

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

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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 may 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 enliſting in any other Regiment, *etc.* 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 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

Deſerters who ſhall inliſt in another Regiment, *etc.* may be puniſhed by a Court-martial in ſuch Regiment, *etc.*

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.

Deſerter may be adjudged to be tranſported as a Felon;

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 be tranſported as a Felon for Life, or for a certain Term of Years, according to the Degree of the Offence: And if ſuch Non-commiſſioned Officer or Soldier, having been adjudged to be tranſported as a Felon, ſhall afterwards (without Leave from His Majeſty, or from the Governor or Commanding Officer of the Place to which he ſhall have been tranſported) return into or be found at large without Leave as aforeſaid, or other lawful Cauſe, within 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 in the ordinary Courſe of Law, every ſuch Perſon ſhall be deemed and adjudged guilty of Felony, and ſhall ſuffer Death as a Felon without Benefit of Clergy.

and returning or found at large without Leave before Expiration of the Term limited he ſhall ſuffer Death.

His Majeſty where Courts-martial award a capital Puniſhment, may order Offenders to be tranſported as Felons, *etc.*

V. Provided, and be it enacted, That in all Caſes wherein a capital Puniſhment ſhall have been awarded by a Court-martial, it ſhall be lawful for His Majeſty, inſtead of cauſing ſuch Sentence to be carried into Execution, to order the Offender to be tranſported as a Felon for Life, or for a certain Term of Years, as to His Majeſty ſhall ſeem meet; and if the Perſon ſo tranſported, in purſuance of ſuch Order from His Majeſty, ſhall afterwards (without leave from His Majeſty, or from the Governor or Commanding Officer of the Place to which he ſhall have been tranſported) return into or be found at large without Leave as aforeſaid, or other lawful Cauſe, within any Part of *Great Britain* or *Ireland*, before the Expiration of the Term limited by ſuch Order, and ſhall be duly convicted thereof, he ſhall ſuffer Death as a Felon without Benefit of Clergy.

When His Majeſty ſhall intend ſuch Sentence to be carried into Execution, or extend His Mercy to Offenders ſentenced to be puniſhed with Death, on Condition of Tranſportation, ſuch Sentence, with His Ma-

VI. And be it further enacted, That whenever His Majeſty ſhall intend any ſuch Sentence of a Court-martial to be carried into Execution, or ſhall be graciouſly pleaſed to extend His Mercy, upon Condition of Tranſportation, to any Offender liable to the Puniſhment of Death by the Sentence of a Court-martial, ſuch Sentence, together with His Majeſty's Pleaſure upon the ſame, ſhall be notified in Writing by the Judge Advocate General of His Majeſty's Forces in *Great Britain* to any Juſtice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif, and thereupon ſuch Juſtice or Baron ſhall make an Order for the Tranſportation of ſuch Offender, upon the Terms and for the Time which ſhall be ſpecified in ſuch Notification, and ſhall alſo make ſuch other Order or Orders, and do all ſuch other Acts conſequent upon the

jesty's Pleasure thereon, shall be notified by the Judge Advocate General to any Justice of the King's Bench, *etc.* who shall make an Order for the Transportation of such Offenders, in Manner directed by 24 Geo 3. c. 56.

the same, as any such Justice or Baron is authorized to make or do by an Act passed in the Twenty-fourth Year of His Majesty's Reign, intituled, *An Act for the effectual Transportation of Felons and other Offenders, and to authorize the Removal of Prisoners in certain Cases; and for other Purposes therein mentioned*, with respect to Offenders in such Act mentioned, tried at any Court of Oyer and Terminer or Gaol Delivery in *England*, as in the said Act mentioned; and such Order and Orders so to be made as aforesaid, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that Time be, and all other Persons whom it may concern, and shall be as effectual and have all the same Consequences as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned, and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of the aforesaid Act; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Provision and Provisions made by Law, and now in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

Such Notification of His Majesty's Pleasure, and Order of the Justices, *etc.* shall be filed in the Office of the Clerk of the Crown of the Court of King's Bench, who shall receive a Fee of 2 *s.* 6 *d.*

VII. And be it further enacted, That the Justice or Baron who shall make any such Order as aforesaid, under any such Notification of His Majesty's Pleasure as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of His Majesty's Court of King's Bench, and to be there kept of Record; and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same.

Such Clerk of the Crown shall, on Application, deliver a Certificate of the Conviction of any such Offender, and also of the Order of Transportation.

VIII. And be it further enacted, That the said Clerk of the Crown of His Majesty's Court of King's Bench shall, upon the Application of any such Offender who shall be ordered by His Majesty to be transported as aforesaid, or of any other Person applying on his Behalf, or on the Application of any Person on Behalf of His Majesty, deliver a Certificate in Writing under his Hand, (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majesty's Order for such Offender's Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court, and in any Proceeding wherein it may be necessary to enquire into the same.

Offenders under Sentence of Death, obtaining His Majesty's conditional Pardon, shall be subject to the Laws touching the Escape of Felons, *etc.*

IX. And be it further enacted, That if any Offender under Sentence of Death by a Court-martial as aforesaid, shall obtain His Majesty's conditional Pardon as aforesaid, all and every the Laws now in force, touching the Escape of Felons under Sentence of Death, shall apply to such Offender, and to all Persons aiding, abetting, or assisting in any Escape, or intended Escape of any such Offender, or contriving any such Escape, from the Time when such Order shall be made by such Justice or Baron

as aforeſaid, and during all the ſeveral Proceedings which ſhall be had for the Purpoſes aforeſaid.

The King may grant a Commiſſion for holding Courts-martial, *etc.* and may empower the Chief Governor, *etc.* of *Ireland* and the Governor of *Gibraltar*, *etc.* to appoint Courts Martial.

X. 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 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, whether the ſame ſhall have been ſo committed previous to or after ſuch General Officer ſhall have taken upon himſelf ſuch 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.*

XI. 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.

XII. 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.

XIII. 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.*

XIV. 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 apprehend-

ing 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.

Persons acquitted, *etc.* by the Civil Magistrate, may only be cashiered by a Court-martial.

XV. 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.

No Officer or Soldier having been convicted of any criminal Offence shall be entitled to Pay from his Conviction till his Return to the Regiment.

XVI. Provided always, and be it enacted, That no Officer or Soldier having been convicted in the ordinary Course of Law of any criminal Offence, shall, while under Confinement in consequence thereof, be entitled to any Part of his Pay from the Day on which such Conviction shall have taken place, nor until the Day of his Return to the Regiment, Troop, or Company, to which he shall belong.

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.

XVII. 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 and other 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.

Courts-martial may administer Oaths to Witnesses.

Officers to be sworn.

XVIII. 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,

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

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

'So help you GOD.'

'I AB.

'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.'

The Judge Advocate to be ſworn.

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

The Oath.

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

'So help me GOD.'

In Sentences of Death what Number of Officers ſhall concur, *etc*

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

Hours of Trial.

Witneſſes attending Courts martial to be privileged from Arreſts.

Witneſſes not attending liable to be attached.

like Manner as if such Witness had neglected to attend on a Trial in any criminal Proceeding in that Court.

Proceedings in Trials by Courts-martial other than General Courts-martial.

XIX. Provided also, and be it further enacted, That in all Trials by any Courts-martial, other than General Courts-martial, which shall be held by virtue of this Act, or of any Articles of War established by His Majesty in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member, having first taken the said Oaths); that is to say,

Oaths to be taken by the Members of such Courts-martial.

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

'So help you GOD.'

'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.

'So help me GOD.'

Appointment of President.

And the President of every such Court-martial (not being under the Rank of a Captain) shall be appointed by the Commanding Officer of the Regiment, Detachment, or Brigade, or the Governor or Commander of the Garrison, Fort, Castle, or Barrack, directing such Court-martial.

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

XX. 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 should 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, *etc.*

XXI. 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.

XXII. 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, *etc.* 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*.

XXIII. 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.

XXIV. 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.

His Majeſty empowered to make Articles of War,

XXV. 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

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.

XXVI. 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.

XXVII. 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, *etc.* may be tried here, *&c.*

XXVIII. 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.

XXIX. And whereas it is of essential Importance, as well to the due Observance of public 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*, *etc.* but in the Presence of Two or more Justices.

XXX. 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

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 examin the Truth thereof before they sign the same.

Penalty on giving false Certificates to excuse Soldiers from Musters.

XXXI. 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, for 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.*

XXXII. 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.

XXXIII. 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.

XXXIV. 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

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

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.

Forfeiture how to be levied.

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.*

XXXV. 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 or 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.

Penalty.

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

XXXVI. 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-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

diers 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 Billetting 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 Vinters 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 Billetts at any Time be ordered than there are effective Soldiers preſent to be quartered; all which Billetts when made out by ſuch Chief Magiſttates 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 and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Military Employment within this Kingdom or in

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

but in no Diſtillers or Shopkeepers Houſe, 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.*

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 billetted 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.

XXXVII. 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.

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

XXXVIII. And be it further enacted and declared by the Authority aforesaid, That whenever any Order shall issue for the quartering or billetting the Officers or Soldiers of His Majesty's Regiments of Foot-guards, 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*, 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 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 Tythingmen, 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*), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the

Constables, *etc.* may issue Precepts for billetting Soldiers in *Westminster*, &c.

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

XXXIX. 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 of the Names and Rank of all ſuch Officers and Soldiers as are quartered and billetted in each Houſe reſpectively; ſuch Petty Conſtable, Headborough, 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

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.

How to be levied.

poſe, 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.

Officers, Men, and Horſes, belonging to the Horſe or Dragoons, and alſo Bat and Baggage Horſes, &c. how to be quartered, *etc.*

XL. And be it further enacted by the Authority aforeſaid, That the Officers, Men, and Horſes, belonging to His Majeſty's Horſe or Dragoons, and alſo all Bat and Baggage Horſes belonging to any of His Majeſty's other Forces, and alſo the Horſes belonging to Staff and Field Officers in His Majeſty's Forces when upon actual Service, not exceeding for each Officer the Number for which Forage is or ſhall be allowed by His Majeſty's Regulations, 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 ſuch 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 ſuch Horſes.

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

XLI. Provided always, and be it further enacted by the Authority aforeſaid, That when any of His Majeſty's Horſe or Dragoons, or any other Horſes as aforeſaid, 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, or other Horſes, 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, or other Horſes, as ſuch Juſtices ſhall think reaſonable, it ſhall and may be lawful for ſuch Juſtices to order the Men and their Horſes, or ſuch Horſes only, as the Caſe may be, 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, or other Horſes, 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 Horſes ſhall be ſo removed as aforeſaid, or be applied in the furniſhing of Quarters for the Reception of ſuch Men and Horſes, as the Caſe may require, and as ſuch Juſtices ſhall think fit.

XLII. And

XLII. 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.

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

XLIII. 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 and 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.

Manner of changing Men and Horses.

XLIV. 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 taking Money to excuse any Person from quartering.

XLV. 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 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 Stables, together with

Penalty on Constables, &c. taking Money to excuse any Person from quartering;

and on Victuallers refusing to quarter Soldiers.

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 empowered to adminiſter), every ſuch High Conſtable, Conſtable, Beadle, or other Officer or Perſon ſo offending, ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds, or any Sum 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.

XLVI. 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 Diet.

XLVII. 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.

XLVIII. Provided

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

XLVIII. 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.

XLIX. 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 *March* One thouſand eight hundred and five, every Officer to whom it belongs to receive, or that does actually receive, the Pay of 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; nor for One Light Horſeman's Diet and Small Beer, *per Diem*, Seven-pence; nor for One Dragoon's Diet and Small Beer, *per Diem*, Seven-pence; nor for One Foot Soldier's Diet and Small Beer, *per Diem*, Five-pence; nor for each

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

Horſe which ſhall be quartered under the Authority of this Act for Hay and Straw for ſuch Horſe, *per Diem*, Sixpence: 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 on 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 giving Notice, and not ſatisfying Accounts.

On non-payment of Quarters, the Officer to make up Account, &c.

L. 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,

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

Penalty.

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.

Clauſe relating to Soldiers Settlements for their Wives and Children when quartered in *England*.

LI. 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.

For the providing Carriages for the Forces marching in *England*.

LII. 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, Clothes, 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 Quartermaſter, 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

Warrants to specify the Places to which the Carriages shall travel, *etc.*

Carriages shall by virtue of such Order as aforesaid, be required to 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 make up such Deficiency: And

Rates for Carriages.

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 or carrying not less than Fifteen hundred Weight, shall travel; and the Sum of Sixpence for every Mile every Cart or other Carriage with less than Four Horses, and not carrying Fifteen hundred Weight shall travel; or any further Sum not exceeding Four-pence for every Mile any Waggon with Five Horses, or any Wain with Six Oxen, or with Four Oxen and Two Horses shall travel; and not exceeding Three-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen hundred Weight shall travel; and not exceeding Two-pence for every Mile, any Cart or Carriage with less than Four Horses, and not carrying Fifteen hundred Weight shall travel, according 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 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

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

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: Provided also, that every Order of the Justices assembled at any General Sessions of the Peace, fixing a further Sum to be paid for the Hire of Carriages as aforesaid, in Addition to the customary Rates of One Shilling, and Nine-pence, and Sixpence *per* Mile respectively, shall specify the Period for which the same shall be in Force, and which shall not in any Case exceed Ten Days beyond the General Sessions of the Peace for such County or District next ensuing the Date of such Order.

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

Order of Justices for Payment of additional Rates shall specify the Period for which it shall be in Force, not to exceed 10 Days.

LIII. 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 Officers 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

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 Canals or navigable Rivers, with Men and Horses.

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

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 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

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, Sol-

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 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.

diers; Servants, Women, Children, and other Perſons.

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

LIV. 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.

No Waggons, *etc.* to carry above 30 Hundred Weight.

LV. 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 ſhall demand or receive for the Uſe of the Owners furniſhing ſuch Waggons, Wains, Carts, or Carriages, more than the accuſtomed Rates *per* Mile of One Shilling, Nine-pence, or Six-pence, according to the Size of the reſpective Carriages as aforeſaid, unleſs any further Sums, not exceeding the Amount herein-before ſpecified, ſhall have been previouſly fixed and ordered by the Juſtices at any General Seſſions of the Peace aſſembled 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 Five Pounds, nor leſs than Forty Shillings, to the Uſe of the Poor of ſuch Pariſh or Pariſhes adjoining to the Pariſh where ſuch Offence ſhall be committed, as ſhall be fixed upon by the Juſtice or Juſtices by whom ſuch Offence ſhall be enquired of, heard, and determined: 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 Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Of-

Penalty on Conſtables, *etc.* for Neglect.

fender's Goods and Chattels, rendering the Overplus (if any) to the Owners.

Officers and Soldiers, *etc.* on Duty, and Carriages employed in His Majesty's Service, exempted from Payment of Tolls,

LVI. And whereas in consequence of certain Exemptions from Toll, expressly allowed by several Acts of Parliament, for His Majesty's Forces on their March or on Duty, and for the Horses and Carriages attending them, Doubts have arisen whether in all Cases not so exempted, the Officers and Soldiers, and the Carriages, and Horses, Boats, Barges, and other Vessels belonging to His Majesty or employed in His Service, and returning therefrom, may not be charged with the Payment of Tolls; therefore for obviating such Doubts, it is hereby enacted and declared, That all His Majesty's Officers and Soldiers, and their Horses, on Duty, or on the March, and all Carriages and Horses belonging to His Majesty, or employed in His Service, and returning therefrom, and also all Boats, Barges, and other Vessels belonging to His Majesty, or employed in His Service, when conveying the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, and also the Arms, Clothes, Accoutrements, Tents, Baggage and other Equipages, of or belonging to His Majesty's Forces on their Marches, or returning therefrom, were and are, and shall be exempted from Payment of any Duties and Tolls otherwise demandable by virtue of any Act of Parliament already made or hereafter to be made, for Persons, Horses, Carriages, or Vessels, passing Turnpike Roads, Bridges, Rivers, Canals, or Locks, unless by such Act it has been or shall be expressly provided that the said Officers, Soldiers, Carriages, Horses, and Vessels, are and shall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken.

unless where it is provided that they are liable with others.

Treasurer of the County to repay the Constables extraordinary Charges.

LVII. 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 for 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 Monies, 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 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.

LVIII. And

LVIII. 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. The Money for that Purpose how to be raised.

LIX. 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 Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*. Officers, *etc.* to be quartered in *Scotland*, as the Laws in force at the Union direct.

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

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

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

LXIII. 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 in *Ireland*, how to be provided.

Carriages shall be paid, as was directed by the Laws in force in *Ireland* at the Time of its Union with *Great Britain*.

Penalty on Officers or Soldiers destroying the Game.

LXIV. 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 *March* One thousand eight hundred and five, 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.

Clause for Relief of Persons hastily inlisting themselves.

LXV. Provided nevertheless, and it is hereby enacted and declared by the Authority aforesaid, That, from and after the said Twenty-fourth Day of *March* One thousand eight hundred and five, 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 some Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate residing or being next to, or in the Vicinity of the Place where such Person or Persons shall have been inlisted, and 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 de 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 Third and Fourth Articles of the Second Section, and the First Article of the Sixth Section of the Articles of War, and to administer the Oath of Fidelity, and the Oath annexed in Schedule (A.)

Such Persons not paying the Money within the limited Time, to be deemed to be inlisted; in which Case or if they inlist, the Justices to read over to them the 3d and 4th Articles of the 2d Section, and the 1st Article of the 6th Section of the Articles of War, and to administer the Oath of Fidelity, and the Oath annexed in Schedule (A.)

of War against Mutiny and Desertion, and to tender and administer to such Person or Persons respectively, not only the Oath 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.) except in the Case of Recruits inlisted to serve either in His Majesty's Troops, or in the Forces of the *East India* Company, according as His Majesty shall think fit, in pursuance of an Act passed in the Thirty-ninth Year of the Reign of His Majesty, intituled, *An Act for better recruiting the Forces of the* East India *Company*, in which Case every such Recruit shall, instead of the said Oath of Fidelity, and of the Oath contained in the Schedule (A.) to this Act annexed, take the Oath of Allegiance directed by the said Act of the Thirty-ninth of His Majesty, and contained in the Schedule to this Act annexed marked (C.); and the Justice or Chief Magistrate shall certify such Inlistment and Swearing accordingly in the Form mentioned in the Schedule to this Act annexed, marked (D); 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.

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

Recruits inlisted under 39 Geo. 3. c. 109. for the *East India* Company's Service, &c. shall take the Oath of Allegiance, contained in Schedule (C), and Justices to certify the Inlistment in the Form in Schedule (D.)

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

Penalty on Officers acting contrary hereto.

LXVI. 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 Oaths directed by this Act to be taken before such Justice or Chief Magistrate.

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

LXVII. And be it further enacted, That if any Person, duly bound as an Apprentice, shall enlist as a Soldier in His Majesty's Land Service, and shall take the Oath mentioned in the Schedule to this Act annexed, marked (A.), every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Laws now in being any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Apprentices inlisting and taking the Oath mentioned in Schedule (A.), shall be subject to the Penalties of Perjury.

LXVIII. And be it further enacted, That no Master shall be entitled to claim any Apprentice who shall, after the passing of this Act, enlist as a Soldier in His Majesty's Land Service, unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his

Masters, to entitle them to claim Apprentices, shall take the Oath mentioned in Schedule (E.)

within One Month after Apprentices ſhall have abſconded.

his Service, go before ſome Juſtice of the Peace or Magiſtrate, and before ſuch Juſtice of the Peace or Magiſtrate take the Oath mentioned in the Schedule to this Act annexed, marked (E.), and produce the Certificate of ſuch Juſtice of the Peace or Magiſtrate of his having taken ſuch Oath; which Certificate ſuch Juſtice of the Peace or Magiſtrate is hereby required to give in the Form and Schedule to this Act annexed marked (F.)

No Perſon, except an Apprentice, liable to be arreſted or taken out of the Service on account of any Breach of Contract to ſerve a Maſter.

LXIX. Provided always, and it is hereby further enacted, That no Perſon whatever, except an Apprentice, who has enliſted or ſhall enliſt himſelf into His Majeſty's Service as a Soldier as aforeſaid, ſhall be liable to be arreſted or taken out of His Majeſty's Service by reaſon of the Warrant of any Magiſtrate or Magiſtrates on account of any Breach of Contract or Engagement to ſerve or work for any Maſter or Employer whatſoever.

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

LXX. 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 enliſt 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 enliſted 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.

LXXI. 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 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, or for any Officer or Soldier in His Majeſty's Service, to apprehend, or cauſe ſuch ſuſpected Perſon to be apprehended, and to bring or cauſe him 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 or more Witneſs or Witneſſes upon Oath, or by the Knowledge of ſuch Juſtice of the Peace, it ſhall appear or be found that ſuch ſuſpected Perſon is a 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 that ſuch Perſon may be removed by an Order from the Office of the ſaid Secretary at War, or Chief Governor or Governors, and proceeded againſt according to Law: And the Keeper of every Gaol, Houſe of Correction, or Priſon, in which ſuch Deſerter ſhall at any Time be confined, ſhall receive ſuch Subſiſtence for the Maintenance of ſuch Deſerter during the Time that he ſhall continue in his Cuſtody, as by His Majeſty's Regulations is or ſhall from Time to Time be directed in that Behalf, but ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of ſuch Deſerter; and the Keeper of every Gaol, Houſe of Correction, or other publick Priſon, ſhall, and he is hereby required to receive and confine ſuch Deſerter while on the Road from the Place where he was apprehended to the Place to which he is to be conveyed, either by Warrant of the ſaid Juſtice, or by Order from the Office of the Secretary at War, or of the Chief Governor or Governors of *Ireland*, and ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of the ſaid Deſerter; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Reward for taking up Deſerters.

LXXII. And, for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch Deſerters from His Majeſty's Service, 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 any Deſerter ſhall be apprehended, or in *Ireland*, to the Collector or Collectors of His Majeſty's Revenue in the Diſtrict where any 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 five, into the Hands of ſuch Perſon or Perſons as ſhall apprehend, or cauſe to be apprehended, any Deſerter from His Majeſty's Service, the Sum of Twenty Shillings for every ſuch Deſerter as ſhall be 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.

LXXIII. Provided always, and be it enacted, 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 Twenty 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 Penalty of Twenty Pounds ſhall be levied, by Warrant under the Hand of ſuch Juſtice 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, and the other Moiety to be paid to the Officer to whom any ſuch Deſerter did belong: And in caſe any ſuch Offender, who ſhall be convicted as aforeſaid of harbouring, concealing, or aſſiſting any ſuch Deſerter, ſhall not have ſufficient Goods and Chattels whereon Diſtreſs may be made, to the Value of the Penalty awarded againſt him or her for ſuch Offence, 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

his Hand and Seal, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize, for the Space of Six Months: Provided also, that 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 Cloaths to be changed, the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; or if any Person shall buy or receive any Oats, Hay, Straw, or other Forage, provided for the Use of any Horse or Horses, belonging to His Majesty's Service, from any Dragoon, or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; and upon Conviction, by the Oath of One or more credible Witness or Witnesses, before any 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 of such Justice 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, 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 having knowingly received any Arms, Clothes, Caps, or other Furniture, belonging to the King, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Oats, Hay, Straw, or other Forage, provided for the Use of any Horse or Horses belonging to His Majesty's Service from any Dragoon or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed, any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage, as aforesaid 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 or privately whipped, at the Discretion of such Justice.

Penalty on Persons receiving the Arms, Clothes, *etc.* of Deserters, *etc.*

and on Persons buying or receiving Oats, Hay, or Forage, provided for His Majesty's Service.

Penalty on Officer breaking open any House without Warrant.

LXXIV. 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

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.

LXXV. And whereas Soldiers, 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, 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 the 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;

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

Oath of the Debt to be made before a Judge,

and a Memorandum thereof marked on the Back of the Proceſs.

LXXVI. 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.

Plaintiff may file a Common Appearance.

LXXVII. 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.

LXXVIII. 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, &c. Military Stores,

LXXIX. 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

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

for 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. Application of the Forfeiture.

LXXX. 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. Non-commiſſion Officers embezzling Soldiers Pay, *etc.* to be reduced, *etc.*

LXXXI. And be it further enacted by the Authority aforeſaid, That, from and after the ſaid Twenty-fourth Day of *March* One thouſand eight hundred and five, 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 *March* One thouſand eight hundred and five, 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. No Paymaſter, *etc.* to make Deduction out of Officers or Private Men's Pay. Exception.

LXXXII. 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.

LXXXIII. 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 Penalty on Agents, *etc.* detaining Officers or Soldiers Pay.

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 diſobeying of Orders.

LXXXIV. 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.

Paymaſters, *etc.* to account with Executors.

LXXXV. 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, *etc.* of the Trains of Artillery, *etc.* ſubject to this Act.

LXXXVI. 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 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.

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

LXXXVIII. 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.

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

LXXXIX. 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, or extended and meant to take place in reſpect to the Officers and Soldiers of the Militia 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, *etc.*

XC. 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*, *etc.*

XCI. 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.

XCII. 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

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.

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

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

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

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.

XCVI. 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.

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

XCVIII. 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

XCIX. 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

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.

againſt former Acts which were committed Three Years before iſſuing the Warrant for Trial; unleſs he has abſented himſelf, *etc.*

C. And, for the more eaſy Conviction of Offenders againſt this Act, be it enacted, That in caſe any Perſon 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:

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.

CI. 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 *March* in the Year of Our Lord One thouſand eight hundred and five, until the Twenty-fifth Day of *March* in the Year of Our Lord One thouſand eight hundred and ſix, and ſhall be and continue in force within *Ireland*, from the Thirty-firſt Day of *March* in the Year of Our Lord One thouſand eight hundred and five, until the Firſt Day of *April* in the Year of Our Lord One thouſand eight hundred and ſix; 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 Thirtieth Day of *April* in the Year of Our Lord One thouſand eight hundred and five, until the Firſt Day of *May* in the Year of Our Lord One thouſand eight hundred and ſix; and ſhall be and continue in force within the Garriſon of

Gibraltar, and in His Majeſty's other Dominions or elſewhere beyond the Seas, from the Twenty-fourth Day of *March* in the Year of Our Lord One thouſand eight hundred and ſix, until the Twenty-fifth Day of *March* in the Year of Our Lord One thouſand eight hundred and ſeven.

Act in Part may be altered this Seſſion.

CII. 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 JUSTICE'S 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 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 Third and Fourth Articles of the Second Section and the Firſt Article of the Sixth Section 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.)

SCHEDULE (C.)

Oath of Allegiance, 39° Geo. III. c. 109.

I *A. B.* being inliſted to ſerve, either in His Majeſty's Troops, or in the Forces of the *Eaſt India* Company, according as His Majeſty ſhall think fit, do ſwear, that I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in my Duty bound, defend him in His Perſon, Crown, and Dignity, againſt all his Enemies; and that ſo long as I ſhall remain in His Majeſty's Service, I will duly obſerve and obey His Majeſty's Orders and the Orders of the Generals and Officers ſet over me by His Majeſty; and that if His Majeſty ſhall pleaſe to appoint me to ſerve in the Forces of the United Company of Merchants of *England*, trading to the *Eaſt Indies*, then I ſwear that I will alſo be true to the ſaid United Company, and will duly obſerve and obey all their Orders, and the Orders of their Generals and Officers, who ſhall be lawfully ſet over me.

SCHEDULE (D.)

To wit. } I Peace of One of His Majeſty's Juſtices of the certify, That aged Years Feet Inches high Complexion Eyes Hair, came before me at on the Day of One thouſand eight hundred and and acknowledged that he had voluntarily inliſted himſelf for the Bounty of to ſerve either in His Majeſty's Army, or in the Forces of the *Eaſt India* Company, according as His Majeſty ſhall think fit to order. And I further certify, That, in my Preſence, the Third and Fourth Articles of the Second Section, and the Firſt Article of the Sixth Section of the Articles of War, againſt Mutiny and Deſertion, were read over to him, that he took the Oath of Allegiance preſcribed by the Act of 39° *Geo.* III. c. 109. to be taken inſtead of the Oath of Fidelity mentioned in the ſaid Articles of War, and alſo the Oath above ſet forth, and that he received the Sum of on being atteſted.

SCHEDULE (E.)

FORM OF MASTER'S OATH.

I of do make Oath, That I am by Trade a and that was bound to ſerve as an Apprentice to me in the ſaid Trade, by Indenture, dated the Day of for the Term of Years; and, that the ſaid did on or about the Day of abſcond and quit my Service without my Conſent, and that, to the beſt of my Knowledge and Belief, the ſaid is aged about Years.

Witneſs my Hand, at the Day of One thouſand eight hundred and

Sworn before me at this Day of One thouſand eight hundred and

SCHEDULE (F.)

FORM OF JUSTICE'S CERTIFICATE.

to wit } I *A. B.* One of His Majeſty's Juſtices of the Peace of certify, That of came before me at the Day of One thouſand eight hundred and and made Oath, That he was by Trade a and that was bound to ſerve as an Apprentice to him in the ſaid Trade by Indenture, dated the Day of for the Term of Years; and that the ſaid Apprentice did on or about the Day of abſcond and quit the Service of the ſaid without his Conſent, and that to the beſt of his Knowledge and Belief the ſaid Apprentice is aged about Years.

A. B.

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