poor of ſuch reſpective Pariſhes, Wards, Hamlets, and Diſtricts; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtice or Juſtices of the Peace for the ſaid City and Liberties of *Weſtminſter*, for the ſaid County of *Middleſex*, and for the ſaid County of *Surrey*, and for the ſaid Borough of *Southwark* in the ſaid County of *Surrey* reſpectively, (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to make and iſſue; and for Want of ſufficient Diſtreſs to be found for that Purpoſe, the ſaid Juſtice or Juſtices is and are hereby empowered and required, by Warrant or Warrants, under his or their Hands and Seals, to commit the Perſon or Perſons ſo offending to the Common Gaol of the ſaid City of *Weſtminſter*, the ſaid County of *Middleſex*, the ſaid County of *Surrey*, or the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, there to remain for any Time to be limited by ſuch Juſtice or Juſtices, not exceeding Three Months, nor leſs than One Month, without Bail or Mainprize.

How to be levied.

Officers, Men, and Horſes, belonging to the Horſe or Dragoons, how to be quartered, *etc.*

XXXIII. And be it further enacted by the Authority aforeſaid, That the Officers, Men, and Horſes, belonging to His Majeſty's Horſe or Dragoons, ſhall and may be quartered and billetted in the Inns, Livery Stables, Alehouſes, Victualling Houſes, and other Houſes in which Officers and Soldiers are by this Act allowed to be quartered and billetted, and that they ſhall be received and furniſhed by the Owners or Occupiers of ſuch Inns, Livery Stables, Alehouſes, Victualling Houſes, and other Houſes in which they are ſo allowed to be quartered and billetted, with Diet and Small Beer, and with Stables, and Hay and Straw for their Horſes, 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, and Hay and Straw for their Horſes.

Dragoons, *etc.* quartered on Perſons who have no Stables, may be removed to thoſe who have Stables, *etc.*

XXXIV. Provided always, and be it further enacted by the Authority aforeſaid, That when any of His Majeſty's Horſe or Dragoons ſhall be quartered or billetted upon the Owner or Owners, Occupier or Occupiers, of any Alehouſe, Victualling Houſe, or other Houſe in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables, then, and in ſuch Caſe, and upon Complaint made by the Perſon or Perſons having no Stables to Two or more Juſtices of the Peace of the Diviſion, City, or Liberty, where ſuch Horſe, or Dragoons, ſhall be ſo quartered and billetted, and upon his or their making ſuch Allowance in lieu of his or their quartering ſuch Horſe, or Dragoons, as ſuch Juſtices ſhall think reaſonable, it ſhall and may be lawful for ſuch Juſtices to order the Men and their Horſes to be removed, and quartered upon ſome other Perſon or Perſons who by this Act are liable to have Officers and Soldiers quartered and billetted upon them who have Stables, and to order and ſettle a proper Allowance to be made by the Perſon or Perſons having no Stables, in lieu of his or their quartering ſuch Horſe or Dragoons, ſo to be removed as aforeſaid; and alſo to order and direct that ſuch Allowance ſhall be paid by the Perſon or Perſons from whom ſuch Men and Horſes ſhall be removed, to or amongſt the Perſon or Perſons to whom ſuch Men and their Horſes ſhall be ſo removed as aforeſaid, or be applied

in the furniſhing of Quarters for the Reception of ſuch Men and their Horſes, as the Caſe may require, and as ſuch Juſtices ſhall think fit.

Dragoons, *etc.* and their Horſes, to be billetted in the ſame Houſes.

XXXV. And whereas great Inconveniencies have ariſen, and may ariſe in ſuch Places where Horſe or Dragoons are or may be quartered, by the billetting of the Men and their Horſes at different Houſes, and often at great Diſtances from One another, contrary to the true Intent and Meaning of this Act; be it therefore enacted by the Authority aforeſaid, That in all Places where Horſe or Dragoons ſhall be quartered or billetted in purſuance of this Act, for the future, the Men and their Horſes ſhall be billetted in One and the ſame Houſe, (except in caſe of Neceſſity); and that in no other Caſe whatſoever there be leſs than One Man billetted where there ſhall be One or Two Horſes, nor leſs than Two Men where there ſhall be Four Horſes, and ſo in Proportion for a greater Number; and in ſuch Caſe each Man ſhall be billetted as near his Horſe as poſſible.

Manner of changing Men and Horſes.

XXXVI. And whereas ſome Doubts have ariſen, whether Commanding Officers of any Regiment, Troop, or Company, may exchange any Men or Horſes quartered in any Town or Place, with another Man or Horſe quartered in the ſame Place, for the Benefit of the Service; be it declared and enacted by the Authority aforeſaid, That ſuch Exchange as above mentioned may be made by ſuch Commanding Officers reſpectively, provided the Number of Men or Horſes do not exceed the Number at that Time billetted on ſuch Houſe or Houſes; and the Conſtables, Tithingmen, Headboroughs, and other Chief Officers and Magiſtrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company, ſhall be quartered, are hereby required to billet ſuch Men and Horſes ſo exchanged accordingly.

Penalty on taking Money to excuſe any Perſon from quartering.

XXXVII. Provided always, and be it enacted by the Authority aforeſaid, That if any 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 Soldiers, 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.

Penalty on Conſtables, *etc.* taking Money to excuſe any Perſon from quartering;

XXXVIII. And be it further enacted by the Authority aforeſaid, 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 Officers or Soldiers, ſhall neglect or refuſe to quarter or billet ſuch Officers or Soldiers when thereunto required, in ſuch Manner as is by this Act directed, provided ſufficient Notice be given before the Arrival of ſuch Troops; 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 Soldier; or in caſe any Victualler, or any other Perſon liable by this Act to have any Officer or Soldier billetted or quartered on him or her, ſhall refuſe to receive or victual any ſuch Officer or Soldier 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-after reſpectively

and on Victuallers refuſing to quarter Soldiers.

reſpectively directed to be furniſhed or allowed to Non-commiſſion Officers or Soldiers ſo quartered or billetted on him or her, as aforeſaid; or ſhall neglect or refuſe to furniſh good and ſufficient Hay and Straw for each Horſe ſo quartered or billetted on him or her, as aforeſaid, at the Rate herein after mentioned, and ſhall be thereof convicted, before 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 impowered 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 of Money 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; which ſaid Sum of Five Pounds, or the ſaid Sum not exceeding Five Pounds, nor leſs than Forty Shillings, when levied, ſhall be applied, in the Firſt Place, in making ſuch Satisfaction to any Soldier for the Expence he may have been put to by reaſon of his not being billetted or quartered as aforeſaid, as ſuch Juſtice or Juſtices ſhall order and direct; and the Remainder ſhall be paid to the Overſeers of the Poor of the Pariſh wherein the Offence ſhall be committed, or to ſome One of them, for the Uſe of the Poor of the ſaid Pariſh.

Juſtices may order Conſtables to give an Account of the Number of Soldiers quartered, &c.

XXXIX. And, for the better preventing Abuſes in quartering or billetting the Soldiers in purſuance of this Act, be it further enacted by the Authority aforeſaid, 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 Soldiers 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 Soldiers who ſhall be quartered or billetted by them, and alſo the Names of the Houſekeepers or Perſons upon whom every ſuch Officer or Soldier 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 Soldiers 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.

Officers and Soldiers to pay Rates for their Proviſions.

XL. Provided nevertheleſs, and it is hereby enacted, That the Officers and Soldiers 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 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.

If Innholders furniſh the Menquartered on them with Candles, Vinegar, and Salt, *gratis*, *etc.* the Men (except when on a March, *etc.*) ſhall provide their own Victuals and Small Beer.

XLI. 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 Soldiers who are recruiting, and Recruits by them raiſed), ſhall be deſirous to furniſh ſuch Non-commiſſion Officers or Soldiers with Candles, Vinegar, and Salt, *gratis*, and allow to ſuch Non-commiſſion Officers or Soldiers 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 Soldiers ſo quartered ſhall provide their own Victuals and Small Beer; and the Officer to whom it belongs to receive, or that does actually receive, the Pay and Subſiſtence of ſuch Non-commiſſion Officers and Soldiers, 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 Soldiers as aforeſaid, and not to the Innholder or other Perſon on whom ſuch Non-commiſſion Officers and Soldiers are quartered; any Thing herein contained to the contrary notwithſtanding.

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

XLII. And, that the Quarters both of Officers and Soldiers may hereafter be duly paid and ſatisfied, and His Majeſty's Duties of Exciſe better anſwered, be it enacted by the Authority aforeſaid, That, from and after the Twenty-fourth Day of *June* One thouſand eight hundred and two, every Officer to whom it belongs to receive, or that does actually receive, the Pay or Subſiſtence-money, either for a whole Regiment, or particular Troops and Companies, 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 Soldiers 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 the Officers or Soldiers, 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 Soldiers 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 Soldiers: Provided the ſaid Accounts exceed not, for a Commiſſion Officer of Horſe, being under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, *per Diem*, Two Shillings; nor for One Commiſſion Officer of Dragoons, being under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, *per Diem*, One Shilling; nor for One Commiſſion Officer of Foot, 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 Horſe or Horſes, for their Hay and Straw, *per Diem*, Sixpence; nor for One Light Horſeman's Diet and

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

Small Beer, *per Diem*, Seven-pence; and Hay and Straw for his Horſe, *per Diem*, Sixpence; nor for One Dragoon's Diet and Small Beer, *per Diem*, Seven-pence; and Hay and Straw for his Horſe, *per Diem*, Six-pence; nor for One Foot Soldier's Diet and Small Beer, *per Diem*, Five-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 where ſuch Quarters were, (which Oath the Juſtices of the Peace at ſuch Seſſions are hereby authorized and required to adminiſter), the Paymaſter or Paymaſters of His Majeſty's Guards and Garriſons, and Marines, are 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 Officer or Officers, upon Penalty that ſuch Paymaſter or Paymaſters ſhall forfeit their reſpective Place or Places of Paymaſter or Paymaſters, 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 Paymaſters are hereby authorized and required to deduct the Sums he or they ſhall pay, purſuant to the Certificate of the ſaid Juſtices, out of the next Pay or Subſiſtence-money of the Regiment to which ſuch Officer or Officers ſhall belong; and ſuch Officer or Officers ſhall, for every ſuch 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: And where it ſhall happen that the Subſiſtence-money due to any Officer or Soldier ſhall, by Occaſion of any Accident, not be paid to ſuch Officer or Soldier, or ſuch Officer or Soldier ſhall neglect to pay the ſame, ſo that Quarters cannot be or are not paid as this Act directs; and where any Horſe, Foot, or Dragoons, ſhall be upon their March, ſo that no Subſiſtence can then be remitted to them, to make Payment as this Act directs, or they ſhall neglect to pay the ſame; 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 Regiment, Troop, or Company, ſhall remain for any Time whatſoever, make up the Accounts, as this Act directs, with every Perſon with whom ſuch Regiment, Troop, or 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 Regiment, Troop, or Company, to which he or they ſhall belong; to the End the ſaid Certificate may be forthwith tranſmitted to the Paymaſter of His Majeſty's Guards and Garriſons, or to the Paymaſter of the Marines, who are hereby required immediately to make Payment thereof to the Perſon or Perſons to whom ſuch Money ſhall be due, to the End the ſame may be applied to ſuch Regiment, Troop, or Company, reſpectively, under Pain as is before in this Act directed for Non-payment of Quarters.

Penalty on Officers not paying Subſiſtence-money.

On Non-payment of Quarters, the Officer to make up Accounts, *etc.*

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

XLIII. And be it enacted by the Authority aforeſaid, 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 Soldier, in any ſuch Houſes, againſt

the Conſent of the Owners; the Party offending, if an Officer of the Army, ſhall upon Complaint and Proof thereof made to the Commander in Chief of the Army, 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.

XLIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Two or more Juſtices of the Peace for the County, Town, or Place, where any Non-commiſſion Officer or Soldier ſhall be quartered, in that Part of *Great Britain* called *England*, in caſe ſuch Non-commiſſion Officer or private Soldier have either Wife or Child or Children, to cauſe ſuch Non-commiſſion Officer or Soldier to be ſummoned before them, in the Town or Place where ſuch Non-commiſſion Officer or Soldier ſhall be quartered, in order to make Oath of the Place of their laſt legal Settlement, (which Oath the ſaid Juſtices are hereby empowered to adminiſter); and ſuch Non-commiſſion Officers and private Soldiers as aforeſaid are hereby directed to obey ſuch Summons, and to make Oath accordingly; and ſuch Juſtices are hereby required to give an atteſted Copy of ſuch Affidavit ſo made before them to the Perſon making the ſame, to be by him delivered to his Commanding Officer, in order to be produced when required; which atteſted Copy ſhall be at any Time admitted in Evidence, as to ſuch laſt legal Settlement, before any of His Majeſty's Juſtices of the Peace, or at any General or Quarter Seſſion of the Peace: Provided always, that in caſe any Non-commiſſion Officer or private Soldier ſhall be again ſummoned to make Oath as aforeſaid, then, on ſuch atteſted Copy of the Oath by him formerly taken being produced by him, or by any other Perſon on his Behalf, ſuch Non-commiſſion Officer or Soldier ſhall not be obliged to take any other or further Oath with regard to his legal Settlement, but ſhall leave a Copy of ſuch atteſted Copy of Examination, if required. Clauſe relating to Soldiers Settlements for their Wives and Children when quartered in *England*.

XLV. And be it further enacted by the Authority aforeſaid, That, for the better and more regular Proviſion of Carriages for His Majeſty's Forces in their Marches, or for their Arms, Cloaths, or 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 an Order from His Majeſty, or the General of His Forces, or the Maſter General or Lieutenant General of His Majeſty's Ordnance, ſhall, as often as ſuch Order is brought and ſhewn unto One or more of them by the Quarter-maſter, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, ſo ordered to march, iſſue out his or their Warrants to the Conſtables, or Petty Conſtables, of the Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment, Troop, or Company ſhall be ordered to march; requiring them to make ſuch Proviſion of Carriages, with able Men to drive the ſame, as is mentioned in the ſaid Warrant, allowing them ſufficient Time to do the ſame, that the neighbouring Parts may not always bear the Burthen; and ſpecifying in the ſaid Warrants the Place or Places to which the ſaid Carriages For the providing Carriages for the Forces marching in *England*. Warrants to ſpecify the Places to

which the Carriages ſhall travel, *etc.*

Carriages ſhall travel, and which ſhall not exceed One Day's Journey, unleſs in any Caſe of Neceſſity where the Day's March of the Troops is preſcribed in the Order produced to the Magiſtrate, and where the ſame does not exceed Twenty-five Miles: And in caſe ſufficient Carriages cannot be provided within any ſuch Liberty, Diviſion, or Precinct, then the next Juſtice or Juſtices of the Peace of 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 Officers aforeſaid, iſſue his or their Warrant to the Conſtables, or Petty Conſtables, of ſuch next County, Riding, Liberty, Diviſion, or Precinct, for the Purpoſes aforeſaid, to

Rates for Carriages.

make up ſuch Deficiency: And the aforeſaid Officer or Officers, who, by virtue of the aforeſaid Warrant from the Juſtices of the Peace, are to demand the Carriage or Carriages therein mentioned of the 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; or any further Sum not exceeding Four-pence for every Mile any Waggon with Five Horſes, or any Wain with Six Oxen, or Four Oxen with Two Horſes ſhall travel; and the Sum of Three-pence for every Mile any Cart with Four Horſes ſhall travel; and ſo in Proportion for leſs Carriages, as the ſame ſhall be fixed and ordered by the Juſtices of the Peace for any County or Diſtrict aſſembled at any General Seſſions of the Peace for ſuch County or Diſtrict, the ſaid Juſtices having regard to the Price of Hay and Oats at the Time of fixing ſuch additional Rates; for which reſpective Sums ſo received, the ſaid Conſtable, or Petty Conſtable, is hereby required to give a Receipt in Writing to the 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

Penalty on Officers forcing Waggons to travel more than Magiſtrate's Warrant ſpecifies.

furniſh the ſame accordingly; and if any Military Officer or Officers, for the Uſe of whoſe Regiment, Detachment, Troop, or Company, the Carriage was provided, ſhall force and conſtrain any Waggon, Wain, Cart, or Carriage, to travel beyond the Diſtance ſpecified in the Magiſtrate's Warrant, or ſhall not diſcharge the ſame in due Time for their Return Home on the ſame Day, if it be practicable, or ſhall ſuffer any Soldier 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 Soldiers; 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 of the ſame County or Riding, who are to certify the ſame to the Paymaſter-general, or other reſpective Paymaſter of His Majeſty's Forces, who is hereby required to pay the aforeſaid Sum of Five Pounds according to the Order and Appointment under the Hands and Seals of the aforeſaid Juſtices of the Peace of the ſame County or Riding, and is hereby empowered to

deduct the ſame out of ſuch Officer's Pay: Provided always, that in Caſes where the Day's March of the Troops ſhall be ſuch, either owing to the Diſtance of Place, State of the Roads, or Seaſon of the Year, as not to admit of the Return of the Carriages on the ſame Day on which they ſhall have been impreſſed, ſuch further Compenſation ſhall be made and paid in like Manner to the Owners of the ſaid Carriages as ſhall be deemed reaſonable by the Magiſtrate who granted the Warrant for impreſſing them, not exceeding the uſual Rate and Hire of ſuch Carriages.

Further Compenſation to be made for Carriages in Caſes where they cannot return the ſame Day on which impreſſed.

XLVI. And whereas it may ſometimes become neceſſary, in Caſes of Emergency, to provide proper and ſpeedy Means for the Carriage and Conveyance not only of the Arms, Cloaths, Accoutrements, Tents, Baggage, and other Equipage of and belonging to His Majeſty's Forces in their Marches, but alſo of the Officers, Soldiers, Servants, Women, Children, and other Perſons of and belonging to ſuch Forces: And whereas it is expedient that Proviſion ſhould be made for enforcing prompt Obedience to ſuch Orders as His Majeſty may in ſuch Caſes think fit to iſſue in purſuance of the Powers by Law veſted in him for the Advancement of the general Good and publick Welfare of the Realm; be it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for His Majeſty, by His Order, diſtinctly ſtating that ſuch Caſe of Emergency doth exiſt, ſignified by the Secretary at War for the Time being to any General or Field Officer commanding His Majeſty's Forces in any Diſtrict or Place, or to the Commiſſary General of Stores and Proviſions at Home, to authorize ſuch General or Field Officer or Commiſſary General as aforeſaid, by Writing under his Hand, reciting ſuch Order of His ſaid Majeſty, to require all Juſtices of the Peace within their ſeveral Counties, Ridings, Diviſions, Cities, Liberties, and Precincts in *England*, *Wales*, and Town of *Berwick upon Tweed*, to iſſue his or their Warrant or Warrants for any of the Purpoſes herein-after mentioned; and ſuch Juſtice or Juſtices ſhall, when and as often as ſuch Requiſition in Writing as laſt-mentioned ſhall be brought and ſhewn unto any One or more of ſuch Juſtices, by the Quarter Maſter, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, ſo ordered to be conveyed, or by any Officer in the Department of the ſaid Commiſſary General, to iſſue out his or their Warrant or Warrants to the Conſtables, or Petty Conſtables, of the County, Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment, Troop, or Company ſhall be ſo ordered to be conveyed, requiring them to make ſuch Proviſion not only of Waggons, Wains, and Carts kept by or belonging to any Perſon or Perſons, and for any Uſe or Purpoſe whatſoever, but alſo of Saddle Horſes, Coaches, Chaiſes, and other Four-wheeled Carriages uſually let to Hire, or kept for that Purpoſe; and alſo of Boats, Barges, and other Veſſels, uſed for the Carriage of Coals, Stone, Lime, Manure, or of Goods, Wares, or Merchandizes, or any other Articles or Commodity whatſoever, upon any Canal or navigable River, with able Men and Horſes to drive, navigate, and draw the ſame, as ſhall be mentioned in the ſaid Warrant or Warrants, therein ſpecifying the Place or Diſtance to which ſuch Horſes, Carriages, Boats, Barges, or other Veſſels and Men ſhall go and be conveyed, and allowing ſuch Conſtables ſufficient Time to make ſuch Proviſion, that the neighbouring Parts may not always bear the Burthen; and in caſe ſuch ſufficient Carriages, Horſes, Boats, Barges, or other Veſſels, and Men, cannot be provided

In Caſes of Emergency, the Secretary at War, by Order of His Majeſty, may authorize a General or Field Officer, or the Commiſſary General of Stores and Proviſions, to require Juſtices to iſſue Warrants for providing Saddle Horſes and Four wheeled Carriages, let to Hire, and alſo Veſſels uſed in Canal or navigable Rivers, with Men and Horſes.

Juſtices on Requiſition to iſſue Warrants for providing them, ſpecifying the Diſtance they are to go.

vided within any such County, Riding, Division, Hundred, City, Liberty, or Precinct, then the next Justice or Justices of the Peace of the next County, Riding, Division, City, Liberty, or Precinct, shall upon such Requisition in Writing as last aforesaid being brought or shewn to any One or more of them, by any of the Officers aforesaid, issue his or their Warrant or Warrants to the Constables, or Petty Constables, of such next County, Riding, City, Liberty, Division, Hundred, or Precinct, for the Purposes last aforesaid, to make up such Deficiency; and the aforesaid Officer or Officers who, by virtue of the aforesaid Warrant or Warrants from the Justice or Justices of the Peace, are to demand the Carriages, Horses, Boats, Barges, or other Vessels therein mentioned, of the Constable, or Petty Constable, to whom the said Warrant or Warrants shall be 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 or Persons who shall provide such Carriages, Horses, Boats, Barges, or other Vessels, and Men, such reasonable Sum and Sums of Money as the said Justice or Justices shall in and by his or their said Warrant or Warrants order and direct, not exceeding the usual Rate and Hire of such and the like Carriages, Horses, Boats, Barges, or other Vessels, and Men, according to the Length of the Journey or Voyage in each particular Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls (which Duty or Tolls are hereby declared not to be demandable or payable in such and the like Cases, for any such Carriages, Horses, Boats, Barges, and other Vessels, whilst employed in such Service or returning therefrom); for which said respective Sum and Sums so received, the said Constable or Petty Constable, is hereby required to give a Receipt in Writing, but without any Stamp, to the Person or Persons paying the same; and such Constable or Petty Constable, shall order and appoint such Person or Persons having such Horses, Carriages, Boats, Barges, or other Vessels, and Men, within their respective Liberties, as they shall think proper, to provide and furnish such Horses, Carriages, Boats, Barges, or other Vessels, and Men, according to the Warrant or Warrants aforesaid, who are hereby required to provide and furnish the same accordingly; and it shall and may be lawful in such Cases, to and for all and every Military Officer and Officers, for the Use of whom, or of whose Regiment, Detachment, Troop, or Company, such Horses, Carriages, Boats, Barges, or other Vessels shall be provided in such Cases, to carry and convey, and permit to be carried and conveyed, on the same respectively, not only the Arms, Cloaths, Accoutrements, Baggage, Tents, and other Equipage of such Regiment, Detachment, Troop, or Company, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same; any Thing herein contained to the contrary thereof notwithstanding: But if any such Officer or Officers shall force and constrain any Horse, Carriage, Boat, Barge, or other Vessel, to travel or proceed beyond the Distance or Place to be allowed and specified in such Warrant or Warrants, without the special Licence or Order of One or more other such Justice or Justices of the Peace in that Behalf, and which Licence or Order One or more of such Justices is and are hereby authorized and required to give and make at his and their reasonable Discretion, 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 of the same County or Riding, Division, City, Liberty, or Precinct, who are to certify the same to the Paymaster General, or other respective Paymaster of His Majesty's Forces, who is hereby required

Officers demanding them, to pay for their Hire such Sums as the Justices shall direct, not exceeding the usual Rates, but making no Allowance for Post Horse Duty or Tolls, which in such Cases are not demandable.

Constables to give a Receipt without Stamp; and to order the Horses, etc. to be provided.

Military Officers may convey on them, Arms, Cloaths, Accoutrements, Baggage, Equipage, Officers, Soldiers, Servants, Women, Children, and other Persons.

Penalty on Officers forcing Horses, &c. to travel beyond the Distance specified in Warrant, without Licence.

to pay the aforeſaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforeſaid Juſtices of the Peace of the ſame County, Riding, Diviſion, City, Liberty, or Precinct, and who is hereby empowered to deduct the ſame out of ſuch Officer's Pay.

No Waggon, &c. to carry above 30 Hundred Weight.

XLVII. 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 Thirty hundred Weight; any Thing in this Act contained to the contrary notwithſtanding.

Penalty on Conſtables, &c. for Neglect.

XLVIII. And be it further enacted by the Authority aforeſaid, That if any High Conſtable or Petty Conſtable, ſhall wilfully neglect or refuſe to execute ſuch Warrant or Warrants of the Juſtices of the Peace, as ſhall be directed unto them for providing Carriages, Horſes, Boats, Barges, and other Veſſels, as aforeſaid; or if any Perſon or Perſons, appointed by ſuch Conſtable or Petty Conſtable, to provide or furniſh any Carriage, and Man, Horſe, Boat, Barge, or other Veſſel, ſhall refuſe or neglect to provide the ſame; or if ſuch Perſon or Perſons, or any other Perſon or Perſons whatſoever, ſhall wilfully do any Act or Thing, whereby the Execution of the ſaid Warrant 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 Shilling, 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 finally 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 Po er 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.

Treaſurer of the County to repay the Conſtables' extraordinary Charges.

XLIX. And whereas the reſpective Sums of Money, by this Act appointed to be paid to the Conſtables by the Officers demanding ſuch Carriages, Horſes, Boats, Barges, or other Veſſels, may not, in many Caſes, be ſufficient to anſwer the Charge and Expence of providing the ſame, inſomuch that the ſaid Conſtables may frequently be at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhip of which he is Conſtable, or elſe the Perſons providing ſuch Carriages are grievouſly oppreſſed: For Remedy whereof, and that the ſaid Overplus Charge may be borne by each County or Riding, at the general Charge of ſuch County or Riding, be it further enacted by the Authority aforeſaid, 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, Horſes, Boats, Barges, and other Veſſels, over and above what was or ought to have been paid by the Officer requiring ſuch Carriages, Horſes, Boats, Barges, and other Veſſels, 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

of the Year, and the Length and Condition of the Ways by and through which ſuch Carriages, Horſes, Boats, Barges, and other Veſſels, are to travel and paſs.

The Money for that Purpoſe how to be raiſed.

L. 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, Horſes, Boats, Barges, and other Veſſels 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 County Gaols and Bridges, to ſatisfy the ſaid extraordinary Charge of Carriages, Horſes, Boats, Barges, and other Veſſels.

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

LI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to quarter Officers and Soldiers in *Scotland*, in ſuch and the like Places and Houſes as they might have been quartered in by the Laws in force in *Scotland* at the Time of its Union with *England*; and that the Poſſeſſors of ſuch Houſes ſhall only be liable to furniſh the ſaid Officers and Soldiers quartered there, as by the ſaid Laws in force at the Time of the ſaid Union was provided; and that no Officers ſhall be obliged to pay for his Lodging, where he ſhall be regularly billetted, except in the Suburbs of *Edinburgh*.

Carriages, in *Scotland*, how to be provided.

LII. And be it further enacted, That the Carriages for the Service of the Forces, from Time to Time quartered or marching 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 its Union with *England*.

How the Troops are to pay in paſſing over Ferries in *Scotland*.

LIII. And be it further enacted, That where any Troops or Parties upon Command have Occaſion in their March to paſs regular Ferries in that Part of *Great Britain* called *Scotland*, it ſhall and may be lawful for the Commanding Officer either to paſs over with his Party as Paſſengers, or to hire the Ferry-boat entirely to himſelf and his Party, debarring others for that Time, in his Option; and in caſe he ſhall chuſe to take Paſſage for himſelf and Party as Paſſengers, he ſhall only pay for himſelf and for each Perſon, Officer or Soldier, under his Command, Half of the ordinary Rate payable by ſingle Perſons at any ſuch Ferry; and in caſe he ſhall hire the Ferry-boat for himſelf and Party he ſhall pay Half of the ordinary Rate for ſuch Boat or Boats; and in ſuch Places where there are no regular Ferries, but that all Paſſengers hire Boats at the Rate they can agree for, Officers, with or without Parties, are to agree for Boats at the Rate as other Perſons do in the like Caſes.

Officers and Soldiers to be quartered in *Ireland*, as the Laws in force at the Time of the Union direct.

LIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to quarter Officers and Soldiers in *Ireland*, in ſuch and the like Places and Houſes as they might have been quartered in by the Laws in force in *Ireland* at the Time of its Union with *Great Britain*; and that the Poſſeſſors of ſuch Houſes ſhall only be liable to furniſh the ſaid Officers and Soldiers quartered there, as by the ſaid Laws in force at the Time of the ſaid Union was provided.

LV. And be it further enacted, That the Carriages for the Service of the Forces, from Time to Time quartered or marching in *Ireland*, ſhall be provided in like Manner, and at the Rates, and the Furniſher of ſuch Carriages ſhall be paid, as was directed by the Laws in force in *Ireland*, at the Time of its Union with *Great Britain*. Carriages in *Ireland*, how to be provided.

LVI. 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 it enacted by the Authority aforeſaid, That if, from and after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and two, 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 United Kingdom of *Great Britain* and *Ireland*, 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 Soldier 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. Penalty on Officers or Soldiers deſtroying the Game.

LVII. Provided nevertheleſs, and it is hereby enacted and declared by the Authority aforeſaid, That, from and after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and two, when and as often as any Perſon or Perſons ſhall be inliſted as a Soldier or Soldiers in His Majeſty's Land Service, he or 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 in the Army), 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 inliſting 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 read over, or in his own Preſence cauſe to be read over, to ſuch Perſon or Perſons the Second and Sixth Sections of the Articles of War againſt Mutiny and Deſertion, and to tender and adminiſter to ſuch Perſon or Perſons reſpectively, not only the Oath of Clauſe for Relief of Perſons haſtily inliſting themſelves. Such Perſons not paying the Money within the limited Time, to be deemed to be enliſted; in which Caſe, or if they enliſt, the Juſtices to read over to them the 2d and 6th Sections of the Articles of War, and to adminiſter the Oath of Fide-

lity, and the Oath annexed in Schedule (A).

Juſtices to certify the Inliſtment in the Form in Schedule (B).

Such Perſons refuſing to take the Oath of Fidelity, may be confined.

Penalty on Officers acting contrary hereto.

of Fidelity mentioned in the ſaid Articles of War, but alſo the Oath mentioned in the Schedule to this Act annexed, marked (A.); and if ſuch Perſon or Perſons ſhall take the ſaid Oaths, then ſuch Juſtice or Chief Magiſtrate ſhall, and he is hereby required forthwith to certify under his Hand the inliſting and ſwearing, together with the Place of the Birth, Age, and Calling, if known, of ſuch Perſon or Perſons, in the Form mentioned in the Schedule to this Act annexed, marked (B.); and if any ſuch Perſon or Perſons, ſo to be certified, ſhall wilfully 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 ſaid Oath of Fidelity; and every Military Officer that ſhall act contrary hereto, or offend herein ſhall incur the like Penalty and Forfeiture as is by this Act to be inflicted upon any Officer for making a falſe and untrue Muſter; and the Penalty and Forfeiture ſhall be levied and recovered in the ſame Manner as any Penalties or Forfeitures are by this Act to be levied or recovered.

Perſons refuſing the ſaid Relief, to be proceeded againſt as if duly inliſted.

LVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive the Inliſting Money from any Officer (knowing it to be ſuch), and ſhall abſcond, or refuſe to go before ſuch Juſtice or Chief Magiſtrate, in order to declare his Aſſent or Diſſent as aforeſaid; ſuch Perſon or Perſons ſhall be deemed and taken to be inliſted to all Intents and Purpoſes whatſoever; and ſhall and may be proceeded againſt as if he or they had taken the Oath directed by this Act to be taken before ſuch Juſtice or Chief Magiſtrate.

Where any Corps beyond Seas ſhall be relieved in order to return Home, ſuch of the Men as ſhall chuſe may be inliſted, and incorporated with thoſe appointed to remain;

the Occaſion of quitting ſuch former Corps to be recited in the Inliſting Certificate.

LIX. And be it further enacted, That when and as often as any Regiment or Company ſhall be relieved at any Station or Place beyond the Seas, in order to their Return to *Great Britain* or *Ireland*, it ſhall and may be lawful for any Officer or Officers, thereunto authorized by the Commander in Chief at ſuch Station or Place reſpectively, to inliſt as many of the Soldiers belonging to ſuch Regiment or Company, returning to *Great Britain* or *Ireland*, as ſhall be willing, and who ſhall appear to be fit for Service, and to incorporate them in any Regiment or Company which ſhall be appointed to remain; and every Soldier ſo inliſted ſhall be, and is hereby deemed to be, diſcharged from the Regiment or Company in which he before ſerved; and the Occaſion of his quitting ſuch former Corps ſhall be recited in the inliſting Certificate; a Duplicate, or an atteſted Copy whereof, ſhall be delivered to ſuch Soldier, to protect him from being anyways moleſted upon Suſpicion of his having deſerted.

Juſtices may commit Deſerters.

LX. And whereas ſeveral Soldiers, being duly liſted, do afterwards deſert, and are often 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 Tithingman, of the Town or Place where any Perſon, who may be reaſonably 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 hath hereby Power to examine ſuch ſuſpected Perſon; and if by his Confeſſion, or the Teſtimony of One more Witneſs or Witneſſes

neſſes 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 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 City of *London* or *Weſtminſter*, or Places adjacent; or to the Provoſt Marſhal, in caſe ſuch Deſerter ſhall be apprehended within the City or Liberties of *Dublin*, or Places adjacent; and tranſmit an Account thereof to the Secretary at War for the Time being, in *London*; or if the Deſerter be apprehended in *Ireland*, to the Chief Secretary to the Chief Governor or Governors thereof, 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 or Deſerters during the Time that he or they ſhall continue in his Cuſtody, for the Maintenance of the ſaid Deſerter or Deſerters; but ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of ſuch Deſerter or Deſerters; and the Keeper of every Gaol, Houſe of Correction, or other publick Priſon, ſhall, and he is hereby required to receive and confine ſuch Deſerters while on the Road from the Place where they were apprehended to the Place to which they are to be conveyed, and ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of the ſaid Deſerters; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Reward for taking up Deſerters.

LXI. And, for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch Deſerters as aforeſaid, be it further enacted by the Authority aforeſaid, That ſuch Juſtice of the Peace ſhall alſo iſſue his Warrant in Writing to the Collector or Collectors of the Land Tax Money of the Pariſh or Townſhip in *Great Britain*, where ſuch Deſerter ſhall be apprehended, or in *Ireland*, to the Collector or Collectors of His Majeſty's Revenue in the Diſtrict where ſuch Deſerter ſhall be apprehended, for paying out of the Land Tax Money or Revenue ariſen, or to ariſe, in the Year One thouſand eight hundred and two, into the Hands of ſuch Perſon who ſhall apprehend, or cauſe to be apprehended, any 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, *etc.*

LXII. Provided always, 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 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, Clothes, 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 Clothes to be changed; the Perſon ſo offending ſhall for-

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 Majeſty's Juſtices of the Peace, the ſaid reſpective Penalties of Five Pounds, and Five Pounds, ſhall be levied by Warrant under the Hand or 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 ſaid 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, Clothes, Caps, or other Furniture belonging to the King; or any ſuch Articles 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 of the Peace ſhall and may, by Warrant under his Hand and Seal, 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.

Penalty on Officer breaking open any Houſe without Warrant.

LXIII. Provided always, That no Commiſſion Officer ſhall break open any Houſe to ſearch for Deſerters without Warrant from a Juſtice of the Peace; and that every Commiſſion Officer who ſhall, without Warrant from One or more of His Majeſty's Juſtices of the Peace, (which ſaid Warrants the ſaid Juſtice or Juſtices are hereby empowered to grant), forcibly enter into, or break open, the Dwelling Houſe or Outhouſes of any Perſon whatſoever, under Pretence of ſearching for Deſerters, ſhall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Juſtices may grant an Extenſion of Furlough to any Non commiſſioned Officer or Soldier applying for the ſame, on Account of Sickneſs, &c.

LXIV. And whereas Soldieres abſent from their Regiments on Furlough granted to them by their Commanding Officers, are ſometimes prevented by Sickneſs or other unavoidable Caſualty from returning to their Duty before the Expiration of the Time limited by ſuch Furlough, and Doubts have ariſen whether in ſuch Caſes the Extenſion of a Soldier's Furlough by a Juſtice of the Peace, be ſanctioned by legal Authority, and effectual for preventing ſuch Soldier from being apprehended upon Suſpicion of his having deſerted his Regiment; be it further enacted, That any Juſtice of the Peace may, and he is hereby authorized to grant, in Writing under his Hand, an Extenſion of Furlough to any Non-commiſſioned Officer or Soldier applying for the ſame, on Account of Sickneſs or other Caſualty, which to ſuch Juſtice ſhall, on due Enquiry, appear to render ſuch Extenſion neceſſary, and that ſuch Non-commiſſioned Officer or Soldier, during the Period to which his Furlough ſhall have been ſo extended as aforeſaid by a Juſtice of the Peace, ſhall not be liable to be apprehended or otherwiſe moleſted on the Ground of his having deſerted the Regiment to which he ſhall appear by his Furlough to belong, or of criminally abſenting himſelf from the ſame: Provided always,

always, that nothing in this Act contained ſhall be conſtrued to exempt any Non-commiſſioned Officer or Soldier, whoſe Furlough ſhall have been ſo extended as aforeſaid, from being proceeded againſt and puniſhed according to the Proviſions of this Act, ſhould it thereafter appear that ſuch Non-commiſſioned Officer or Soldier had obtained the Extenſion of his Furlough by falſe Repreſentation made to the Juſtice of Peace, or in applying for and obtaining the ſame, had committed any Offence to the Prejudice of good Order and Military Diſcipline.

No Volunteer liable to Proceſs unleſs for ſome criminal Matter;

LXV. And, to prevent, as far as may be, any unjuſt or fraudulent Arreſts that may be made upon Soldiers, whereby His Majeſty and the Publick may be deprived of their Service, it is hereby further enacted by the Authority aforeſaid, That no Perſon whatſoever, who is or ſhall be liſted, or who ſhall liſt and enter himſelf as a Volunteer in His Majeſty's Service as a Soldier, 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 ſued 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 Soldier 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 Soldier ſo arreſted was legally inliſted as a Soldier 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.

or unleſs for 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 Back of the Proceſs.

Plaintiff may file a common Appearance.

LXVI. And, to the End that honeſt Creditors, who aim only at the Recovery of their juſt Debts due to them from Perſons entered into and liſted 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 eaſy and cheap Method; be it further enacted by the Authority aforeſaid, 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 Liſting, 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 liſted as aforeſaid; this Act, or any Thing herein, or any former Law or Statute, to the contrary notwithſtanding.

Soldiers, while confined for Debt, not to receive Pay.

LXVII. And be it enacted by the Authority aforeſaid, That, from the paſſing of this Act, no Soldier, 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, Troop, or Company, to which he ſhall belong.

Officer embezzling, *etc.* Military Stores,

to be caſhiered, and forfeit 100*l.* and the Damage to be made good by Sale of his Goods and Chattels. For Want of Diſtreſs the Offender to be committed.

Application of the Forfeiture.

LXVIII. And be it further enacted by the Authority aforeſaid, That every Commiſſion Officer, Storekeeper, or Commiſſary, that ſhall embezzle or miſapply, or cauſe to be embezzled or miſapplied, or ſhall wilfully, or through Neglect, ſuffer any Proviſions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be ſpoiled or damaged, upon Proof thereof, upon Oath made by Two Witneſſes, before a General Court-martial, (which is hereby authorized and required to adminiſter ſuch Oath), ſhall be forthwith diſmiſſed His Majeſty's Service, and forfeit the Sum of One hundred Pounds; and is hereby required to make good, at his own Expence, the Loſs and Damage thereby ſuſtained, to be aſcertained by ſuch Court-martial, which ſhall have Power to ſeize the Goods and Chattels of the Perſon ſo offending, and ſell them for the Payment of the ſaid One hundred Pounds, and ſuch Damage: And if ſufficient Goods and Chattels cannot be found and ſeized, then the Perſon ſo offending ſhall be committed to Priſon or the Common Gaol, there to remain for Six Months without Bail or Mainprize, and until he ſhall pay ſuch Deficiency; and after the ſaid Sum ſhall be recovered and levied, the ſame ſhall be applied and diſpoſed of as His Majeſty ſhall direct and appoint.

Non-commiſſion Officers embezzling Soldier's Pay, *etc.* to be reduced, *etc.*

LXIX. And be it further enacted by the Authority aforeſaid, That every Non-commiſſion Officer, who ſhall be convicted, at a General or Regimental Court-martial, of having embezzled or miſapplied any Money with which he may have been entruſted for the Payment of the Men under his Command, or for inliſting Men into His Majeſty's Service, ſhall be reduced to ſerve in the Ranks as a Private Soldier, and be put under Stoppages until the Money be made good, and ſuffer ſuch corporal Puniſhment (not extending to Life or Limb) as the Court-martial ſhall think fit.

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

LXX. And be it further enacted by the Authority aforeſaid, That, from and after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and two, no Paymaſter General or Paymaſter of the Army, Paymaſter of the Marines, Secretary at War, Commiſſary, Muſter-Maſter, Paymaſter of a Corps or Diſtrict, or any other Officer whatſoever, or their Under Officers, ſhall receive any Fees, or make any Deductions

whatſoever out of the Pay of any Officer or Soldier in His Majeſty's Army, or from their Agents, which ſhall grow due from and after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and two, other than the uſual Deductions allowed by His Majeſty's Regulations, and ſuch other neceſſary Deductions as ſhall, from Time to Time, be directed by His Majeſty, under His Royal Sign Manual. Exception.

LXXI. And, for the Encouragement of the due and well Clothing of the Troops, be it hereby further enacted, That the Lord High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, may, if he or they ſee convenient, at the End of every Two Months, iſſue the Money due for the Clothing of the ſeveral Regiments, Troops, and Companies, notwithſtanding the Muſter-rolls have not been duly returned: And the reſpective Paymaſters are hereby directed to make Deductions of all Off-reckonings, and to pay the ſame to ſuch Perſon or Perſons only as have a regular Aſſignment for Clothes by him or them delivered to the ſaid Regiment, Troop, or Company; and the Receipt of ſuch Perſon or Perſons having or being lawfully entitled to ſuch Aſſignment, to be from Time to Time taken for the ſame; and when no ſuch Aſſignment appears, the Off-reckonings to remain in the Hands of the ſaid Paymaſter reſpectively, for the Uſe of the Regiment, Troop, or Company, until a new Contract for Clothing, and Aſſignment is made. Treaſury may iſſue out the Money due for Clothing every Two Months. Paymaſter to deduct the Off-reckonings.

LXXII. And be it further enacted, That if any Paymaſter, Agent, or Clerk of any Garriſon, Regiment, Troop, or Company, ſhall wilfully detain or withhold, by the Space of One Month, the Pay of any Officer or Soldier (Clothes and all other juſt Allowances being deducted), after ſuch Pay ſhall be by him or them received; or if any Officers, having received their Soldiers Pay, ſhall refuſe to pay each Non-commiſſion Officer and Soldier their reſpective Pay, when it ſhall become due, according to the ſeveral Rates eſtabliſhed by His Majeſty's Orders, then upon Proof thereof before a Court-martial, as aforeſaid, to be for that Purpoſe duly held and ſummoned, every ſuch Paymaſter, Agent, Clerk, or Officer, ſo offending, ſhall be diſcharged from his Employment, and ſhall forfeit to the Informer, upon Conviction before the ſaid Court, One hundred Pounds, to be levied as aforeſaid; and the Informer, if a Soldier, (if he demands it), ſhall be, and he is hereby diſcharged from any further Service; any Thing in this Act contained to the contrary notwithſtanding. Penalty on Agents, &c. detaining Officers or Soldiers Pay.

LXXIII. And, for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the ſeveral Regiments and Independent Troops and Companies, the ſaid Agents are hereby required and directed to obſerve ſuch Orders and Directions as ſhall from Time to Time be given by His Majeſty, under His Sign Manual, or by His Majeſty's Chief Governor or Governors of *Ireland*, or by the Lord Treaſurer, or Commiſſioners of the Treaſury, for the Time being; and if any Agent ſhall refuſe or neglect to obſerve and comply with ſuch Orders and Directions, he ſhall be diſcharged from his Office, and be utterly diſabled to have or hold any ſuch Office in His Majeſty's Service. Penalty on Agents diſobeying of Orders.

LXXIV. Pro-

Paymaſters, &c. to account with Executors.

LXXIV. Provided always, and be it enacted by the Authority aforeſaid, That every preſent and future Paymaſter, Agent, or Clerk, of any Garriſon, Regiment, Troop, or Company, who is or ſhall be liable to account with any of the Executors and Adminiſtrators of every Officer or Soldier, for any of the Pay of ſuch Officer or Soldier by him or them received, ſhall on reaſonable Demand made by ſuch Executor or Adminiſtrator, deliver a juſt and true Account to any ſuch Executor or Adminiſtrator of ſuch Sum or Sums of Money as he or they ſhall have ſo reſpectively received for ſuch Officer or Soldier, and for which they ought ſo to account as aforeſaid, ſuch Executor or Adminiſtrator paying for the ſame; and ſhall account with ſuch Executor or Adminiſtrator for the ſame; and that every ſuch Paymaſter, Agent, or Clerk of any Garriſon, Regiment, Troop, or Company, offending herein, ſhall forfeit the like Penalties, and to be recovered in like Manner, as appointed by this Act for ſuch Colonels or Agents not giving due Accounts of or for the Pay of the ſaid Officers or Soldiers, to and for ſuch Officers and Soldiers themſelves.

Officers, &c. of the Trains of Artillery, &c. ſubject to this Act.

LXXV. And whereas it may otherwiſe be doubted, whether the Officers and Perſons ſerving in the Royal Artillery, and thoſe hired to be employed in the Trains of Artillery, or the Officers ſerving in the Corps of Royal Engineers, or the Officers and Perſons ſerving in the Corps of Royal Military Surveyors and Draftſmen, or in the Corps of Royal Military Artificers and Labourers, or the Maſter Gunners, and Gunners under the Ordnance, be within the Intent and Meaning of this Act; it is hereby enacted by the Authority aforeſaid, That the Officers and Perſons ſerving and hired to be employed, or who ſhall ſerve and be hired to be employed, in the Royal Artillery, and in the ſeveral Trains of Artillery, and all Officers ſerving or who ſhall ſerve in the Corps of Royal Engineers, and all Officers and Perſons ſerving or who ſhall ſerve in the Corps of Royal Military Surveyors and Draftſmen, or in the Corps of Royal Military Artificers and Labourers, and all Maſter Gunners, and Gunners who now are or ſhall be under the Ordnance, ſhall be at all Times ſubject to all the Penalties and Puniſhments mentioned in this Act, and ſhall in all Reſpects whatſoever, be holden to be within the Intent and Meaning of every Part of this Act, during the Continuance of the ſame; and ſhall be quartered and billetted together with the Horſes employed for the Service of the ſaid Corps in the ſame Manner and under the ſame Penalties and Regulations as are directed by this Act to be obſerved in quartering and billetting the Officers, Soldiers, and Horſes of His Majeſty's other Forces; and all Innkeepers and others on whom the Officers and Perſons ſerving in the ſaid Corps, and the Horſes employed therein, ſhall be legally quartered, refuſing to receive and provide for them as is directed for the Officers, Soldiers, and Horſes of His Majeſty's other Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of His Majeſty's other Forces.

American Troops, acting in Conjunction with His Majeſty's other Forces, liable to the ſame Martial Laws.

LXXVI. And whereas great Miſchief and Inconvenience may ariſe, if it ſhould be doubted whether Troops in Pay, raiſed in any of His Majeſty's Provinces in *America*, by Authority of the reſpective Governors or Governments thereof, are, while acting in Conjunction with His Majeſty's other Forces under the Command of an Officer having a Commiſſion immediately from His Majeſty, liable to the ſame Rules and Articles

ticles of War, and the ſame Penalties and Puniſhments, as His Majeſty's other Forces are ſubject to: To prevent ſuch Miſchief, and to remove all Doubts, be it declared and enacted by the Authority aforeſaid, That all Officers and Soldiers of any Troops, being muſtered and in Pay, which are or ſhall be raiſed in *America* as aforeſaid, ſhall at all Times and in all Places, when they happen to join or act in Conjunction with His Majeſty's other Forces, be liable to Martial Law and Diſcipline, in like Manner, to all Intents and Purpoſes, as His Majeſty's other Forces are, and ſhall be ſubject to the ſame Trial, Penalties, and Puniſhments.

Officers and Soldiers of the *American* Troops ſent over to *Great Britain*,

LXXVII. And whereas the Officers and Soldiers of the ſaid Troops, being taken Priſoners in *America*, are frequently ſent over to *Great Britain* in a very diſtreſſed Condition: And whereas their Pay is not ſufficient to provide them with neceſſary Lodgings and Accommodations; be it enacted by the Authority aforeſaid, That, during the Continuance of this Act, it ſhall be lawful for the Conſtables, and other Civil Magiſtrates, within *England*, *Wales*, and the Town of *Berwick upon Tweed*, to quarter and billet the Officers and Soldiers of the ſaid *American* Troops in all ſuch Houſes as are liable by this Act to receive the Officers and Soldiers of His Majeſty's other Forces; and the ſaid Conſtables and other Civil Magiſtrates, are hereby required to quarter and billet the Officers and Soldiers of the ſaid *American* Troops in the ſame Manner, and under the ſame Regulations and Penalties, as are directed by this Act to be obſerved in quartering and billetting the Officers and Soldiers of His Majeſty's other Forces; and all Perſons on whom the Officers and Soldiers of the ſaid Troops ſhall be legally quartered, refuſing to receive and provide for them, as is directed for the Officers and Soldiers of His Majeſty's other Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of His Majeſty's other Forces.

to be quartered and billetted as His Majeſty's other Forces; and under the ſame Regulations and Penalties.

This Act not to extend to the Militia further than is directed by the Militia Laws.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be anyways conſtrued to extend, to concern any of the Militia Forces in *Great Britain* or *Ireland*, or in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or the Iſlands thereto belonging, excepting only in ſuch Caſe wherein, by any Act or Acts for regulating any of the Militia Forces in *Great Britain* or *Ireland*, the Proviſions contained in this Act, or in any Act for puniſhing Mutiny and Deſertion, which ſhall be then in force, are extended and meant to take place in reſpect to the Officers of the Militia, and Private Militia Men, in *Great Britain* and *Ireland*; and alſo except ſo far as relates to the muſtering of the ſaid Militia Forces according to the Proviſions herein-after mentioned.

Exception.

Militia and Fencible Men, when in actual Service to be regularly muſtered, &c.

LXXIX. And, for the better aſcertaining the Number of effective Men of the Regiments of Militia, when embodied and in actual Service, be it enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, every Regiment or Corps of Militia and Fencible Men, when embodied and in actual Service, ſhall be regularly muſtered by Commiſſaries appointed for that Purpoſe, in the ſame Manner, and as often as the Reſt of the Army is uſually muſtered; and the Magiſtrates ſhall have the ſame Powers and Authorities, and both Officers and Men ſhall be ſubject to the ſame Regulations, Reſtrictions, and Penalties, as are impoſed on the Officers and Soldiers of the Reſt of the Army by virtue of this Act.

In what Cases this Act shall extend to *Jersey, Guernsey*, &c.

LXXX. And be it further enacted by the Authority aforesaid, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Clauses therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers, who shall be charged with Mutiny or Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General Court-martial; and also to the Clauses which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture, belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of such Clothes to be changed.

Persons sued may plead the General Issue.

LXXXI. And be it further enacted by the Authority aforesaid, That if any Action, Bill, Plaint, or Suit, shall be brought against any Person or Persons, for any Act, Matter, or Thing, to be acted or done in pursuance of this Act, it shall and may be lawful to and for all and every Person and Persons, sued as aforesaid, to plead thereunto the General Issue, that he or they are not Guilty, and to give such Special Matter in Evidence to the Jury which shall try the Issue; which Special Matter being pleaded had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants of the Trespass or other Matter laid to his or their Charge: And if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof; that in every such Case the Justice or Justices, or such other Judge, before whom the said Matter shall be tried, shall, by force and virtue of this Act, allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit; for which the said Defendant or Defendants shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Treble Costs.

All Suits to be brought in some of the Courts of Record at *Westminster*, or in *Dublin*, or the Court of Session in *Scotland*.

LXXXII. And be it further enacted by the Authority aforesaid, That every Bill, Plaint, Action, or Suit, against any Person or Persons, for any Act, Matter, or Thing, to be acted or done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any Thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster*, or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Penalties against an Act 1 Geo. 1. for punishing Persons seducing Soldiers to desert, where to be sued for in *England* and *Scotland*.

LXXXIII. And whereas by an Act of the *British* Parliament, made in the First Year of the Reign of King *George* the First, intituled, *An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert; or, being Papists, shall inlist themselves in His Majesty's Service in* Great Britain *or* Ireland, *or in the Islands of* Jersey *or* Guernsey, it is enacted, That any Person or Persons whatsoever, who shall, directly or indirectly, persuade or procure, or endeavour to persuade or procure, any Soldier or Soldiers in the Service of His Majesty, or of His Heirs or Successors, to desert; such Person or Persons so offending, and being thereof lawfully convicted, should forfeit the Sum of Forty Pounds;

and that if ſuch Offender ſhall not have ſufficient to pay the ſame, or if from the Circumſtances and Heinouſneſs of the Crime it ſhall be thought proper and convenient, the Court before which the ſaid Conviction ſhall be made, may award the Offender to Priſon, there to remain for any Time not exceeding Six Months, and alſo to ſtand in the Pillory for One Hour: Now be it enacted, That for ſuch Offences as ſhall be committed againſt the ſaid recited Act within that Part of *Great Britain* called *England*, the Penalties thereby enacted ſhall be ſued for and be recoverable in any of His Majeſty's Courts of Record at *Weſtminſter*; and for ſuch Offences againſt the ſaid Act as ſhall be committed in that Part of *Great Britain* called *Scotland*, the ſame ſhall be ſued for and be recoverable in His Majeſty's Court of Exchequer in *Scotland*; and for ſuch Offences againſt the ſaid Act as ſhall be committed within the Iſland of *Guernſey*, the ſame ſhall be ſued for and be recoverable in the Royal Court of *Guernſey*; and for ſuch Offences againſt the ſaid Act as ſhall be committed within the Iſland of *Jerſey*, the ſame ſhall be ſued for and be recoverable in the Royal Court of *Jerſey*; any Thing in the ſaid recited Act to the contrary thereof in anywiſe notwithſtanding.

Penalties on Perſons perſuading Soldiers to deſert in *Ireland*, &c.

LXXXIV. And be it further enacted, That any Perſon or Perſons who ſhall, in that Part of the United Kingdom called *Ireland*, or in the Iſles of *Alderney*, *Sark*, or *Man*, by Words or other Means whatſoever directly or indirectly, perſuade or procure any Soldier or Soldiers in the Service of His Majeſty, His Heirs or Succeſſors, to deſert or leave ſuch Service as aforeſaid, every ſuch Perſon or Perſons ſo offending as aforeſaid, and being thereof lawfully convicted, ſhall, for every ſuch Offence, forfeit to His Majeſty, His Heirs or Succeſſors, or to any other Perſon or Perſons who ſhall ſue for the ſame, the Sum of Forty Pounds; and if it ſhall happen that any ſuch Offender ſo convicted as aforeſaid, hath not any Goods and Chattels, Lands, or Tenements, to the Value of Forty Pounds, to pay and ſatisfy the ſame, or if from the Circumſtances and Heinouſneſs of the Crime it ſhall be thought proper and convenient, the Court before which the ſaid Conviction ſhall be made as aforeſaid, ſhall award the ſaid Offender to Priſon, there to remain for any Time not exceeding Six Months, without Bail or Mainprize, and alſo to ſtand in the Pillory for the Space of One Hour, in ſome Market Town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market Town itſelf where the ſaid Offence was committed.

Penalties for ſuch Offences, where to be ſued for.

LXXXV. And be it further enacted, That for ſuch of the ſaid Offences as ſhall be committed within that Part of the United Kingdom called *Ireland*, the Penalties herein enacted ſhall be ſued for and be recoverable in any of His Majeſty's Courts of Record in *Dublin*; and for ſuch of the ſaid Offences as ſhall be committed within the Iſles of *Alderney* and *Sark*, the Penalties herein enacted ſhall be ſued for and be recoverable in the Royal Court of *Guernſey*; and for ſuch of the ſaid Offences as ſhall be committed within the Iſle of *Man*, the Penalties herein enacted ſhall be ſued for and be recoverable in any of the Courts of Record in the ſaid Iſland, or in any of His Majeſty's Courts of Record at *Weſtminſter*.

Limitation of Actions.

LXXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That no ſuch Action ſhall be brought, or Proſecution carried

ried on by virtue of this Act, for the Penalties aforeſaid, unleſs the ſame be commenced within Six Months after the Offence is committed.

Offences againſt former Mutiny Acts puniſhable by this Act.

LXXXVII. And in order to prevent all Doubts that may ariſe in relation to puniſhing Crimes and Offences committed againſt former Acts of Parliament made in *Great Britain* and *Ireland* reſpectively, *for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters*, or againſt any of the Articles of War made and eſtabliſhed by virtue of the ſame; be it enacted by the Authority aforeſaid, That all Crimes and Offences which have been committed againſt any Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, or againſt any of the Articles of War made and eſtabliſhed by virtue of the ſame, ſhall and may, during the Continuance of this Act, be enquired of, heard, tried, and 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 Act may be enquired of, heard, tried, determined, adjudged, and puniſhed: And the Proceedings of a Court-martial upon any Trial, begun under the Authority of ſuch former Act, ſhall not be diſcontinued by the Expiration of the ſame, but it ſhall be lawful to proceed to Judgement upon ſuch Trial, and to carry ſuch Judgement into Execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act.

None liable to be tried, *etc.* for Offences againſt former Acts which were committed Three Years before iſſuing the Warrant for Trial; unleſs he has abſented himſelf, *etc.*

LXXXVIII. Provided always, That no Perſon ſhall be liable to be tried and puniſhed for any Offence againſt any of the ſaid Acts, or Articles of War, which ſhall appear to have been committed more than Three Years before the iſſuing of the Commiſſion or Warrant for ſuch Trial; unleſs the Perſon accuſed, by reaſon of his having abſented himſelf, or of ſome other manifeſt Impediment, ſhall not have been amenable to Juſtice within that Period; in which Caſe ſuch Perſon ſhall be liable to be tried at any Time not exceeding Two Years after the Impediment ſhall have ceaſed.

Form of Conviction.

LXXXIX. And, for the more eaſy Conviction of Offenders againſt this Act, be it enacted, That in caſe any Perſons ſhall be convicted of any Offences by which they ſhall become liable to any of the pecuniary Penalties under this Act, the following ſhall be the Form of Conviction:

'County of } BE it remembered, That on the Day of
in the Year of our Lord at
'in the County aforeſaid, *A. B.* came before us *C. D.* and *E. F.*
'Two of His Majeſty's Juſtices of the Peace in and for the ſaid
'County, and informed us, upon Oath, that *G. H.* of
'on the Day of now laſt
'paſt, at in the ſaid County, did (*here
'ſet forth the Fact in the Manner deſcribed in the Statute*);
'whereupon the ſaid *G. H.* after being duly ſummoned to anſwer
'the ſaid Charge, appeared before us the ſaid Juſtices on the
'Day of at in
'the ſaid County, and having heard the Charge contained in
'the ſaid Information, declared that he was not guilty of the
ſaid Offence; but the ſame being fully proved upon the Oath

'of *I K.* a credible Witneſs, it manifeſtly appears to us the 'ſaid Juſtices, that he the ſaid *G. H.* is guilty of the ſaid Of- 'fence charged upon him in the ſaid Information. It is there- 'fore conſidered and adjudged by us, the ſaid Juſtices, that 'he the ſaid *G. H.* be convicted; and we do hereby convict 'him of the Offence aforeſaid; and we do hereby declare 'and adjudge that the ſaid *G. H.* hath forfeited the Sum of '
for the Offence
'aforeſaid, to be diſtributed as the Law directs, according to 'the Statute in that Caſe made and provided.

'Given, *et cetera.*'

Continuance of this Act.

XC. And be it further enacted by the Authority aforeſaid, That this Act ſhall be and continue in force, within *Great Britain*, from the Twenty-fourth Day of *June* in the Year of Our Lord One thouſand eight hundred and two, until the Twenty-fifth Day of *March* in the Year of our Lord One thouſand eight hundred and three; and ſhall be and continue in force within *Ireland*, from the Thirtieth Day of *June* in the Year of our Lord One thouſand eight hundred and two, until the Firſt Day of *April* in the Year of our Lord One thouſand eight hundred and three; and ſhall be and continue in force in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the Iſlands thereto belonging, as to ſuch Parts thereof as relate to thoſe Places reſpectively, from the Thirty-firſt Day of *July* in the Year of our Lord One thouſand eight hundred and two, until the Firſt Day of *May* in the Year of our Lord One thouſand eight hundred and three; and ſhall be and continue in force within the Garriſon of *Gibraltar*, and in His Majeſty's other Dominions beyond the Seas, as to ſuch Parts thereof as relate to thoſe Places reſpectively, from the Twenty-fourth Day of *March* in the Year of our Lord One thouſand eight hundred and three, until the Twenty-fifth Day of *March* in the Year of our Lord One thouſand eight hundred and four.

Act, in Part, may be altered this Seſſion.

XCI. Provided always, and be it enacted, That this Act, ſo far as relates to the Allowances to be made for the quartering of Soldiers and providing for their Horſes, or for the Proviſion of Carriages, Horſes, Boats, Barges, or other Veſſels, and Men, may be altered and varied by any Act or Acts to be made in this Seſſion of Parliament.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am by Trade a and, to the beſt of my Knowledge and Belief, was born in the Pariſh of in the County of and that I have no Rupture, nor ever was troubled with Fits, and am no Ways diſabled by Lameneſs, or otherwiſe, but have the perfect Uſe of my Limbs; that I am not an Apprentice, and that I do not belong to the Militia, or to any other Regiment, or to His Majeſty's Navy or Marines. As witneſs my Hand at the Day of One thouſand eight hundred

Sworn before me at this Day of One thouſand eight hundred

Witneſs preſent.

SCHEDULE (B.)

FORM OF JUSTICES CERTIFICATE.

to wit. I *A. B.* One of His Majeſty's Juſtices of the Peace of (or Chief Magiſtrate of) certify, That *C. D.*, aged Years Feet Inches high, Complexion, Eyes, Hair, came before before me at on the Day of One thouſand eight hundred and acknowledged that he had voluntarily inliſted himſelf to ſerve His Majeſty King *George* the Third in the Regiment of commanded by And I further certify, That, in my Preſence, the Second and Sixth Sections of the Articles of War againſt Mutiny and Deſertion were read over to him, and that he took the Oath of Fidelity mentioned in the ſaid Articles of War, and alſo the Oath above ſet forth.

A. B.

Videlicet, the Oath mentioned in the Schedule marked (A.)

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