ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXVI.

An Act for transferring to the Royal Navy such Seamen as are now serving in the Militia of *Ireland*.

[4th *July* 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 *Ireland*; 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, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time to authorize and direct the Colonel or other Commandant of any Regiment, Battalion, Corps, or Independent Company of Militia of *Ireland* from Time to Time to discharge any Number of private Men serving in

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

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 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, if the Ship on board which such Person shall serve shall be in any of the Ports of *Ireland*, 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 Secretary of the Lord Lieutenant, for the Information of 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 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 Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being, for the Purpose of being by him communicated to the Office of the Admiralty in *Great Britain*; 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 the Governors, and Deputy Governors respectively of the County, City, or Place in *Ireland* 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,

wiſe, 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 Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and it ſhall and may be lawful for the ſaid Colonel or other Commandant thereupon, and upon receiving the Directions of His Majeſty, or of ſuch Lord Lieutenant or other Chief Governor or Governors of *Ireland* 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 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 the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, 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 ſaid Militia; and all Vacancies thereafter ariſing in reſpect of any ſuch Men, ſhall be ſupplied as the ſame may by Law, be ſupplied in other Caſes.

Such Volunteers to be entitled to the uſual Allowances, and their Number from Time to Time certified to the Secretary of the Lord Lieutenant, *etc.*

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

For every Seaman diſcharged, the Commandant ſhall be entitled to Ten Guineas on tranſmitting a Certificate from the Officer receiving the Men, to the Collector of the Exciſe,

who shall be paid by the Treasurer of the Navy.

ant 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 Collector of His Majesty's Revenue of Excise in *Ireland* for the District 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 Collector 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 publick Monies in his Hands, taking the Receipt of such Colonel 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 Collector advancing the same, or to his Order.

If any Person so enrolled 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.

VI. 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 enlist 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 *Ireland* 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 Account sent to the Secretary of the Lord Lieutenant.

VII. And it is hereby further enacted, That it shall be lawful for the Constable of the Barony, 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 Person, and if by his Confession or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear or be found that

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, and transmit an Account thereof to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* 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.

Gaoler to receive Subsistence, but no Fee.

VIII. 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 His Majesty's Revenue of Excise in *Ireland* for the District within which such Deserter shall be apprehended for paying out of any publick Money in his Hands to such Person or Persons as shall apprehend, or cause to be apprehended, any such Deserter from His Majesty's Service, the Sum of Ten Shillings for every such Deserter that shall be so apprehended and committed; which Sum of Ten 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.

IX. And be it further enacted, That if any Person in *Ireland* 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 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 of the Regiment, Battalion, or Corps 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.

X. And whereas there may be Occasion for the Quartering of the Men enrolled by virtue of this Act in several Parts of the United Kingdom; be

The Men enrolled in His Majesty's Service may be quartered as the Marines.

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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