ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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C A P. LXII.

An Act for transferring to the Royal Navy ſuch Seamen as are now ſerving in the Militia of *Great Britain*. [24th *June* 1803.]

WHEREAS, in the preſent Conjuncture it is expedient to tranſfer, to the Service of the Royal Navy, ſuch Seamen as are now ſerving in the Militia of *Great Britain*; may it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for His Majeſty from Time to Time to authorize and direct the Colonel or other Commandant of any Regiment, Battalion, Corps, or Independent Company of Militia of *Great Britain*, from Time to Time to diſcharge any Number of private Men ſerving in any ſuch Regiment, Battalion, Corps, or Independent Company, being Seamen, as ſhall deſire their Diſcharge for the Purpoſe of entering, and ſhall have agreed to enter, into the Royal Navy; and every ſuch private Man, on due Proof and Examination on his Oath before any Juſtice of the Peace of the County or Place where ſuch Regiment, Battalion, Corps, or Independent Company ſhall be quartered or placed (which Oath every ſuch Juſtice is hereby authorized and required to adminiſter), as well as in regard to the Time of his Service at Sea, as to other Circumſtances neceſſary to ſatisfy ſuch Colonel or other Commandant of the Fact of ſuch Service, ſhall, when and after having been examined by ſuch Sea Officer

His Majeſty may direct private Militia Men being Seamen, who ſhall agree to enter into the Navy, to be diſcharged.

or

or Sea Officers as shall be appointed for this Service, if approved of by him or them, be discharged from the Militia, and delivered over to such Sea Officer or Sea Officers, and enrolled in His Majesty's Naval Service; and every such Man so discharged as aforesaid, on so engaging to serve in the Navy, shall be liable to serve therein during the Continuance of the present War, and for the Space of Three Calendar Months after the Ratification of the Definitive Treaty of Peace between *Great Britain* and the Republick of *France*, if the Ship on board which such Person shall serve shall be in any of the Ports of *Great Britain*, or otherwise for the Space of Six Calendar Months next after the Arrival of such Ship in such Port.

Not more than a certain Proportion of Men to be so discharged at one Time; and Certificates of the Number of Men and their Names, *etc.* to be transmitted to the Admiralty.

II. Provided always, and be it further enacted, That the Colonel or other Commandant of any Regiment, Battalion, Corps, or Independent Company of Militia, shall not at any one Time discharge, or cause to be or have discharged, in pursuance of this Act, from the said Service of the Militia into the Navy, more in Number than One in Ten of all the private Men then enrolled in the said Regiment, Battalion, Corps, or Independent Company, unless or until other Men, according to the Directions of this Act, in the Proportions herein-after specified, shall be raised and enrolled in the room of the private Men before discharged; and that whenever such Colonel or other Commandant shall have discharged from his Regiment, Battalion, Corps, or Independent Company, such Proportion of One in Ten of Men enrolled as aforesaid, he is hereby required to cause Certificates of the Number of Men so discharged who shall respectively have been enlisted or entered in the Navy, signed by himself and by the Adjutant of such Regiment, Battalion, Corps, or Independent Company, to be transmitted to the Office of the Admiralty; and every such Certificate shall contain the Names of the Men so discharged, and of the Officer or Officers of the Navy to whom they shall respectively have been delivered.

Volunteers may be raised in room of Men so discharged, *&c.*

III. And be it further enacted, That His Majesty's Lieutenant and Deputy Lieutenants respectively of the County, Riding, Stewartry, City, or Place to which the Regiment, Battalion, Corps, or Independent Company from which such private Men shall be discharged doth belong, and also the Colonel or other Commandant of such Regiment, Battalion, Corps, or Independent Company, and every other Commissioned Officer duly authorized by the Colonel or other Commandant of such Regiment, Battalion, Corps, or Independent Company, shall be and each of them is hereby empowered, by Beat of Drum or otherwise, to raise Volunteers, from Time to Time, to be enrolled as private Men in such Regiment, Battalion, Corps, or Independent Company, in the room of such private Men as shall from Time to Time have been discharged in pursuance of this Act; and that the Colonel or other Commandant, whenever the Number of private Men so discharged shall be replaced by new Recruits, shall and he is hereby required to certify the same by Writing under his Hand to the Secretary at War, to be laid before His Majesty; and it shall and may be lawful for the said Colonel or other Commandant thereupon, and upon receiving the Directions of His Majesty for that Purpose, to proceed to discharge such further Number of private Men, being Seamen, as shall desire their Discharge, in Manner and for the Purpose herein-before directed, so as not to exceed the

the Proportion aforeſaid, and which Men ſo diſcharged ſhall and may, from Time to Time be replaced in the Manner before directed; and the ſaid Colonel or other Commandant ſhall continue from Time to Time to diſcharge all ſuch private Men as ſhall be deſirous of their Diſcharge as aforeſaid, until all the Seamen deſirous of entering into the Navy ſhall have been diſcharged for that Purpoſe, in the Manner before mentioned; and all private Men ſo diſcharged and entering into the Navy ſhall be entitled to the uſual Allowance of Bounty paid to Men of their Deſcription entering in the Royal Navy.

Men entering into the Navy to be entitled to the uſual Bounty.

IV. And be it further enacted, That all Volunteers who ſhall be raiſed and enrolled as private Men in any ſuch Regiment, Battalion, Corps, or Independent Company, to ſupply the Place of thoſe ſo diſcharged, ſhall be entitled to the ſame Allowance of Bounty, Subſiſtence Money, Arms, and Cloathing, as the other private Men of the Regiment, Battalion, Corps, or Independent Company; and that the Colonel or other Commandant ſhall, from Time to Time, as he ſhall find moſt convenient, or as ſhall be required, certify to His Majeſty the Number of Volunteers who ſhall have been ſo raiſed and enrolled as private Men as aforeſaid, until the whole Number of diſcharged Men ſhall be replaced; and that all Perſons who ſhall engage to ſerve as private Men as aforeſaid in purſuance of this Act, ſhall be enliſted to ſerve for the ſame Period as other Subſtitutes and Volunteers enrolled for Service in the Militia; and all Vacancies thereafter ariſing in reſpect of any ſuch Men, ſhall be ſupplied by the reſpective Pariſhes, Townſhips, and Places, for which the Men ſo diſcharged were originally enrolled.

Such Volunteers to be entitled to the uſual Allowances, and their Number to be from Time to Time certified to His Majeſty, &c.

How Vacancies in reſpect of them ſhall hereafter be ſupplied.

V. And be it further enacted, That for every Seaman diſcharged from any Regiment, Battalion, Corps, or Independent Company of Militia, in purſuance of this Act, the Colonel or other Commandant of ſuch Regiment, Battalion, Corps, or Independent Company, ſhall be entitled to receive in the Manner herein-after mentioned, the Sum of Ten Guineas, to be applied in providing other private Men to replace the Number ſo diſcharged; and the Officer of the Navy, or Perſon appointed to receive any Man ſo diſcharged who ſhall enter into the Service of the Navy, ſhall reſpectively deliver to the Colonel or other Commandant of the Regiment, Battalion, Corps, or Independent Company from which ſuch Men were diſcharged, a Certificate under the Hand of ſuch Officer of the Navy, ſpecifying the Names of the Men ſo diſcharged, and the Regiment, Battalion, Corps, or Independent Company of Militia, from which every ſuch Man was diſcharged; which Certificate ſhall be atteſted by the Commanding Officer or Adjutant of the ſaid Regiment, Battalion, Corps, or Independent Company of Militia; and ſuch Certificate being tranſmitted to the Receiver of the Land Tax of or for the County, Riding, or Place, if in *England*, or the Receiver General in *Scotland*, if in *Scotland*, to which the Regiment, Battalion, Corps, or Independent Company aforeſaid doth belong, ſhall entitle ſuch Colonel or other Commandant to the Payment of the Sum of Ten Guineas for every Man ſpecified in ſuch Certificate, to be applied for the Purpoſes before mentioned; and every ſuch Receiver ſhall be and is hereby empowered and required, on Demand made, and Production and Delivery of ſuch Certificate, to pay the ſaid Sums out of any Monies in his Hands of the publick Rates, Taxes, or Aſſeſſments, taking the Receipt of ſuch Colonel

For every Seaman diſcharged, the Commandant ſhall be entitled to Ten Guineas on tranſmitting a Certificate from the Officer receiving the Men, to the Receiver of the Land Tax, who ſhall be repaid by the Treaſurer of the Navy.

nel or other Commandant; and all Sums so paid on account of the Men entered in the Navy, shall be carried to the Account of the Treasurer of the Navy, and upon Production and Delivery of such Certificates and Receipts at the Navy Office, shall be immediately duly paid by such Treasurer of the Navy to such Receiver General of the Land Tax advancing the same, or to his Order.

Militia Men in the Navy to continue to serve therein, and their Vacancies shall be filled up, &c. as those occasioned by Discharge of Seamen.

VI. Provided also, and be it further enacted, That all Militia Men now serving in the Royal Navy shall continue to serve therein, and the Vacancies and Deficiencies occasioned or remaining in the Militia of any County, Riding, Stewartry, City, or Place, by reason of any Man or Men so serving as aforesaid, shall, on the Receipt of a Certificate signed by the Commanding Officer of the Ship or Vessel on board of which any such Man shall be so serving, (which Certificate such Commanding Officer is hereby required to transmit to the Clerk of the General Meetings of Lieutenancy of the County, Riding, Stewartry, City, or Place, to the Militia of which any such Man or Men shall belong), be filled up and supplied by such Deputy Lieutenants, or the Colonel or other Commandant of any Regiment, Battalion, or Corps, or Independent Company of Militia of any such County, Riding, Stewartry, City, or Place; and such Sums of Money paid for providing Men to supply such Vacancy and fill up such Deficiencies, and such Bounties paid to such Men, and under and subject to such Regulations, Fines, and Penalties as is herein-before directed in relation to the supplying any Vacancy, or providing any Men in the Discharge of any Seamen from the Militia under this Act.

If any Person so enrol'ed in His Majesty's Navy shall desert or list into any other of His Majesty's Forces, or shall strike any Officer, or disobey Command, &c. he shall suffer Death, &c.

VII. And be it further enacted, That if any Person being enrolled in His Majesty's Naval Service by virtue of this Act, shall desert such Service, or being actually entered in such Service, shall list himself in any Company, Troop, or Regiment in His Majesty's Military or Marine Forces, without first having a Discharge in Writing from the said Commissioners of the Admiralty, or such Officer or Officers as shall be duly authorized by them for that Purpose, or shall strike or use any Violence against any Officer or Officers under whose Command he shall be put, (such Officer or Officers being in the Execution of his or their Duty), or shall disobey any lawful Command of such Officer or Officers; all and every Person or Persons so offending on Shore in *Great Britain*, shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted; and such Person or Persons being apprehended, or in Custody for such Offence, shall and may be conveyed on board any of His Majesty's Ships of War in Commission at any of the Ports of this Kingdom, and may be there detained and tried for such Offence, in such Manner and by such Court as if such Offence had been committed on board or from on board such Ship of War.

Persons suspected of Desertion may be apprehended, and if found to be enrolled in the Navy, may be committed to Prison and an

VIII. And it is hereby further enacted, That it shall be lawful for the Constable, Headborough, or Tything Man of the Parish, Town, or Place, and he is hereby required, where any Person enrolled by virtue of this Act, 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 is hereby empowered and required to examine

such

such Person, and if by his Confession or the Testimony of One or more Witness or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear or be found that such Person is a Person duly enrolled in His Majesty's Naval Service by virtue of this Act, such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or Place where he shall be found, or to the House of Correction, or other publick Prison in such Town or Place where such Deserter shall be apprehended, or to the Savoy in case such Deserter shall be apprehended within the Cities of *London* or *Westminster*, or Places adjacent, and transmit an Account thereof to the Secretary of the Admiralty for the Time being, to the end such Person may be proceeded against according to Law; and the Keeper of such Gaol, House of Correction, or Prison, shall receive the full Subsistence of such Deserter during the Time he shall continue in his Custody, for the Maintenance of such Deserter, but shall not be entitled to any Fee or Reward on Account of the Imprisonment of any such Deserter; any Law, Usage, or Custom to the contrary notwithstanding.

Account sent to the Admiralty.

Gaoler to receive Subsistence, but no Fee.

IX. And, for the better Encouragement of any Person or Persons to secure and apprehend such Deserter, be it further enacted, 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, Township, or Place where such Deserter shall be apprehended, for paying out of the Land Tax Money arisen or to arise in the Year One thousand eight hundred and three, into the Hands of such Person or Persons who shall apprehend, or cause to be apprehended any such Deserter from His Majesty's Service, the Sum of Twenty Shillings for every such Deserter that shall be so apprehended and committed; which Sum of Twenty Shillings shall be satisfied by such Collector or Collectors to whom such Warrant shall be directed, and allowed upon his or their Account.

Reward for apprehending Deserters

X. And be it further enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's said Naval Service, knowing him to be such, every such Person so offending, shall forfeit for every such Offence the Sum of Ten Pounds, and upon Conviction by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace, the said Penalty shall be levied by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender, One Moiety of the said Penalty to be paid to the Informer by whose Means such Deserter shall be apprehended, and the other Moiety to be paid to the Officer to whom any such Deserter did or doth belong, to be credited by him in his Accounts; and in case any such Offender who shall be convicted as aforesaid of harbouring or assisting any such Deserter or Deserters, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty recovered against him for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice or Justices shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months.

Penalty for harbouring or assisting Deserters, which may be levied by Distress.

Application of Penalty.

If Penalty be not paid, the Offender may be imprisoned.

The Men inrolled in His Majesty's Navy, may be quartered as the Marines.

XI. And whereas there may be Occasion for the Quartering of the Men enrolled by virtue of this Act in several Parts of the Kingdom; be it further enacted, That it shall be lawful to quarter and billet the Men enrolled in His Majesty's Naval Service by virtue of this Act, while on Shore, (except in the City and County of the City of *London*), in such Manner, and at such Times and Places respectively, and under such and the like Powers, Rules, Regulations, Restrictions, and Provisions as His Majesty's Marine Forces may be quartered and billetted by any Act in force for the Regulation of His Majesty's Marine Forces.

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