

ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. VIII.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters. [22d *March* 1811.]

WHEREAS the raiſing or keeping a ſtanding Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unleſs it be with the Conſent of Parliament, is againſt Law: And whereas it is judged neceſſary by His Majeſty, and this preſent Parliament, that a Body of Forces ſhould be continued for the Safety of the United Kingdom, the Defence of the Poſſeſſions of His Majeſty's Crown, and the Preſervation of the Balance of Power in *Europe*; and that the whole Number of ſuch Forces ſhould conſiſt of Eighty-four thouſand eight hundred and one effective Men: And whereas during the late War in which His Majeſty has been engaged, ſome Part of His Majeſty's Forces exceeding the Number aforeſaid, has been employed in diſtant Parts beyond the Seas, which muſt render the Time when ſuch Forces may return Home uncertain, ſome of which are intended to be broken, and others reduced as ſoon after ſuch Arrival as conveniently may be: And whereas no Man can be forejudged of Life or Limb, or ſubjected in Time of Peace to any Kind of Puniſhment within this Realm, by Martial Law, or in any other Manner than by the Judgement of his Peers, and according to the known and eſtabliſhed Laws of this Realm; yet nevertheleſs it being requiſite for the retaining all the before-mentioned Forces in their Duty, that an exact Diſcipline be obſerved, and that Soldiers who ſhall mutiny or ſtir up Sedition, or ſhall deſert His Majeſty's Service, be brought to a more exemplary and ſpeedy Puniſhment than

Number of Forces 84,801.

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, &c.

or ſhall be found ſleeping upon, or ſhall deſert his Poſt, &c.

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.

Soldiers enliſted in any other Regiment, &c. to be deemed Deſerters.

III. And whereas Doubts have ariſen whether Soldiers, who of Right belong to another Corps in which they firſt inliſted, and from which they have not obtained a Diſcharge, may be proceeded againſt and tried for deſerting any Corps in which they may afterwards have inliſted, or for any Crime committed by them whilſt ſerving therein; be it enacted by the Authority aforeſaid, That if any Perſon who is or ſhall be liſted or in Pay, as a Soldier, in any Regiment, Troop, or Company, in His Majeſty's Service, ſhall deſert the ſame, or ſhall, while ſerving therein, commit any Offence againſt this Act, or againſt the Rules or Articles of War, ſuch Perſon ſhall be liable to be tried by a Court-martial, and puniſhed in like Manner as if he had originally inliſted in, and of Right belonged to

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

the

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 tranſported;

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, according to the Nature of the Offence, if they ſhall think fit, to be tranſported as a Felon for Life, or for a certain Term of Years: And alſo, if ſuch Court ſhall think fit, to be at the Expiration of ſuch Term of Years at the Diſpoſal of His Majeſty for Service as a Soldier in any of His Majeſty's Forces at Home or Abroad for Life, or otherwiſe, as His Majeſty ſhall think fit, and as ſuch Soldier to be ſubject to any Law or Articles of War for the Puniſhment of Mutiny and Deſertion: 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 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.

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.

A Mark to be affixed on the Body of Deſerters.

VI. And be it further enacted, That it ſhall be lawful for any Court-martial, before which any Non-commiſſioned Officer or Soldier ſhall be tried and convicted of Deſertion, to direct, if it ſhall ſo think fit, in addition to any other Puniſhment ſuch Court may award for any ſuch Deſertion, that ſuch Deſerter be marked on the left Side, two Inches below the Arm-pit, with the Letter (D.) ſuch Letter not to be leſs than half an Inch long, and to be marked upon the Skin with ſome Ink or Gun-

powder or other Preparation, ſo as to be viſible and conſpicuous, and not liable to be obliterated.

Sentence of Tranſportation, &c. ſhall be notified by the Commander in Chief or the Adjutant General to any Juſtice of the King's Bench, &c. who ſhall make an Order for the Tranſportation of ſuch Offenders, in Manner directed by 24 G. 3. c. 56.

VII. And be it further enacted, That whenever His Majeſty ſhall intend any Sentence of a Court-martial of Tranſportation 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 Commander in Chief for the Time being of His Majeſty's Forces in *Great Britain*, or in the Abſence of the Commander in Chief, then by the Adjutant General for the Time being, 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 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 authoriſe 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, &c. ſhall be filed in the Office of the Clerk of the Crown;

VIII. 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.

who ſhall, on Application, deliver a Certificate of the Conviction

IX. 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

plication 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. of any ſuch Offender, &c.

X. Provided always, and be it further enacted, That, whenever any Sentence of Tranſportation paſſed by any Court Martial holden in the *Eaſt Indies* or in His Majeſty's Settlements of the *Cape of Good Hope* or *Ceylon*, or in any Settlement occupied by His Majeſty's Forces beyond the *Cape of Good Hope*, is to be carried into Execution, or Mercy ſhall be extended to any Offender liable to the Puniſhment of Death by the Sentence of any Court Martial in the *Eaſt Indies*, upon Condition of Tranſportation, the ſame ſhall be notified in Writing by the Commander in Chief of His Majeſty's Forces in *India*, or in the Abſence of the Commander in Chief, then by the Adjutant General for the Time being, to ſome Judge of One of the Supreme Courts of Judicature of the Preſidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Chief Juſtice or other Judge at the Iſland of *Ceylon* or the *Cape of Good Hope*, or any ſuch other Settlement as aforeſaid, and thereupon ſuch Judge 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 ſame, as any ſuch Judge is authorized to make or do, under an Act paſſed in a Parliament holden in the Thirty-ninth and Fortieth Years of His Majeſty's Reign, intituled, *An Act for eſtabliſhing further Regulations for the Government of the* Britiſh *Territories in* India, *and the better Adminiſtration of Juſtice within the ſame*, with reſpect to Offenders ordered to be tranſported by Sentence of the Criminal Courts in *India*, and the Governor and Council of ſuch Preſidency reſpectively ſhall, and they are hereby required to take Order for the Tranſportation of all ſuch Offenders accordingly. Sentence of Tranſportation in India, &c. to be notified by the Commander in Chief to ſome Judge of One of the Supreme Courts, who ſhall make Order for ſuch Tranſportation in Manner directed by 39 & 40 G. 3. c. 79. ſ. 13.

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

XII. 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 The King may grant a Commiſſion for holding Courts martial, &c.

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 or other 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 or other 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 their 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.

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

XIII. 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.

Act not to exempt Soldiers from ordinary Proceedings.

XIV. 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, &c. to be delivered over to the Civil Magiſtrate, &c.

XV. Provided alſo, That if any Officer, Non-commiſſion Officer, or Soldier, ſhall be accuſed of any Capital Crime, or of any Violence or Offence againſt the Perſon, Eſtate, or Property of any of His Majeſty's Subjects, which is puniſhable by the known Laws of the Land; the Commanding Officer or Officers of every Regiment, Troop, Company, or Party, is and are hereby required to uſe his utmoſt Endeavours to deliver over ſuch accuſed Perſon to the Civil Magiſtrate; and ſhall alſo be aiding and aſſiſting to the Officers of Juſtice in the ſeizing and apprehending ſuch Offender, in order to bring him to Trial: And if any ſuch Commanding Officer ſhall wilfully neglect or refuſe, upon Application made to him for that Purpoſe, to deliver over any ſuch accuſed Perſon to the Civil Magiſtrate, or to be aiding or aſſiſting to the Officers of Juſtice in apprehending ſuch Offenders; every ſuch Officer ſo offending, and being thereof convicted, upon any Information or Indictment in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any of His Majeſty's Courts in *Scotland* or in *Dublin*, 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, and a Certificate thereof ſhall be tranſmitted to the Judge Advocate in *London*, if ſuch Conviction ſhall be in *Great Britain*, or to the Judge Advocate in *Dublin*, if ſuch Conviction ſhall be in *Ireland*.

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

XVI. 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.

Officers and Soldiers imprisoned upon a Charge of a Criminal Offence, shall receive no Pay during their Confinement, but if they shall be acquitted shall be entitled to the Arrears at their return to their Corps, and if convicted shall forfeit all Right of Pay during the whole Term of their Confinement.

XVII. And be it further enacted, That no Officer, Non-commissioned Officer, or Soldier, who shall be arrested and committed to Prison upon a Charge of any criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Regiment, Troop, or Company to which he shall belong, provided that if he shall be acquitted of the Offence for which he was committed, he shall upon his Return to his Corps be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted he shall forfeit all Right to any Pay from the Day of his Commitment during the Time of his Confinement, as well under the original Commitment as under any Commitment consequent upon such Conviction, and until the Day of his Return to the Regiment, Troop, or Company to which he shall belong: Provided always, that it shall be lawful for the Secretary at War for the Time being, to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Soldier during any such Commitment or Imprisonment, or either of them, or any Part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Soldier, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Imprisonment, or after the Discharge of such Officer, Non-commissioned Officer, or Soldier, after Conviction, or otherwise, as shall appear to the Secretary at War to be proper, and the Order of the Secretary at War for the Payment of such Pay or Arrears shall be a sufficient Discharge for such Payment.

General Court-martial to consist of 13 or 9 Commission Officers, except in Africa, or in New South Wales, where they are to consist of 5 at least, &c.

XVIII. And it is hereby further enacted and declared, That all General Courts-martial held under the Authority of this Act, shall consist of Thirteen or Nine Commission Officers, as the Case may require; except the same shall be holden in *Africa*, or in *New South Wales*, in which Places such General Courts-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.

General Court-martial to consist of not less than 13 Members, except in Africa, &c.

XIX. Provided always, and be it further enacted, That no General Court-martial for the Trial of any Officer (except in *Africa* or *New South Wales*) shall consist of less than Thirteen Members.

General Courts-martial may sentence Deserters to serve for Life, &c. and to a Forfeiture of Increase of Pay or Pension.

XX. Provided always, and be it further enacted, That it shall be lawful for any General Court-martial to sentence any Non-commissioned Officer or Soldier, convicted of Desertion by such Court, to Service in such Country or Place or Places Abroad, or otherwise, and in such Regiment or Regiments, or Corps, as His Majesty shall please to direct, or for Life as a Soldier, or for any Term of Years beyond the Period for which such Non-commissioned Officer or Soldier shall have enlisted, and to a Forfeiture of all or any Part of the Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise have accrued to such Non-

Non-commiſſioned Officer or Soldier from the Length or Nature of his Service.

No General Court-martial of leſs than 13, except in Africa, &c. ſhall ſentence any Soldier to Loſs of Life, &c.

XXI. Provided always, and be it further enacted, That no General Court-martial, conſiſting of any leſs Number than Thirteen Commiſſioned Officers, unleſs holden in *Africa* or *New South Wales*, ſhall ſentence any Non-commiſſioned Officer or Soldier to Loſs of Life or Limb, or Tranſportation.

General Courts-martial may inflict corporal Puniſhment or Impriſonment for Immoralities, &c.

XXII. Provided always, and be it further enacted, That it ſhall be lawful for any ſuch General Courts-martial, by their Sentence or Judgement to inflict Corporal Puniſhment, not extending to Life or Limb, or Impriſonment, as ſuch Court ſhall think fit, on any Soldier for Immoralities, Miſbehaviour, or Neglect of Duty.

Courts-martial may adminiſter Oath to Witneſſes.

XXIII. And be it further enacted, 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.

Officers to be ſworn.

XXIV. Provided always, and be it further enacted, 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 *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, or a Court-martial, 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 or a Court-martial, in a due Courſe of Law.

So help me GOD.'

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 such 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*, or Court of Sessions in *Scotland*, or Courts of Law in the *West Indies*, 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*, or Court of Sessions in *Scotland*, or Courts of Law in the *West Indies*, respectively, upon Complaint made to the said Court of King's Bench, or Court of Sessions in *Scotland*, or Courts of Law in the *West Indies*, in like Manner as if such Witness had neglected to attend on a Trial in any criminal Proceeding in that Court.

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

Hours of Trial.

Witnesses attending Courts-martial to be privileged from Arrest.

Witnesses not attending liable to be attached.

XXV. 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,

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

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

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; taking Rank according to the Seniority of their Commissions.

XXVI. 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 Marine 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.

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

XXVII. And whereas it may also be expedient that Officers of His Majesty's Land Forces, when employed in conjunction with Officers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, should, in certain Cases, be associated 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.

XXVIII. 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

jeſty'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.

Proceedings, &c. of Courts-martial to be tranſmitted to the Judge Advocate General, &c.

XXIX. 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, &c. not liable to Stamp Duties.

XXX. 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.

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

Copies of Articles of War to be tranſmitted to the Judges, &c.

XXXII. And for the more effectual Notification thereof to the ſeveral Judges and Perſons herein-after mentioned, be it further enacted by the Authority aforeſaid, That Copies of all ſuch Articles of War, printed by the King's Printer, ſhall from Time to Time, as ſoon as conveniently may be after the ſame ſhall have been made and eſtabliſhed by His Majeſty, be tranſmitted by His Majeſty's Secretary at War for the Time being, ſigned with his own Hand and Name, to the Judges of His Majeſty's ſuperior Courts at *Weſtminſter*, *Dublin*, and *Edinburgh* reſpectively, and alſo to the Governors of His Majeſty's Colonies, Plantations, and Territories abroad.

His Majeſty to conſtitute and to authorize others to convene Courts-martial.

XXXIII. 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 authoriſing 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*, or *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.

XXXIV. Provided

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

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

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

XXXV. 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.

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

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

XXXVII. And be it further enacted, That no Commiſſary ſhall muſter any Regiment, Troop, or Company within the City of *Weſtminſter*, and Borough of *Southwark*, and Liberties thereof, but in the Preſence of Two or more Juſtices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being diſcharged from his Office, unleſs ſuch Juſtices, upon Forty-eight Hours Notice being given to Six of His Majeſty's Juſtices of the Peace reſiding within the City and Liberties aforeſaid reſpectively, ſhall neglect to attend ſuch Muſter, and in caſe of ſuch Neglect, ſuch Commiſſary may proceed to muſter ſuch Regiment, Troop, or Company; provided that Oath be made before any of His Majeſty's Juſtices of the Peace within Forty-eight Hours after ſuch Muſter taken, that ſuch Notice was given to Six Juſtices of the Peace as aforeſaid, which Juſtices ſo attending are hereby empowered to ſign the ſaid Muſter-Rolls, and to take Cognizance of ſuch Muſter, and to examine the Truth thereof before they ſign the ſame.

Penalty on giving falſe Certificates to excuſe Soldiers from Muſters.

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

XXXIX. 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 making false Musters, &c.

XL. 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 Officers mustering Persons by wrong Names.

XLI. And be it further enacted by the Authority aforesaid, That if any Person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses, before the next Justice of the Peace for the County where such Muster shall be made, and upon Certificate thereof in Writing, under the Hand of the Commissary of the Musters, or Chief Magistrate as aforesaid, made to such Justice of the Peace, the said Justice is hereby authorized and required to commit such Offender to the House of Correction, there to remain for the Space of Ten Days: And if any Person shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered, the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse; or otherwise the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses, before the next Justice of the Peace; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Persons 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.

Penalty on Persons offering themselves to be falsely mustered.

Horses falsely mustered to be forfeited, &c.

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 Muſters, &c.

XLII. 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 Comptroller 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. I. &c.

XLIII. 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 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, and Perſons receiving Pay in His Majeſty's Army, in Inns, Livery Stables, Alehouſes, Victualling-houſes, and the Houſes of Sellers of Wine, by Retail, to be drank in their own Houſes, or Places thereunto belonging; other than and except Canteens held and occupied under the Authority of the Commiſſioners for the Affairs of Barracks, and other than and except Perſons who keep Taverns only, being Freemen of the Company of Vintners of the City

Conſtables, &c. in England to quarter Officers, and Men in Inns, Alehouſes, &c.

City of *London*, who were admitted to the Freedom before the Fifth Day of *July* One thouſand ſeven hundred and fifty-ſeven, or who ſince have or ſhall hereafter be admitted to their Freedom of the ſaid Company in Right of Patrimony or Apprenticeſhip, notwithſtanding ſuch Perſons who keep Taverns only have taken out Victualling Licences; and all Houſes of Perſons ſelling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houſes, other than and except the Houſe or Houſes of any Diſtillers, who keep Houſes or Places for diſtilling Brandy and Strong Waters, and the Houſe of any Shopkeeper whoſe principal Dealings ſhall be more in other Goods and Merchandizes than in Brandy and Strong Waters (ſo as ſuch Diſtillers and Shopkeepers do not permit or ſuffer Tippling in his or their Houſes), and in no other, and in no private Houſes whatſoever; nor ſhall any more Billets at any Time be ordered than there are effective Soldiers preſent to be quartered; all which Billets when made out by ſuch Chief Magiſtrates or Conſtables, ſhall be delivered into the Hands of the Commanding Officer preſent: And if any Conſtable, Tithingman, or ſuch like Officer or Magiſtrate, as aforeſaid, ſhall preſume to quarter or billet any ſuch Officer or Soldier in any ſuch private Houſe, without the Conſent of the Owner or Occupier, in ſuch Caſe ſuch Owner or Occupier ſhall have his or their Remedy at Law, againſt ſuch Magiſtrate or Officer, for the Damage that ſuch Owner or Occupier ſhall ſuſtain thereby: And if any Military Officer ſhall take upon him to quarter Soldiers otherwiſe than is limited and allowed by this Act, or ſhall uſe or offer any Menace or Compulſion to or upon any Mayors, Conſtables, or other Civil Officers before-mentioned, tending to deter and diſcourage any of them from performing any Part of their Duty hereby required or appointed; ſuch Military Officer ſhall for every ſuch Offence, (being thereof convicted before any Two or more of the Juſtices of the Peace of the County, by the Oath of Two credible Witneſſes), be deemed and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Military Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace of the ſaid County, and a Certificate thereof be tranſmitted to the Judge Advocate, in *London*, who is hereby obliged to certify the ſame to the next Court-martial: And in caſe any Perſon ſhall find himſelf aggrieved, in that ſuch Conſtable, Tithingman, or Headborough, Chief Officer, or Magiſtrate, (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace), has quartered or 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.

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

Penalty on Conſtables, &c. quartering Soldiers in private Houſes, etc.

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

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

XLIV. And be it further enacted, That it ſhall be lawful for any Two Juſtices of the Peace, or any Two Magiſtrates, within their reſpective Juriſdictions, to grant or transfer any Licence for ſelling Ale by Retail, or Cyder or Perry, to be drank or conſumed in any Houſe or Houſes or Premiſes where more Houſes or Premiſes than one ſhall be held together by

Licences may be granted for keeping Canteens.

the ſame Perſon or Perſons as a Canteen, or any Licence to ſell Spirituous Liquors, or Strong Waters, or Wine or Liquor by Retail, to any Perſon or Perſons applying for the ſame, who ſhall hold any Canteen under any Leaſe thereof, or any Agreement or other Authority from any Two of the Principal Officers of the Board of Ordnance, or from any Two of the Commiſſioners for the Affairs of Barracks, without Regard to the Time of Year, or any Notices or Certificates ſpecified or required in relation to the applying for or granting any ſuch Licences, any Thing in any Act or Acts of Parliament to the contrary notwithſtanding: And it ſhall alſo be lawful for His Majeſty's Commiſſioners of Exciſe in *England* and *Scotland* reſpectively, or any Perſon appointed or employed by the ſaid Commiſſioners in *England* in that Behalf, or for any Collectors or Superviſors of Exciſe within their reſpective Diſtricts, and they are hereby required to grant Licences for ſelling Beer or Ale by Retail, or Cyder or Perry, to be drank or conſumed in the Houſes or Premiſes, occupied as a Canteen, of the Perſon or Perſons applying for ſuch Licence, or any Licence to ſell Spirituous Liquors or Strong Waters, or Wine or Liquors by Retail, to any ſuch Perſon or Perſons who ſhall hold any ſuch Canteen under any ſuch Licence or Transfer of any ſuch Licence of any Juſtice or Magiſtrate as aforeſaid; and it ſhall alſo be lawful for any Perſon or Perſons holding any ſuch Canteen under any ſuch Leaſe, Agreement, or Authority as aforeſaid, and having ſuch Licences as aforeſaid to keep ſuch Canteen, and to utter and ſell therein, and in the Premiſes thereto belonging, and not elſewhere, Victuals and all ſuch exciſeable Liquors as he and they ſhall be licenſed and empowered to ſell under the Authority and Permiſſion of any ſuch Exciſe Licence as aforeſaid, without being ſubject to any Penalty or Forfeiture, any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

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

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

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

XLVI. 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 Conſtable 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 Tithingmen, ſhall, in purſuance thereof,

billet and quarter every ſuch Officer and Soldier in ſuch Houſes ſo ſubjected thereto by this Act, equally and proportionably according to the Number of ſuch Officers and Soldiers ſo to be billetted and quartered, and of the Houſes ſo ſubjected to receive them; and ſuch Officers and Soldiers of the Foot Guards ſhall be quartered within the ſaid City and Liberties of *Weſtminſter*, and the Places adjacent, lying in the ſaid County of *Middleſex*, (except the City of *London*), and in the ſaid County of *Surrey*, and in the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, in the ſame Manner, and under the ſame Regulations, as in other Parts of *England*, in all Caſes for which particular Proviſion is not made by this Act.

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

XLVII. 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 Copy 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 Tythingman, of any ſuch Pariſh, Ward, Hamlet, or Diſtrict, in the delivering ſuch Liſts to the Juſtices at their Quarter Seſſions as aforeſaid; or if he or they ſhall ſo deliver or cauſe to be delivered in, any falſe or defective Liſt, not including and ſpecifying therein all and every ſuch Houſe and Houſes ſo liable by this Act to receive ſuch Officers and Soldiers, or the Names and Rank of all ſuch Officers and Soldiers as are quartered and billetted in each Houſe reſpectively; ſuch Petty Conſtable, Headborough, and Tythingman, 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

to be inſpected without Fee.

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

Penalty on Default.

Penalty on giving defective Liſts.

How to be levied.

City and Liberties of *Weſtminſter*, for the ſaid County of *Middleſex*, and for the ſaid County of *Surrey*, and for the ſaid Borough of *Southwark* in the ſaid County of *Surrey* reſpectively, (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to make and iſſue); and for Want of ſufficient Diſtreſs to be found for that Purpoſe, the ſaid Juſtice or Juſtices is and are hereby empowered and required, by Warrant or Warrants, under his or their Hands and Seals, to commit the Perſon or Perſons ſo offending to the common Gaol of the ſaid City of *Weſtminſter*, the ſaid County of *Middleſex*, the ſaid County of *Surrey*, or the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, there to remain for any Time to be limited by ſuch Juſtice or Juſtices, not exceeding Three Months nor leſs than One Month, without Bail or Mainprize.

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

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

XLIX. 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

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

Dragoons, &c. and their Horſes, to be billetted in the ſame Houſes.

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

Manner of changing Men and Horſes.

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

Penalty on taking Money to excuſe any Perſon from quartering.

LII. Provided always, and be it enacted by the Authority aforeſaid, That if any Officer ſhall take, or cauſe to be taken, or knowingly ſuffer to be taken, any Money of any Perſon, for excuſing the quartering of Officers or Soldiers, or any of them, in any Houſe allowed by this Act, every ſuch Officer ſhall be caſhiered, and be incapable of ſerving in any Military Employment whatſoever.

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

LIII. 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 any Officer or Soldier on Duty 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 hereinafter reſpectively directed to be furniſhed or allowed to Non-commiſſioned Officers

and on Victuallers refuſing to quarter Soldiers.

ficers 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 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.

LIV. 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.

LV. 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.

LVI. Provided

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

LVI. 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 the Recruits by them raiſed), ſhall be deſirous to furniſh ſuch Non-commiſſion Officers and 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.

LVII. And that the Quarters both of Officers and Soldiers may hereafter be duly paid and ſatisfied, and His Majeſty's Duties of Excife better anſwered, be it enacted by the Authority aforeſaid, That, from and after the Twenty-fourth Day of *March* One thouſand eight hundred and eleven, every Officer to whom it belongs to receive, or that does actually receive the Pay or Subſiſtence-money, either for a whole Regiment, or particular Troops and Companies, or otherwiſe, ſhall immediately upon each Receipt of every particular Sum which ſhall from Time to Time be paid, returned, or come to his or their Hands, on Account of Pay or Subſiſtence, give public 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 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

Rates of Subſiſtence to be paid to Innkeepers, &c. for Soldiers Quarters.

Penalty on Officers not giving Notice, and not satisfying Accounts.

or Officers, as aforesaid, shall not give Notice as aforesaid, and shall not immediately, upon producing such Account stated, satisfy, content, and pay the same, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were, (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer), the Paymaster or Paymasters of His Majesty's Guards and Garrisons, and Marines, are hereby required and authorized (upon Certificate of the said Justices before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing), to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers, upon Penalty that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster or Paymasters, and be discharged from holding the same for the future: And in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby authorized and required to deduct the Sums he or they shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong; and such Officer or Officers shall, for every such Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered: And where it shall happen that the Subsistence-money due to any Officer or Soldier shall, by Occasion of any Accident, not be paid to such Officer or Soldier, or such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be or are not paid as this Act directs; and where any Horse, Foot, or Dragoons shall be upon their March, so that no Subsistence can then be remitted to them, to make Payment as this Act directs, or they shall neglect to pay the same; in every such Case, it is

On Non-payment of Quarters the Officer to make up Accounts, &c.

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.

Soldiers' Wives, &c. not to be quartered without Consent.

Penalty.

LVIII. And be it enacted by the Authority aforesaid, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall, at any Time during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants, of any Officer or Soldier, in any such Houses, against the Consent of the Owners; the Party offending, if an Officer of the Army, shall upon Complaint and Proof thereof made to the Commander in Chief of the Army, or Judge Advocate, be *ipso facto* cashiered; and if a Constable, Tithingman, 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

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.

LIX. 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.

LX. 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, or other Perſon duly authorized in that Behalf, ſhall, as often as ſuch Order is brought and ſhewn unto One or more of them by the Quartermaſter, Adjutant, or other Officer or Non-commiſſioned 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, and Horſes or Oxen, with able Men to drive the ſame, as is mentioned in the ſaid Warrant, allowing them ſufficient Time to do the ſame, that the neighbouring Parts may not always bear the Burthen; and ſpecifying in the ſaid Warrants the Place or Places to which the ſaid Carriages ſhall, by virtue of ſuch Order as aforeſaid, be required to travel, which ſhall not exceed the Day's March of the Troops, as preſcribed in the Order produced to the Magiſtrate, unleſs in caſe of preſſing Emergency or Neceſſity, and ſhall in no Caſe whatever exceed Twenty-five Miles from the Place at which the March ſhall commence: And in caſe ſufficient Carriages cannot be provided within any ſuch Liberty, Diviſion, or Precinct, then the

Warrants to ſpecify the Places to which the Carriages ſhall travel, &c.

Juſtice or Juſtices of the Peace of the next adjoining 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 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 Four or more 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 Waggon with narrow Wheels, or any Cart with Four Horſes, reſpectively, 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 Four or more 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 (which Receipt need not be ſtamped) 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 Horſes and Oxen and Men, according to the Warrant aforeſaid, who are hereby required to provide and furniſh the ſame accordingly; and no Perſon owning or driving, or cauſing to be driven, any ſuch Waggon, Wain, Cart, or other Carriage, ſhall be ſubject to any Penalty or Forfeiture, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner of any ſuch Waggon, Wain, Cart, or other Carriage, to put any additional Number of Horſes or Oxen to thoſe preſcribed or paid for under this Act; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or any particular Highway or Road, to the contrary notwithſtanding: 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,

Rates for Carriages.

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

Conſtable, by Threatenings or menacing Words to provide Saddle Horſes for themſelves or Servants, or ſhall force Horſes from the Owners, by themſelves, Servants, or Soldiers, every ſuch Officer, for every ſuch Offence, ſhall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majeſty's Juſtices of the Peace of the ſame County or Riding, who are to certify the ſame to the Paymaſter-general, or other reſpective Paymaſter of His Majeſty's Forces, who is hereby required to pay the aforeſaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforeſaid Juſtices of the Peace of the ſame County or Riding, and is hereby empowered to deduct the ſame out of ſuch Officer's Pay: Provided always, that in Caſes where the Day's March of the Troops ſhall exceed Fifteen Miles, 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 Ninepence, 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; and a Copy of every ſuch Order, ſigned by the Chairman or preſiding Magiſtrate, and One other Juſtice of the Peace or Magiſtrate at the Quarter Seſſions at which the ſame ſhall be made, ſhall, within Three Days after the making thereof, be tranſmitted to the Secretary at War; and no ſuch Order ſhall be valid or effectual, unleſs a Copy thereof be ſo ſigned and tranſmitted as aforeſaid.

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

LXI. 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, Clothes, 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 hereinafter 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

In Caſes of Emergency Juſtices may be required to iſſue Warrants for providing Saddle Horſes and Four-wheeled Carriages let to Hire, and alſo Veſſels.

conveyed, or by any Officer in the Department of the ſaid Commiſſary General, to iſſue out his or their Warrant or Warrants to the Conſtables, or Petty Conſtables, of the County, Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment, Troop, or Company ſhall be ſo ordered to be conveyed, requiring them to make ſuch Proviſion not only of Waggons, Wains, and Carts kept by, or belonging to, any Perſon or Perſons, and for any Uſe or Purpoſe whatſoever, but alſo of Saddle Horſes, Coaches, Chaiſes, and other Four-wheeled Carriages uſually let to Hire, or kept for that Purpoſe; and alſo of Boats, Barges, and other Veſſels, uſed for the Carriage of Coals, Stone, Lime, Manure, or of Goods, Wares, or Merchandizes, or any other Articles or Commodity whatſoever, upon any Canal or navigable River, with able Men and Horſes to drive, navigate, and draw the ſame, as ſhall be mentioned in the ſaid Warrant or Warrants, therein ſpecifying the Place or Diſtance to which ſuch Horſes, Carriages, Boats, Barges, or other Veſſels and Men ſhall go and be conveyed, and allowing ſuch Conſtables ſufficient Time to make ſuch Proviſion, that the neighbouring Parts may not always bear the Burthen; and in caſe ſuch ſufficient Carriages, Horſes, Boats, Barges, or other Veſſels, and Men, cannot be provided 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,

Officers demanding them, to pay for their Hire ſuch Sums as the Juſtices ſhall direct.

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

Military Officers may convey on them Arms,

tachment, Troop, or Company, ſuch Horſes, Carriages, Boats, Barges, or other Veſſels ſhall be provided in ſuch Caſes, to carry and convey, and permit to be carried and conveyed, on the ſame reſpectively, not only the Arms, Cloaths, Accoutrements, Baggage, Tents, and other Equipage of ſuch Regiment, Detachment, Troop, or Company, but alſo the Officers, Soldiers, Servants, Women, Children, and other Perſons of and belonging to the ſame; any Thing herein contained to the contrary thereof notwithſtanding: But if any ſuch Officer or Officers ſhall force and conſtrain any Horſe, Carriage, Boat, Barge, or other Veſſel, to travel or proceed beyond the Diſtance or Place to be allowed and ſpecified in ſuch Warrant or Warrants, without the ſpecial Licence or Order of One or more other ſuch Juſtice or Juſtices of the Peace in that Behalf, and which Licence or Order One or more of ſuch Juſtices is and are hereby authorized and required to give and make at his and their reaſonable Diſcretion, every ſuch Officer for every ſuch Offence ſhall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majeſty's Juſtices of the Peace of the ſame County or Riding, Diviſion, City, Liberty, or Precinct, who are to certify the ſame to the Paymaſter General, or other reſpective Paymaſter of His Majeſty's Forces, who is hereby required 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.

Cloaths, Accoutrements, Baggage, Equipage, Officers, Soldiers, Servants, Women, Children, and other Perſons.

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

LXII. 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.

LXIII. 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 Sixpence, 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, 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,

Penalty on Conſtables, etc. for Neglect.

and finally determined, by any One of His Majeſty's Juſtices of the Peace, dwelling in or near the Place where ſuch Offence ſhall be committed, who has hereby Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owners.

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

LXIV. 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, 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 their March, and all Carriages and Horſes belonging to His Majeſty, or employed in His Service, and returning therefrom, or employed in His Service, when conveying the Officers, Soldiers, Servants, Women, Children, or other Perſons of or belonging to His Majeſty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage, of or belonging to His Majeſty's Forces on their Marches, or any Ordnance, or Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, 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, or Carriages, paſſing Turnpike Roads or Bridges, unleſs by ſuch Act it has been or ſhall be expreſsly provided that the ſaid Officers, Soldiers, Carriages, and Horſes, are and ſhall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken: Provided always, that nothing herein contained ſhall exempt from the Payment of Toll any Boats, Barges, or other Veſſels employed in conveying the Officers, Soldiers, Servants, Women, Children, or other Perſons of or belonging to His Majeſty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage, of or belonging to His Majeſty's Forces, or any Military Stores, along any Canal, but the ſame ſhall be liable to Toll in like Manner as other Boats, Barges, and Veſſels are liable thereto.

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

Treaſurer of the County to repay the Conſtables extraordinary Charges.

LXV. 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 Townſhips of which they are Conſtables, or elſe the Perſons providing ſuch Carriages are grievouſly oppreſſed: For Remedy whereof, and that the ſaid Overplus Charge may be borne by each County or Riding at the general Charge of ſuch County or Riding, be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers of each reſpective County or Riding ſhall, without Fee or Reward, pay unto ſuch Conſtable all and every ſuch reaſonable Sum or Sums of Money, ſo by him paid or laid out for ſuch Carriages, Horſes, Boats, Barges, and other Veſſels, over and above what was or ought to have been paid by the Officer requiring ſuch Carriages, Horſes, Boats, Barges, and other Veſſels, out of the public Stock of ſuch County

or

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.

The Money for that Purpose how to be raised.

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

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

LXVII. 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*.

Carriages, in Scotland, how to be provided.

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

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

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

Officers and Soldiers to be quartered in Ireland as the Laws in force

LXX. 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*;

at the Time of the Union direct.

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 if any Perſon in *Ireland*, liable to have Officers and Soldiers quartered and billetted on him, 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 any ſuch Officer or Soldier, ſo quartered or billetted, in ſuch Manner as by the ſaid Laws in force in *Ireland* at the Time of the ſaid Union was provided, every ſuch Perſon, ſo refuſing, ſhall be ſubject and liable to all ſuch Penalties as any Perſon ſo refuſing was liable to under or by virtue of any Laws in force in *Ireland* at the Time of the ſaid Union.

Carriages in Ireland how to be provided.

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

Lord Lieutenant may appoint a Perſon to ſign Marching Routes.

LXXII. And be it further enacted, That it ſhall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland*, to depute by Warrant under his Hand and Seal ſome proper Perſon to ſign Routes for the marching of any of His Majeſty's Forces in *Ireland*, in the Name of ſuch Lord Lieutenant or Chief Governor.

Penalty on Officers or Soldiers deſtroying the Game.

LXXIII. And for the better Preſervation of 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 eleven, 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, Pidgeon, 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.

Perſons receiving enliſting Money ſhall be deemed to be enliſted.

LXXIV. And be it further enacted, That every Perſon who ſhall receive enliſting Money from any Officer employed on the Recruiting Service, or from any Non-commiſſioned Officer or Private Soldier belonging to the Recruiting Party under the Command of ſuch Officer, or from any Perſon employed on the Recruiting Service, he being an atteſted Soldier, ſhall

ſhall be deemed to be enliſted as a Soldier in His Majeſty's Service, and ſhall while he ſhall remain with the Recruiting Party be entitled to be billetted and quartered as a Soldier in His Majeſty's Service; provided always, that every ſuch Perſon ſo enliſted ſhall be entitled to all the Benefits herein enacted for the Relief of Perſons haſtily enliſting themſelves.

Clauſe for Relief of Perſons haſtily enliſting themſelves.

LXXV. 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 eleven, 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 or go with ſome Officer, Non-commiſſioned Officer, or Private Soldier belonging to the Recruiting Party by which he ſhall be enliſted, or with the Perſon employed on the Recruiting Service with whom he ſhall have inliſted, 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 and acting for the Diviſion or Diſtrict 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, together with ſuch full Rate allowed by Law for the Subſiſtence or Diet and Small Beer furniſhed to ſuch Recruit ſubſequent to the Period of his having been inliſted, ſuch Perſon or Perſons ſo inliſting ſhall be forthwith diſcharged and ſet at Liberty, in the Preſence of ſuch Juſtice or Chief Magiſtrate; but if ſuch Perſon or Perſons ſhall refuſe or neglect, within the Space of Twenty-four Hours, to return and pay ſuch Money as aforeſaid, he or they ſhall be deemed and taken to be inliſted, as if he or they had given his or their Aſſent thereto before the ſaid Juſtice or Chief Magiſtrate; and 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 to 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 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.), or if the Perſon ſhall be deſirous of inliſting without any Limitation of Period of Service, the Oath in the Schedule to this Act annexed, marked (B.); 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 (C.), if the Oath in the Form marked (A.) ſhall have been taken, and in the Form marked (D.) if the Oath in the Form marked (B.) ſhall have been taken, 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,

Such Perſons not paying the Inliſting and Subſiſtence Money within the limited Time to be deemed to be enliſted; in which Caſe, or if they inliſt, the Juſtices to read over to them certain Sections of the Articles of War and adminiſter certain Oaths.

Recruits inliſted under 39 G. 3. c. 109. for the Eaſt India Company's Service, etc.

shall take the Oath of Allegiance.

and of the Oath contained in the Schedule (A.) or (B.) 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 E.); 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 (F.); and except also in the Case of Recruits enlisted for the special Purpose of serving in the *East Indies*, in the Forces of the *East India* Company only, in pursuance of an Act passed in the Fiftieth Year of the Reign of His Majesty, intituled, *An Act to amend Two Acts relating to the raising Men for the Service of the* East India *Company, and the quartering and billetting such Men, and to Trials by Regimental Courts-martial*, in which case every such Recruit shall, instead of the said Oath of Fidelity take the Oath directed to be taken by the said Act of the Fiftieth Year of His present Majesty aforesaid, and contained in the Schedule to this Act annexed, marked (G.), and instead of the Oath of Service contained in the Schedule (A.) or (B.) to this Act annexed, shall take the Oath directed to be taken by the said recited Act of the Fiftieth Year aforesaid, and contained in the Schedule to this Act annexed, marked (H.), and the Justice or Magistrate shall certify such Inlistment and Swearing accordingly, in the Form mentioned in the Schedule to this Act annexed, marked (I.); 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 and 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: Provided always, that every Non-commissioned Officer or Private Soldier who shall inlist any Recruit, shall at the Time of such inlisting enquire the Christian and Surname and Place of Abode of such Recruit, and either take the same down in Writing, or give the same to the Non-commissioned Officer commanding the Recruiting Party to be so taken down: Provided also, that it shall be lawful for any Justice of the Peace to discharge any Person who shall have hastily inlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Magistrate upon the Examination of such Recruit, or of any other Person that the Recruiting Party has left the Place where such Recruit was inlisted, or that such Recruit could not procure any Non-commissioned Officer belonging to such Party to go with such Recruit before the Justice of the Peace; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice of the Peace, and paid when demanded to any Person belonging to the Recruiting Party entitled thereto demanding the same.

Recruits enlisted under 50 G. 3. c. 87. shall take the Oaths in Schedules (G). and (H).

Name and Residence of Recruits to be taken down.

Justices may discharge Persons hastily inlisting themselves on paying the Inlisting Money.

Persons receiving inlisting Money and abscond-

LXXVI. And be it further enacted, by the Authority aforesaid, That if any Person or Persons shall receive the Inlisting Money from any such Officer, Non-commissioned Officer, Private Soldier, or other Person employed on the Recruiting Service, (knowing it to be such), and shall abscond, or refuse

refuſe to go before ſuch Juſtice or Chief Magiſtrate, or if any Perſon having received any ſuch Inliſting Money as aforeſaid, ſhall thereafter abſent himſelf from the Recruiting Party with which he inliſted, or Perſon with whom he inliſted, and ſhall not voluntarily return to ſuch Recruiting Party or Perſon inliſting him, to go before ſome Juſtice of the Peace or Magiſtrate, under the Proviſions of this Act, within ſuch Period of Four Days aforeſaid, ſuch Perſon ſhall be deemed to be inliſted, and a Soldier in His Majeſty's Service, as fully to all Intents and Purpoſes as if he had been duly atteſted, and may be apprehended and puniſhed as a Deſerter, or for being abſent without Leave under any Articles of War made for Puniſhment of Mutiny and Deſertion; nor ſhall any ſuch Perſon who ſhall not have remained with, or who ſhall not have returned to ſuch Recruiting Party or Perſon inliſting him as aforeſaid, be entitled to be diſcharged or be diſcharged by any Juſtice of the Peace or Magiſtrate after the Expiration of ſuch Four Days as aforeſaid, unleſs it ſhall be proved to the Satisfaction of ſuch Juſtice of the Peace that the true Name and Reſidence of the Perſon inliſted was diſcloſed and known to the Recruiting Party, and that no Notice was given to the Perſon inliſted or left at his laſt uſual Place of Abode of his having ſo inliſted.

ing, etc. deemed duly inliſted.

LXXVII. And be it further enacted, That any Perſon who ſhall enliſt into His Majeſty's Forces, and who ſhall be diſcovered to be incapable of active Service, by reaſon of any Infirmity which ſhall have been concealed by ſuch Perſon, or not declared before the Juſtice of the Peace at the Time of his Atteſtation, and mentioned at the Foot thereof, may be transferred into any Garriſon or Veteran or Invalid Battalion, or into His Majeſty's Marine Forces, notwithſtanding he ſhall have enliſted for any particular Regiment; any Thing in any Act or Acts of Parliament, or any Rules and Regulations relating to Soldiers, to the contrary notwithſtanding.

Perſons concealing Infirmities on inliſting may be transferred to Garriſon, Veteran or Invalid Battalions, or the Marines.

LXXVIII. And be it further enacted, That any Perſon who ſhall knowingly, wilfully, and deſignedly make any falſe Repreſentation of any Particular contained in the Oaths reſpectively marked (A.) and (B.) and Certificates marked (C.) and (D.) in the Schedule to this Act reſpectively contained and annexed, before the Juſtice of the Peace or Magiſtrate at the Time of his Atteſtation, for the Purpoſe of obtaining, and ſhall obtain any inliſting Money or any Bounty for entering into His Majeſty's Service, or any other Money, ſhall be deemed guilty of obtaining Money under falſe Pretence, within the true Intent and Meaning of an Act paſſed in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual Puniſhment of Perſons who ſhall attain or attempt to attain Poſſeſſion of Goods or Money by falſe or untrue Pretences, for preventing the unlawful pawning of Goods, for the eaſy Redemption of Goods pawned, and for preventing Gaming in Public Houſes by Journeymen, Labourers, Servants and Apprentices*; and the Production of ſuch Certificate, and Proof of the Hand-writing of the Juſtice of the Peace giving ſuch Certificate, ſhall be ſufficient Evidence of ſuch Party having repreſented the ſeveral Particulars contained in the Oath ſworn by him, and ſpecified in the Certificate of the Juſtice at the Time of his inliſting.

Perſons making falſe Repreſentations for the Purpoſe of obtaining Bounty, guilty of obtaining Money under falſe Pretences.

LXXIX. And be it further enacted, That any Perſon who ſhall voluntarily ſurrender or deliver himſelf up as a Deſerter, from any Regiment

Perſons ſurrendering themſelves as

Deſerters ſhall be deemed to have been duly enliſted though not actually enliſted.

or Corps of His Majeſty's Forces, or who upon being apprehended for Deſertion or any other Offence ſhall in the Preſence of the Magiſtrate confeſs himſelf to be a Deſerter from any ſuch Regiment or Corps, ſhall be deemed to have been duly enliſted and to be a Soldier, and ſhall be liable to ſerve in any ſuch Regiment or Battalion or Corps of His Majeſty's Forces, as His Majeſty ſhall think fit to appoint, whether ſuch Perſon ſhall have been ever actually enliſted as a Soldier or not.

Penalty on Apprentices enliſting themſelves.

LXXX. And be it further enacted, That if any Perſon duly bound as an Apprentice ſhall inliſt as a Soldier in His Majeſty's Land Service, and ſhall ſtate to the Juſtice of the Peace, or Magiſtrate before whom he ſhall be carried, that he is not an Apprentice, every ſuch Perſon ſo offending, and being thereof duly convicted, ſhall be and is hereby declared to be ſubject and liable to be impriſoned in any Gaol or Houſe of Correction, and kept to hard Labour for Two Years, may be indicted and puniſhed for obtaining Money under falſe Pretences under the Proviſions of the ſaid recited Act of the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, and ſhall, after the Expiration of his Apprenticeſhip, whether ſuch Perſon ſhall have been ſo convicted and puniſhed or not, be liable to ſerve as a Soldier in any Regiment of His Majeſty's Regular Forces; and if, on the Expiration of his Apprenticeſhip, he ſhall not deliver himſelf to ſome Officer authorized to receive Recruits, may be taken as a Deſerter from His Majeſty's Forces.

Maſters not entitled to claim Apprentices, unleſs bound for a certain Period, and the Maſters ſhall take the Oath herein mentioned.

LXXXI. And be it further enacted, That no Maſter in *England* 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 Apprentice ſhall have been bound to him in *England* for the full Term of Seven Years, and if in *Ireland* for the full Term of Five Years at the leaſt, and unleſs ſuch Maſter ſhall, within One Calendar Month after ſuch Apprentice ſhall have abſconded or left 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 (G.) 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 in the Schedule to this Act annexed marked (L.)

How Maſters in Scotland ſhall proceed to recover Apprentices.

LXXXII. And be it further enacted, That no Maſter in *Scotland* 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 Apprentice ſhall have been bound to him for the full Term of at leaſt Four Years by a regular Contract or Indenture of Apprenticeſhip, duly extended, ſigned, and teſted, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enliſtment, and unleſs ſuch Contract or Indenture, ſo duly executed, ſhall, within Three Months after the Commencement of the Apprenticeſhip, and before the Period of Enliſtment, have been produced to a Juſtice of the Peace of the County wherein the Parties reſide, and there ſhall have been indorſed thereon by ſuch Juſtice a Certificate or Declaration ſigned by him, ſpecifying the Date when, and the Perſon by whom ſuch Contract or Indenture ſhall have been ſo produced, which Certificate or Declaration ſuch Juſtice of the Peace is hereby required to indorſe and ſign, and unleſs ſuch Apprentice ſhall, when claimed by ſuch Maſter, be under Twenty-one Years of Age, and unleſs ſuch Maſter ſhall, within

One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace, and before such Justice of the Peace take the Oath mentioned in the Schedule to this Act annexed, marked (K.), and produce the Certificate of such Justice of the Peace of his having taken such Oath, which Certificate such Justice of the Peace is hereby required to give in the Form in the Schedule to this Act annexed marked (L.)

Masters in Scotland not precluded from claiming Apprentices who shall hereafter enlist, if the Indenture be produced to a Justice within a limited Time.

LXXXIII. Provided always, and be it further enacted, That no Master in *Scotland* shall be precluded from claiming any Apprentice who shall hereafter enlist, by reason of the Contract or Indenture not having been produced to a Justice of the Peace in the Manner directed by the Act of the last Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, within the Time therein limited, provided the same shall be produced to any Justice of the Peace of the County wherein the Parties reside, and be indorsed as therein directed, at any Time within Three Months after the passing of this Act.

Masters of Apprentices enlisting consenting, entitled to receive a certain Part of the Bounty Money.

LXXXIV. And be it further enacted, That any Master of any Apprentice who shall have enlisted as a Soldier in His Majesty's Land Forces, shall, upon his consenting to give up the Indentures of Apprenticeship within One Month after the Inlisting of such Apprentice as a Soldier, be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas, which shall be reserved in order to provide the said Recruit with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Apprentices claimed by their Masters shall be carried before a Justice and committed.

LXXXV. And be it further enacted, That no Apprentice, who shall be claimed by his Master, shall be taken from the Regiment, Troop, or Recruiting Party with which he shall be but under a Warrant granted by some Justice of the Peace or Magistrate of th County, Stewartry, Riding, Division, City, Liberty, or Place, and residing near to the Place where such Apprentice shall happen to be when so claimed, and it shall be lawful for such Justice of the Peace or Magistrate, and such Justice of the Peace or Magistrate is hereby required, on Proof on Oath of Notice having been given to the Officer commanding the Regiment or Troop or Company or the Recruiting Party with which such Apprentice shall then be, or some Non-commissioned Officer of such Recruiting Party, of such Warrant, and that a Copy thereof has been left with such Officer or Non-commissioned Officer, and of such Person being an Apprentice, and having enlisted and declared that he was no Apprentice, and on Production and Proof of the Indenture of Apprenticeship to commit such Persons so offending as aforesaid if required so to do by such Officer or Non-commissioned Officer as aforesaid to the Common Gaol of the County, Stewartry, Riding, Division, City, Liberty, or Place, where such Person shall be at the Time when he shall be so claimed by his said Master, there to remain, until he shall be discharged by due Course of Law, or if not so required to deliver such Apprentice to his Master.

Justices to examine upon Oath, and to keep the Indenture to be produced on the Trial.

LXXXVI. And be it further enacted, That it shall be lawful for the Justice of the Peace or Magistrate, so residing near to the Place where the Apprentice shall be claimed as aforesaid except in *Scotland* as herein-after mentioned, before whom such Person so offending shall be so taken as aforesaid,

aforeſaid, to examine into the Matters alledged againſt ſuch Perſon upon Oath, and which Oath the ſaid Magiſtrate is hereby empowered to adminiſter; and alſo to keep in his Cuſtody the Indenture of Apprenticeſhip, to be produced as Occaſion ſhall require, and to bind over the Maſter claiming ſuch Perſon, and any other Perſons he may think proper, to give Evidence at the General or Quarter Seſſions of the Peace, or Seſſion of Oyer and Terminer, at which the Trial of ſuch Perſon is herein-after directed to be had againſt ſuch Perſon ſo offending, and the Production of ſuch Indenture of Apprenticeſhip, with the Certificate of the Juſtices of the Peace or Magiſtrate that the ſame was proved before him, ſhall be ſufficient Evidence of ſuch Indenture of Apprenticeſhip.

Offenders ſhall be tried at the next Quarter Seſſions,

LXXXVII. And be it further enacted, That every ſuch Offender, except in *Scotland*, as herein-after mentioned, may and ſhall be tried at the General or Quarter Seſſions of the Peace, or Seſſions of Oyer and Terminer for the County, Riding, Diviſion, City, Liberty, or Place, wherein the Offence charged ſhall have been committed, next after ſuch Offender's being brought before ſuch Juſtice of the Peace or Magiſtrate as aforeſaid, or the Seſſions immediately ſucceeding ſuch next Seſſions, unleſs the Court ſhall think fit to put off the Trial on juſt Cauſe.

and in Scotland by the Judge Ordinary.

LXXXVIII. And be it enacted, That every ſuch Offender in *Scotland* ſhall and may be tried by the Judge Ordinary in ſuch County or Stewartry, in ſuch and the like Manner as any Perſon may be tried in *Scotland* for any Offence not inferring a Capital Puniſhment.

No Perſon except an Apprentice liable to be taken out of the Service, for Breach of Contract.

LXXXIX. 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.

Servants in certain Caſes ſhall be entitled to Wages up to the Time of enliſting.

XC. Provided always, and be it further enacted, That if any Perſon who ſhall have been hired to ſerve any Maſter for a Year or otherwiſe, ſhall, before the Expiration of his Term of Service under ſuch Hiring, enliſt into His Majeſty's Service, ſuch Perſon ſhall be entitled to ſuch Proportion of Wages as the Magiſtrate ſhall think proper from his Maſter, for the Time he has actually ſerved under ſuch Hiring, notwithſtanding he ſhall have failed, in conſequence of ſuch enliſting, in completing the full Term of Service agreed for under ſuch Hiring.

Where any Corps beyond Seas ſhall be relieved in order to return Home, ſuch of the Men as ſhall chooſe may be enliſted, &c.

XCI. 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 enliſting 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.

Soldiers entitled to Diſcharge to be ſent Home free of Expence, and have Conduct and Marching Money Home.

XCII. And be it further enacted, That every Soldier entitled to his Diſcharge under any Orders or Regulations made by His Majeſty, or upon the Expiration of any Period for which he ſhall have engaged to ſerve, ſhall, if then ſerving Abroad, be ſent to *Great Britain* or *Ireland*, free of Expence, and be entitled on his Return to, and have and receive Marching Money, from the Place of his being landed to the Pariſh or Place in which he ſhall have been originally enliſted, at the Rate *per Diem* fixed for victualling Soldiers on the March, reckoning Ten Miles for each Day's March; and every Soldier ſo entitled to his Diſcharge, who ſhall be diſcharged at any Place in the United Kingdom, other than that in which he ſhall have been atteſted, ſhall be entitled to the like Marching Money, from the Place of his Diſcharge to the Place of his Atteſtation as aforeſaid.

Juſtices may commit Deſerters.

XCIII. 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, and the Keeper of every Gaol, Houſe of Correction, or other publick Priſon of the City, Town, or Place at or in which the Party or Perſon conveying ſuch Deſerter ſhall halt on the March, ſhall, and he is hereby required

to receive and confine every such Deserter, who shall be delivered into his Charge and Custody by any Non-commissioned Officer or Soldier who shall be conveying such Deserter under any lawful Order, Warrant, or Authority, while on the Road from the Place where he was apprehended, to the Place to which he is to be conveyed, without any other Warrant or Authority for so doing than the Production of the Warrant of the Justice of the Peace, on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, or of the Chief Governor or Governors of *Ireland*, and shall be entitled to One Shilling for the safe Custody of the said Deserter while the Party or Person conveying him shall halt on the March; any Law, Usage, or Custom to the contrary notwithstanding.

Reward for taking up Deserters.

XCIV. 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 eleven, 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.

XCV. 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 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 Meat, Drink, Beer, or other Provision, provided under any Regulations relating thereto, 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

Penalty on Persons receiving any Arms, Clothes, &c. of Soldiers or Deserters, &c.

provided for the Soldier, and paid for by Deductions out of his Pay, or cauſe the Colour of any ſuch Clothes to be changed, the Perſon ſo offending ſhall 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 Meat, Drink, Beer, or other Proviſions, 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.

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

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

Penalty on Officer breaking open any Houſe without Warrant.

XCVII. 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

Juſtices may grant an Extenſion of Furlough to any Non-commiſſioned Officer or

Soldier applying for the ſame, on Account of Sickneſs, &c.

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.

Juſtices of Peace, granting an Extenſion of Furlough, empowered on Requeſt to order Pariſh Officers to advance pay to Soldiers, which is to be reimburſed by the Collectors of Exciſe.

XCVIII. Provided always, and be it further enacted, That in all Caſes in which any Extenſion of Furlough ſhall be granted as aforeſaid, and upon the Requeſt of any ſuch Non-commiſſioned Officer or Soldier to whom the ſame ſhall be granted, it ſhall be lawful to the Juſtice of the Peace granting the ſame, to make an Order in Writing under his Hand upon the Churchwardens and Overſeers of the Poor of the Pariſh, Townſhip, or Place wherein ſuch Non-commiſſioned Officer or Soldier ſhall reſide, requiring them to pay to ſuch Non-commiſſioned Officer or Soldier any Sum of Money directed in ſuch Order, not exceeding what the Pay of ſuch Non-commiſſioned Officer or Soldier would amount to for the Period to which ſuch Furlough ſhall be extended as aforeſaid; and the ſame ſhall be paid accordingly, upon Production and Delivery to him of ſuch Order, by any ſuch Pariſh Officer out of any Money in his Hands applicable to the Relief of the Poor; and the Sum ſo advanced by ſuch Pariſh Officer ſhall, upon the Production and Delivery of ſuch Order to the Collector of Exciſe or the Diſtrict within which ſuch Pariſh, Townſhip, or Place ſhall be ſituated, or any Perſon officiating for ſuch Collector, be repaid to ſuch Pariſh Officer, to be applied to the Relief of the Poor, by ſuch Collector of Exciſe or other Perſon out of any public Monies in his Hands, and the ſame ſhall be allowed in his Accounts, and ſuch Orders of Juſtices ſhall be taken as Caſh in the Payment of Duties of Exciſe received by him; and all Sums of Money ſo advanced out of any Duties of Exciſe ſhall be repaid to the Account of the ſaid Duties by the Agents of the Regiments to which the Men to whom the ſame ſhall have been paid ſhall reſpectively belong, to any Perſon or Perſons authorized by the Commiſſioners of Exciſe in *England* and *Scotland* reſpectively, or any Three or more of them reſpectively, to draw for and receive the ſame: Provided always, that if the Juſtice of Peace ſhall not think fit to make ſuch Order for paying any ſuch Money as aforeſaid, he ſhall ſtate his Reaſons for ſuch Refuſal in Writing at the Back of the Furlough.

Agents of Regiments to repay the Money ſo advanced.

XCIX. And

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.

XCIX. 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.

C. And, to the End that honeſt Creditors, who aim only at the Recovery of their juſt Debts due to them from Perſons entering into and liſting 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.

CI. 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.

Commiſſaries upon making up their Accounts, or returning from Foreign Service, to take an Oath.

CII. And be it further enacted, That all Commiſſaries, upon making up their Accounts, and alſo upon returning from any Foreign Service, ſhall take the Oath deſcribed in the Schedule to this Act annexed, marked (M.) which Oath, if taken in any Part of the United Kingdom, ſhall be taken before ſome Juſtice of the Peace or Magiſtrate, and if taken on Foreign Service, before the Commander in Chief, or the Second in Command, or the Quarter Maſter or Deputy Quarter Maſter General, or any Aſſiſtant Quarter Maſter General of the Army to which he ſhall be attached, who ſhall reſpectively have Power to adminiſter the ſame.

Officers, Storekeepers, Commiſſaries, &c. embezzling, &c. Military Stores, &c. may be tried by a Court-martial.

CIII. And be it further enacted by the Authority aforeſaid, That every Commiſſion Officer, Storekeeper, or Commiſſary, or Deputy or Aſſiſtant Commiſſary, or other Perſon employed in the Commiſſariat Department, or in any Manner in the Care or Diſtribution of any Money, Proviſions, Forage or Stores, belonging to His Majeſty's Forces, or for their Uſe, that ſhall embezzle or fraudulently miſapply, or cauſe to be embezzled or fraudulently miſapplied, or ſhall knowingly or wilfully permit or ſuffer any Money, Proviſions, Forage, Arms, Cloathing, Ammunition, or other Military Stores, to be embezzled or fraudulently miſapplied, or to be ſpoiled or damaged, may be tried for the ſame by and before a General Court-martial, and it ſhall be lawful for ſuch Court-martial

Penalty on ſuch Offenders.

to adjudge any ſuch Perſon to be tranſported as a Felon for Life, or for any certain Term of Years, or to ſuffer ſuch Puniſhment of Pillory, Fine, Impriſonment, Diſmiſſal from His Majeſty's Service, and Incapacity of ſerving His Majeſty in any Office Civil or Military, as any ſuch Court ſhall think fit, according to the Nature and Degree of the Offence, or that ſuch Perſon ſhall forfeit Two hundred Pounds, and that ſuch Perſon ſhall in Addition to any other Puniſhment, 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 Two hundred Pounds, and ſuch Damage; and if ſufficient Goods and Chattels cannot be found and ſeized, then the Perſon ſo offending ſhall be committed to Priſon, or the Common Gaol, there to remain (in Addition to any other Puniſhment or Impriſonment) 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.

For want of Diſtreſs the Offender to be committed.

Application of the Forfeiture.

Non-commiſſion Officers embezzling

CIV. 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

ney with which he may have been entrusted for the Payment of the Men under his Command, or for enlisting 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.

Soldiers' Pay, &c. to be reduced, &c.

CV. 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 eleven, 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 eleven, 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, &c. to make Deduction out of Officers or Private Mens' Pay.

Exceptions.

CVI. 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 Six Months, issue the Money due for the Clothing of the several Regiments, Troops, and Companies; and the Paymaster General for the Time being is hereby directed to pay the same to such Person or Persons only as have a regular Assignment, from the Colonel or Commandant or Person authorized by Law to make such Assignment, and the Receipt of the Person or Persons having or being lawfully entitled to such Assignment, shall be from Time to Time taken for the same.

Treasury may issue out the Money due for Clothing every Six Months.

Paymaster General to pay the Cloathing Money to the Persons having Assignments.

CVII. And be it further enacted, That if any Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, shall unlawfully 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-commissioned Officer and Soldier their respective Pay, when it shall become due, according to the several Rates established by His Majesty's Orders, then upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose duly held and summoned, every such Paymaster, Agent, Clerk, or Officer, so offending, shall be discharged from his Employment, and shall forfeit to the Informer upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid; and the Informer, if a Soldier, (if he demands it), shall be and he is hereby discharged from any further Service; any Thing in this Act contained to the contrary notwithstanding.

Penalty on Agents, &c. detaining Officers or Soldiers Pay.

CVIII. 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

Penalty on Agents disobeying of Orders.

ſhall from Time to Time be given by His Majeſty, under His Sign Manual, or by His Majeſty's Chief Governor or Governors of *Ireland*, or by the Lord Treaſurer, or Commiſſioners of the Treaſury for the Time being; and if any Agent ſhall refuſe or neglect to obſerve and comply with ſuch Orders and Directions, he ſhall be diſcharged from his Office, and be utterly diſabled to have or hold any ſuch Office in His Majeſty's Service.

Penalty on Perſons acting as Army Agents without Authority.

CIX. And whereas great Inconvenience has ariſen to His Majeſty's Service from Perſons, not authorized Agents of Regiments, Troops, or Companies negociating for the Purchaſe and Sale of Commiſſions, and much larger Sums than are allowed by His Majeſty's Regulations are often given and received for Commiſſions, and great Frauds committed, be it therefore enacted, That every Perſon not an authorized Agent of any Regiment, Troop or Company, who ſhall negociate or act as Agent for or in relation to the Purchaſe or Sale of any Commiſſion in His Majeſty's Forces, and alſo every authorized Agent as aforeſaid, who ſhall take, accept, or receive any Commiſſion or Sum of Money, or Reward for negociating the Purchaſe or Sale of any ſuch Commiſſion, or acting as an Agent in relation thereto, ſhall forfeit for every ſuch Offence the Sum of One hundred Pounds, and Treble the Sum which ſhall be given or received for or in relation to any ſuch Commiſſion, over and above the Sum allowed by His Majeſty's Regulations.

Paymaſters, &c. to account with Executors.

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

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

CXI. 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,

tillery, 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.

Troops raiſed or ſerving in His Majeſty's Provinces, &c. acting in Conjunction with His Majeſty's other Forces, liable to the ſame Martial Laws.

CXII. And whereas great Miſchief and Inconvenience may ariſe if it ſhould be doubted whether Troops in Pay, raiſed or ſerving in any of His Majeſty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Poſſeſſion of or occupied by His Majeſty's Subjects, or any Forces of His Majeſty, are, while under the Command of any 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 have been or are or ſhall be raiſed or ſerving as aforeſaid, ſhall at all Times and in all Places 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.

Perſons employed on Recruiting Service, and receiving regular Pay, ſubject to the Proviſions of this Act.

CXIII. And be it further enacted, That this Act ſhall extend to all Serjeants and Non-commiſſioned Officers or Perſons employed on the Recruiting Service, receiving any regular Pay in reſpect of ſuch Service; and all ſuch Serjeants and Non-commiſſioned Officers and Perſons employed on the Recruiting Service, receiving any regular Pay in reſpect of ſuch Service, ſhall be liable to Martial Law and Diſcipline, in like Manner to all Intents and Purpoſes as His Majeſty's other Forces, and be ſubject to the ſame Trial, Penalties, and Puniſhments.

Negroes purchaſed and ſerving in the Forces, ſhall be deemed free.

CXIV. And be it further enacted, That from and after the paſſing of this Act, all Negroes purchaſed by or on account of His Majeſty, His Heirs and Succeſſors, and ſerving in any of His Majeſty's Forces, ſhall be and be deemed and taken to be free, to all Intents and for all Purpoſes whatever, in like Manner in every Reſpect as if ſuch Negroes had been born free in any Part of His Majeſty's Dominions; and that ſuch Negroes ſhall alſo to all Intents and Purpoſes whatever, be conſidered as Soldiers having voluntarily inliſted in His Majeſty's Service.

Certain Provisions of this Act not to extend to Negroes purchased by or on account of His Majesty.

CXV. Provided always, and be it further enacted, That nothing in this Act contained, as to inlisting for any limited Periods of Service, or contained in any other Act as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged, after certain Periods of Service, shall extend or be deemed or construed in any Manner to extend to any Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces.

Officers and Soldiers of such Troops sent over to Great Britain,

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

CXVI. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, 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 such 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 such 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, &c. further than is directed by the Laws relating thereto.

Exception.

CXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be any ways construed to extend, to concern any of the Militia Forces or Yeomanry or Volunteer Corps 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 or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, the Provisions contained in this Act, or in any Act for punishing Mutiny and Desertion, which shall be then in force, are extended and meant to take place in respect to the Officers and Soldiers of the Militia Forces, or Yeomanry or Volunteer Corps in *Great Britain* and *Ireland*; and also except so far as relates to the mustering of the said Militia Forces according to the Provisions hereinafter mentioned.

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

CXVIII. 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.

CXIX. And

CXIX. 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, or Garrison, or Detachment, or Regimental 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. In what Cases this Act shall extend to Jersey, Guernsey, &c.

CXX. And be it further enacted, That any Person taking a false Oath in any Case wherein an Oath is required to be taken by this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted, shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to. Persons taking a false Oath, guilty of Perjury.

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

CXXII. 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.

CXXIII. And be it further enacted, That if any Action shall be raised or Complaint shall be preferred against any Person or Persons in *Scotland*, for any In Scotland, Actions shall be preferred

in the Court of Seſſion.

any Act, Matter, or Thing, to be acted or done in purſuance of this Act, ſuch Action ſhall be raiſed and Complaint preferred in the Court of Seſſion, and if ſuch Court ſhall ſee fit to aſſoilzie the Defendant, or diſmiſs the Complaint, the Defender or Defenders ſhall have Treble Coſts awarded to him or them by the ſaid Court.

Penalties on Perſons perſuading Soldiers to deſert.

CXXIV. And be it further enacted, That if any Perſon or Perſons ſhall, in any Part of His Majeſty's Dominions, directly or indirectly, perſuade or procure any Soldier or Soldiers in the Service of His Majeſty, His Heirs or Succeſſors, to deſert or leave ſuch Service as aforeſaid, every ſuch Perſon or Perſons ſo offending as aforeſaid, and being thereof lawfully convicted, ſhall, for every ſuch Offence, forfeit to His Majeſty, His Heirs or Succeſſors, or to any other Perſon or Perſons who ſhall ſue for the ſame, the Sum of One hundred 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 One hundred Pounds, to pay and ſatisfy the ſame, or if from the Circumſtances and Heinouſneſs of the Crime it ſhall appear, to the Court before which the ſaid Conviction ſhall be made as aforeſaid, that any ſuch Forfeiture is not a ſufficient Puniſhment for ſuch Offence, it ſhall be lawful for ſuch Court to commit any ſuch Offender to Priſon, there to remain for any Time not exceeding Twelve 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.

Manner of ſuing for Penalties againſt Perſons inducing Soldiers to deſert.

CXXV. And be it further enacted, That all Penalties by this Act impoſed, for perſuading or procuring any Soldier to deſert within that Part of *Great Britain* called *England*, may and ſhall be ſued for, and be recoverable in any of His Majeſty's Courts of Record at *Weſtminſter*; and for ſuch like Offences as ſhall be committed in that Part of *Great Britain* called *Scotland*, ſhall be ſued for and recoverable in His Majeſty's Courts of Exchequer in *Scotland*; and for ſuch like Offences as ſhall be committed in *Ireland*, ſhall be ſued for and recoverable in any of His Majeſty's Courts of Record in *Dublin*; and for any ſuch like Offences as ſhall be committed in any of the Dominions of His Majeſty, ſhall and may be ſued for and be recoverable in any Court of Record of His Majeſty, in the Place where the Offence ſhall have been committed; and for ſuch like Offence as ſhall have been 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 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 contained in an Act paſſed in the Firſt Year of King *George* the Firſt to the contrary thereof in anywiſe notwithſtanding.

Penalties for ſuch Offences where to be ſued for.

CXXVI. 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

fued 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.

CXXVII. 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.

CXXVIII. 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 every Warrant for holding any Court-martial under any former Act ſhall remain in full Force, notwithſtanding the Expiration of ſuch Act, and all Proceedings of any 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 any 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, &c. for Offences againſt former Acts committed Three Years before iſſuing the Warrant for Trial, &c.

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

Form of Conviction.

CXXX. 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:

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 me [or us] One ‘[or Two] of His Majeſty's Juſtices of the Peace in and for the ‘ſaid County, and informed me [or 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 me [or us] the said Justice [or 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 me [or us] the said Justice [or Justices], that he the said *G. H.* is guilty of the said Offence charged upon him in the said Information. It is therefore considered and adjudged by me [or us] the said Justice [or Justices], that he the said *G. H.* be convicted and I [or we] do hereby convict him of the Offence aforesaid; and I [or 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.

CXXXI. 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 eleven, until the Twenty-fifth Day of *March*, in the Year of our Lord One thousand eight hundred and twelve; 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 eleven, until the First Day of *April* in the Year of our Lord One thousand eight hundred and twelve; 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 eleven, until the First Day of *May* in the Year of our Lord One thousand eight hundred and twelve; 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 twelve until the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and thirteen.

Act, in Part, may be altered this Session.

CXXXII. 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

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, that I am or have been (*as the Case may be*), [*state Occupation, if any, or state if of none*] and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, &c.*] and that I am of the Age of Years; that I do not belong to the Militia, or to any other Regiment, or to His Majesty's Navy or Marines, and that I will serve His Majesty, His Heirs and Successors, for the Period of [*This Blank to be filled up by the Magistrate with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require my Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years as shall be directed by any Proclamation of His Majesty: Provided always, that in the latter Case the said additional Period shall determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any Definitive Treaty shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be*] Years.

SCHEDULE (B.)

FORM OF OATH.

I do make Oath, that I am, *or* have been, (*as the Case may be*) [*state Occupation, if any, or state if of none*] and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, &c.*] and that I am of the Age of Years; that I do not belong to the Militia or any other Regiment, or to His Majesty's Navy or Marines; and that I will serve His Majesty, His Heirs and Successors, until I shall be legally discharged.

SCHEDULE (C.)

FORM OF JUSTICE'S CERTIFICATE.

I *A. B.* One of His Majeſty's Juſtices of the Peace of (or Chief Magiſtrate of) do hereby certify that *C. D.* appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thouſand eight hundred and and ſtated himſelf to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways diſabled by Lameneſs, Deafneſs, or otherwiſe, but had the perfect Uſe of his Limbs and Hearing, and was not an Apprentice; and acknowledged that he had voluntarily enliſted himſelf for the Bounty of to ſerve His Majeſty King *George* the Third, His Heirs and Succeſſors, in the Regiment of commanded by and did engage to ſerve for the Period of [*This Blank to be filled up by the Magiſtrate with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Perſon enliſting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to ſuch Seven, Ten, or Twelve Years, as the Caſe may be*] Years, provided His Majeſty ſhould for ſo long require his Service; and alſo for ſuch further Period as His Majeſty ſhall pleaſe to direct, not to exceed in any Caſe Three Years, and to determine whenever Six Months ſhall have elapſed of continued Peace ſubſequent to the Expiration of the Term of [*Seven, or Ten, or Twelve*] Years. And I do hereby 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, and that he received the Sum of on being atteſted, and that I have given to the ſaid *C. D.* a Duplicate of this Certificate, ſigned with my Name.

SCHEDULE (D.)

FORM OF JUSTICE'S CERTIFICATE.

I *A. B.*, one of His Majeſty's Juſtices of the Peace of (or Chief Magiſtrate of), do hereby certify, That *C. D.* appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at , on the Day of One thouſand eight hundred and , , and ſtated himſelf to be of the Age of Years, and that he had no Rupture, and was not troubled

troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve His Majesty King *George* the Third, His Heirs and Successors, in the Regiment of commanded by until he should be legally discharged; And I do hereby 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 to the Effect above set forth, and that he received the Sum of on being attested, and that I have given to the said *C. D.* a Duplicate of this Certificate signed with my Name.

SCHEDULE (E.)

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

I *A. B.* being enlisted 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 (F.)

to wit } I One of His Majesty's Justices of the Peace of 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 (G.)

I *A. B.* being inliſted to ſerve in the [Infantry or Artillery, *as the Caſe may be*] of the *Eaſt India* Company, do ſwear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in Duty bound, defend him in His Perſon, Crown and Dignity, againſt all His Enemies; and 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 (H.)

I *A. B.* do make Oath, That I am (or have been, *as the Caſe may be*) [*ſtate Occupation, if any, or ſtate if of none*], and to the beſt of my Knowledge and Belief was born in [*ſtate County, Pariſh, or Place, &c.*] and that I am of the Age of Years, and that I do not belong to the Militia or to any Regiment in His Majeſty's Service, or to His Majeſty's Navy or Marines, and that I will ſerve the United Company of Merchants of *England*, trading to the *Eaſt Indies*, until I ſhall be duly and legally diſcharged [*or if the Recruit enliſts for limited Service, then leave out the Words ſcored under and inſert*] for the Period of Twelve Years [*if the Perſon inliſting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to ſuch Twelve Years, as the Caſe may be, and ſuch Period to be inſerted inſtead of Twelve Years*] provided the ſaid United Company ſhould ſo long require my Service.

SCHEDULE (I.)

I One of His Majeſty's Juſtices of the Peace of [or Chief Magiſtrate of] do hereby certify, that appeared to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of and ſtated himſelf to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was noways diſabled by Lameneſs, Deafneſs, or otherwiſe, but had the perfect Uſe of his Limbs and Hearing, and was not an Apprentice, and acknowledged that he had voluntarily inliſted himſelf for the Bounty of to ſerve the United Company of Merchants of *England* trading to the *Eaſt Indies*, and did engage to ſerve for the Period of [*this Blank to be filled up by the Magiſtrate either until diſcharged or for Years, as in the preceding Form of Enliſtment*] and I do hereby 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 he took the Oath of Fidelity mentioned in the Act of the Fiftieth Year of His preſent Majeſty, and alſo the Oath above ſet forth, and that he received the Sum of on being atteſted, and that I have given to the ſaid a Duplicate of this Certificate, ſigned with my Name.

SCHEDULE (K.)

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 (L.)

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.

SCHEDULE

SCHEDULE (M.)

FORM OF OATH.

I do hereby make Oath, That I have not applied any Money or Stores, or Supplies, under my Care or Diſtribution, to my own Uſe, or to the private Uſe of any other Perſon, by way of Loan to ſuch Perſon, or otherwiſe, or in any Manner applied them, or knowingly permitted them to be applied to any other than publick Purpoſes, and according to the Duty of my Office.

Sworn before me by the within named }
this Day of }.

A. B.

[Juſtice of the Peace for the County of
or Commander in Chief, *or* Second in Command, *&c.* the Army ſerving in *&c. as the Caſe may be.*]

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1811.