ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. XXII.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters. [20th *March* 1812.]

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 that the whole Number of ſuch Forces ſhould conſiſt of Two hundred and forty-five thouſand nine hundred and ninety-ſix effective Officers and Men including His Majeſty's Forces ſerving in the *Eaſt Indies*: 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 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

Number of Forces 245,996.

Every Officer or Private Man, during

the Continuance of this Act, who ſhall mutiny or deſert, &c.

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 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 or other Puniſhment as by a Court Martial ſhall be awarded.

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.

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

II. Provided always, and it is hereby declared and enacted, That no Non-commiſſioned Officer or Soldier who ſhall deſert His Majeſty's Service, ſhall be exempt from the Pains and Penalties impoſed by this Act for ſuch Offence by again enliſting into His Majeſty's Service; but any ſuch Soldier ſhall, notwithſtanding ſuch ſubſequent Enliſtment, 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.

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

III. And whereas Doubts have ariſen, whether Soldiers, who of Right belong to Corps from which they have deſerted, may be proceeded againſt and tried for deſerting any other Corps in which they may afterwards have enliſted, or from His Majeſty's Service, if they ſhall not after ſuch ſubſequent enliſting have been placed in any Corps, or for any Crime committed by them whilſt ſerving therein; be it enacted by the Authority aforeſaid, That every ſuch Soldier ſhall be liable to be tried by a Court martial, and puniſhed in like Manner as if he had originally inliſted in, and of Right belonged to the Regiment, Corps, Troop, Company, Detachment, or Party in which he ſhall be at the Time of any ſubſequent Deſertion, or committing any Offence, notwithſtanding it ſhall have been diſcovered or known that he had previouſly belonged to ſome other Regiment, Corps, Troop, or Company, Detachment, or Party, and had not been diſcharged therefrom: Provided always, that if ſuch Perſon ſhall be claimed by ſuch other Regiment, Corps, Troop, or Company, Detachment or Party, 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 every such Soldier shall 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*, or in any of His Majesty's Possessions abroad other than the Place to which he shall have been transported 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*, or in any of His Majesty's Possessions abroad, other than the Place to which he shall have been transported, 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 Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

VII. And

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 Transportion 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 of any such Offender, &c.

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 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

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.

Sentence of Transportation in India, &c. to be notified by the Officer commanding 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.

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 such Court Martial, upon Condition of Transportation, the same shall be notified in Writing by the Officer commanding in Chief His Majesty's Forces in *India*, or in the Absence of the Officer commanding 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.

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

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.

The King may grant a Commission for holding Courts-martial, &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 *Ireland*, the Governor of *Gibraltar*, and the Governor of any of His Majesty's Dominions beyond the Seas respectively, or the Person or Per-

ſons 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 before 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-commiſſioned 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 and Officers of every Regiment, Troop, Company, or Party, is and are hereby required to uſe his and their 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*.

XVI. Provided

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

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. 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.

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 Commiſſioned Officers, as the Caſe may require; except the ſame ſhall be holden upon any Officer, Non-commiſſioned Officer, or Private Soldier of His Majeſty's Forces, which ſhall be ſerving in any Place beyond the Seas out of His Majeſty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *Eaſt Indies*; in which Caſes any General Court-martial may conſiſt of any Number not leſs than Seven, and 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 Officer commanding in Chief, or 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 13 or 9 Commiſſioned Officers, except in certain Places.

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 Court-martial for Officers.

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 General Courts-martial may ſen-

tenee Deserters to serve for Life, &c. and to a Forfeiture of Increase of Pay or Pension,

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

No General Court-martial of less than 13, except in certain Places, 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 any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in *Africa* or *New South Wales* as aforesaid, 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 Imprisonment or Corporal Punishment, not extending to Life or Limb, as such Court shall think fit, on any Soldier for Immoralities, Misbehaviour, or Neglect of Duty.

General or other Court-martial may sentence Non-commissioned Officers or Soldiers to Imprisonment in any House of Correction or Gaol, &c.

XXIII. Provided always, and be it further enacted, That it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Soldier to Imprisonment in any House of Correction, Common Gaol, or Public Prison; and all Gaolers and Keepers of such Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, any Non-commissioned Officer or Soldier who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Soldier, according to the Sentence of such Court during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the District within which such General Court Martial shall have been held, or from the Commanding Officer of any Regiment or Corps to which such Non-commissioned Officer or Soldier so tried by any Regimental Court Martial as aforesaid shall belong; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in Manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information for the Use of His Majesty.

Penalty on Gaolers refusing to receive them.

Such Non-commissioned Officers and Soldiers to forfeit their Pay.

Allowance to Gaolers, &c.

XXIV. And be it further enacted, That every Non-commissioned Officer or Soldier to be imprisoned as aforesaid, shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also, that during the Continuance of any such Imprisonment, the Gaoler or Keeper of such Prison or House of Correction shall receive the Sum of Nine-pence *per Diem* out of the Subsistence of such Non-commissioned Officer or Soldier during the Time that such Non-commissioned Officer or Soldier shall continue in Custody, which said Sum the Secretary

at War is hereby authorized and required to cauſe to be paid to the ſaid Gaoler or Keeper aforeſaid, upon receiving an Application in Writing ſigned by any Juſtice of the Peace for the County or Riding in which ſuch Gaol, Priſon, or Houſe of Correction ſhall be locally ſituate, together with a Copy of the Order under which the ſaid Non-commiſſioned Officer or Soldier was confined: Provided always, That it ſhall be lawful for the Secretary at War for the Time being, if he ſhould think fit, to order the Iſſue and Payment of the Surplus of ſuch Pay or any Portion thereof, or of any Arrears thereof, to or on Account of ſuch Non-commiſſioned Officer or Soldier, during or after the Expiration of the Period of his Impriſonment.

Courts-martial may adminiſter Oath to Witneſſes.

XXV. 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.

XXVI. 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.'

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

And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, unless Nine Officers present shall concur therein; (except such General Court-martial shall be holden in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in *Africa*, or in *New South Wales*, as aforesaid); and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in *Africa*, and in *New South Wales* as aforesaid, 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.

Hours of Trial.

Witnesses attending Courts-martial to be privileged from Arrest.

Witnesses not attending liable to be attached.

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

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

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

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

'I *A. B.* do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in force for the Punishment

'of Mutiny and Deſertion, and other Crimes therein mentioned, without 'Partiality, Favour, or Affection; and if any Doubt ſhall ariſe, which is 'not explained by the ſaid Articles, or Act of Parliament, according to 'my Conſcience, the beſt of my Underſtanding, and the Cuſtom of War 'in the like Caſes.

'So help me GOD.'

Appointment of Preſident.

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

As often as ſhall be neceſſary, Officers of the Land and Marine Forces may ſit in Conjunction upon Courts-martial; taking Rank according to the Seniority of their Commiſſions.

XXVIII. 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.

XXIX. 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.

XXX. Provided

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

XXX. Provided always, and be it enacted, That the Party tried by any General Court Martial within *Europe* (except in the Garrison of *Gibraltar*), shall be entitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf (he or they paying reasonably for the same), at any Time not sooner than Three Months after such Sentence; and in case of Trials by any General Court-martial at *Gibraltar*, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in the case of Trials by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any Thing in this Act to the contrary notwithstanding.

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

XXXI. 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.

XXXII. 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.

XXXIII. 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.

XXXIV. 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 authe-

XXXV. And be it further enacted by the Authority aforesaid, That for bringing Offenders against such Articles of War to Justice, it shall be

 lawful

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.

rize others to convene Courts-martial.

XXXVI. 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.

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

XXXVII. 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 for which he may be liable to be tried 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.

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

XXXVIII. 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.

Muſters to be made Twice a Year.

XXXIX. 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.

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

Penalty on giving false Certificates to excuse Soldiers from Musters.

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

Penalty on Officers making false Musters, &c.

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

Penalty on Officers mustering Persons by wrong Names.

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

Penalty on Persons offering themselves to be falsely mustered.

XLIII. 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 any Justice of the Peace for the County residing near the Place where such Muster shall be made, and upon Certificate thereof in Writing, under the Hand of the Commissary of the Musters, or Muster-masters 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 some Justice of the Peace residing near to the Place where such Muster shall be made;

Horses falsely mustered to be forfeited, &c.

which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus (if any be) to the Owner: And in case such Offender shall not have sufficient Goods and Chattels whereon Distress may be made, to the Value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction; then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publickly whipped, at the Discretion of such Justice; and the said Forfeiture shall be given or paid to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

Forfeiture how to be levied.

Soldiers giving Information of false Musters entitled to Discharge.

XLIV. 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.

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.

XLV. 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

Recital of the Petition of Right, 3 Car. I. &c.

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 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 Commander in Chief and Secretary at War: And

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

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

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

Penalty on Officers quartering Soldiers contrary to this Act, &c.

in case any Person shall find himself aggrieved, in that such Constable, Tithingman, or Headborough, Chief Officer, or Magistrate, (such Chief Officer or Magistrate not being a Justice of the Peace), has quartered or billetted in his House a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty, where such Soldiers are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then, on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed and quartered upon such other Person or Persons as they shall see Cause; and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

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

XLVI. 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 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.

Licences may be granted for keeping Canteens.

XLVII. 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,

No Justice having any Military Office in England to

be concerned in billeting his Soldiers.

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.

High Constables, &c. may issue Precepts for billetting Foot Guards in Westminster, &c.

XLVIII. 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, &c. in Westminster, &c. to deliver Lists at Quarter Sessions on Oath, of Houses subject to receive Soldiers, &c in their respective Divisions,

XLIX. 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

to be inspected without Fee.

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 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.

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.

L. 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

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

of the Subſiſtence Money for Diet and Small Beer, and Hay and Straw for ſuch Horſes.

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

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

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

LII. 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.

LIII. 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

or Company, ſhall be quartered, are hereby required to billet ſuch Men and Horſes ſo exchanged accordingly.

Penalty on Officers taking Money to excuſe any Perſon from quartering.

LIV. 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;

and on Victuallers refuſing to quarter Soldiers.

LV. 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 herein-after reſpectively directed to be furniſhed or allowed to Non-commiſſioned Officers or Soldiers ſo quartered or billetted on him or her, as aforeſaid; or ſhall neglect or refuſe to furniſh good and ſufficient Stables, together with 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.

LVI. 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, in any Part of the United Kingdom, by Warrant or Order under his or their Hand or Seal, or Hands and Seals, at any Time or 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.

Juſtices may extend Routes and enlarge Quarters.

LVII. Provided always, and be it further enacted, That it ſhall be lawful for any Juſtice of the Peace at the Requeſt of any Officer or Non-commiſſioned Officer commanding any Soldiers requiring Quarters or Billets, in any Caſe in which it ſhall appear to ſuch Officer or Juſtice that better Accommodation can be given to the Troops by extending any Rout or enlarging the Diſtrict, within which Quarters and Billets ſhall be required, to enlarge ſuch Rout, and extend ſuch Quarters and Billets in ſuch Manner as ſhall be moſt convenient to the Troops to be quartered and billetted; any Act, Law, or Cuſtom to the contrary notwithſtanding.

Officers and Soldiers to pay Rates for their Diet.

LVIII. Provided nevertheleſs, and it is hereby enacted, That the Officers and Soldiers ſo quartered and billetted as aforeſaid, ſhall be received and furniſhed with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouſes, Victualling-houſes, and other Houſes in which they are allowed to be quartered and billetted by this Act; paying and allowing for the ſame the ſeveral Rates herein-after mentioned to be payable out of the Subſiſtence Money for Diet and Small Beer.

If Innholders furniſh the 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.

LIX. 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,

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 receiving the Pay to ſettle the Demands of Innkeepers.

LX. And that the Quarters both of Officers and Soldiers may hereafter be duly paid and ſatisfied, and His Majeſty's Duties of Exciſe better anſwered, be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of *March* One thouſand eight hundred and twelve, 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 every Four Days, or before the Troops ſhall quit their Quarters, if they ſhall not remain ſo long as Four Days, ſettle the juſt Demands of all Perſons keeping Inns, or other Places where Officers or Soldiers are quartered by virtue of this Act, out of the Pay and Subſiſtence of ſuch Officers and Soldiers, before any Part of the ſaid Pay or Subſiſtence be diſtributed to either of them reſpectively: Provided the ſaid Demands 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 Dragoons'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 or Officers, as aforeſaid, ſhall not 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 Secretary at War is 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 give Orders to the Agent of the Troop or Company to pay and ſatisfy the ſaid Sums, and to charge the ſame againſt ſuch Officer.

Rates to be paid to Innkeepers for Diet.

Penalty on Officers not ſatisfying Accounts which ſhall be charged againſt them by the Agents.

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

Penalty.

LXI. 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 and Sale of his Goods, rendering the Overplus to the Party, after deducting reaſonable Charges in taking the ſame.

LXII. And

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

LXII. 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-commiſſioned 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.

LXIII. 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 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

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

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, by threatening or menacing Words to provide Saddle Horſes

Rates for Carriages.

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

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 Secretary at War, who is hereby authorized and required to give Orders for the Payment of 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 for deducting 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: Provided always, that in every Caſe of any increaſed Rate being allowed for the Hire of any Carriage, the Juſtice of the Peace granting or ſigning the Warrant ſhall inſert in his own Hand the Amount of ſuch increaſed Rate for each Deſcription of Carriage, as ſo authorized by the Juſtices at Quarter Seſſions as aforeſaid, and ſuch Warrant ſhall be given to the Officer or Non-commiſſioned Officer commanding the Regiment, Corps, Company, Detachment, or Party requiring ſuch Carriages, as his Voucher for the Payment of ſuch increaſed Rate, and no increaſed Rate ſhall be demanded but ſuch as ſhall be ſo inſerted by the Juſtice in the Warrant.

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

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.

LXIV. 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 in Chief of Stores and Proviſions at Home, to authorize ſuch General or Field Officers or Commiſſary in Chief as aforeſaid, by Writing under his Hand, reciting ſuch Order

of

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 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,

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, &c to be provided.

Writing, but without any Stamp, to the Perſon or Perſons paying the ſame; and ſuch Conſtable or Petty Conſtable ſhall order and appoint ſuch Perſon or Perſons having ſuch Horſes, Carriages, Boats, Barges, or other Veſſels and Men, within their reſpective Liberties, as they ſhall think proper, to provide and furniſh ſuch Horſes, Carriages, Boats, Barges, or other Veſſels and Men, according to the Warrant or Warrants aforeſaid, who are hereby required to provide and furniſh the ſame accordingly; and it ſhall and may be lawful in ſuch Caſes, to and for all and every Military Officer and Officers, for the Uſe of whom, or of whoſe Regiment, Detachment, Troop, or Company, ſuch Horſes, Carriages, Boats, Barges, or other Veſſels ſhall be provided in ſuch Caſes, to carry and convey, and permit to be carried and conveyed, on the ſame reſpectively, not only the Arms, Cloaths, Accoutrements, Baggage, Tents, and other Equipage of ſuch Regiment, Detachment, Troop, or Company, but alſo the Officers, Soldiers, Servants, Women, Children, and other Perſons of and belonging to the ſame; any Thing herein contained to the contrary thereof notwithſtanding: But if any ſuch Officer or Officers ſhall force and conſtrain any Horſe, Carriage, Boat, Barge, or other Veſſel, to travel or proceed beyond the Diſtance or Place to be allowed and ſpecified in ſuch Warrant or Warrants, without the ſpecial Licence or Order of One or more other ſuch Juſtice or Juſtices of the Peace in that Behalf, and which Licence or Order One or more of ſuch Juſtices is and are hereby authorized and required to give and make at his and their reaſonable Diſcretion, every ſuch Officer for every ſuch Offence ſhall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majeſty's Juſtices of the Peace of the ſame County or Riding, Diviſion, City, Liberty, or Precinct, who are to certify the ſame to the Secretary at War, who is hereby authoriſed and required to give Order for Payment of 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 for deducting the ſame out of ſuch Officer's Pay.

Military Officers may convey on them Arms, 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.

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

LXV. Provided always, and be it further enacted, That no Waggon Wain, Cart, or Carriage, impreſſed by Authority of this Act, ſhall be liable or obliged, by virtue of this Act, to carry above Thirty Hundred Weight; any Thing in this Act contained to the contrary notwithſtanding.

Penalty on Conſtables, etc. for Neglect.

LXVI. 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, 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, &c. employed in His Majeſty's Service, exempted from Payment of Tolls;

LXVII. 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 Tolls 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.

LXVIII. 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 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.

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

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

LXX. 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.

LXXI. 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.

LXXII. 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

Ferry Boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and in such Places where there are no regular Ferries, but that all Passengers hire Boats at the Rate they can agree for, Officers, with or without Parties, are to agree for Boats at the Rate as other Persons do in the like Cases.

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

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

LXXIV. 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.

LXXV. 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.

LXXVI. 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 twelve, any Officer or Soldier shall without Leave of the Lord of the Manor, under his Hand and Seal first had and obtained, take, kill or destroy, any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or His Majesty's Game, within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace, who is and are hereby empowered and authorized to hear and determine the same; (that is to say), every Officer so offending shall, for every such Offence, forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed; and every Officer commanding in Chief upon the Place, for every such Offence committed by any Soldier under his Command, shall forfeit the Sum of Twenty Shillings, to be paid and distributed in Manner aforesaid: And if upon Conviction made by the Justices of the Peace, and Demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within

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.

LXXVII. 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 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.

LXXVIII. 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 twelve, 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 inliſted, 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

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 inlift, the Juſtices to read over to them certain Sections of the Articles of War and adminiſter certain Oaths.

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, 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

Recruits inlisted under 39 G. 3. c. 109 for the East India Company's Service, &c. shall take the Oath of Allegiance.

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.

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: Provided always, that in every Case wherein any Person shall have received inlisting Money, and shall have absconded or have absented himself from the Party as aforesaid, so that it shall not be possible immediately to apprehend him, and bring him before a Magistrate, the Officer or Non-commissioned Officer commanding the Party shall produce to the Magistrate before whom the Recruit would regularly have been brought for Attestation, a Certificate of the Name and Place of Residence of such Person, and the Magistrate to whom the Certificate shall be produced shall, after satisfying himself that the Person who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, in order that in the Event of such Person being afterwards apprehended and reported as a Deserter, the Facts of his having received inlisting Money, and having absconded may be ascertained before he be finally adjudged to be a Deserter as having been duly inlisted.

Magistrates to transmit to the Secretary at War Duplicates of Certificates of the Name and Residence of Persons receiving Inlisting Money, and absconding.

Persons receiving inlisting Money and absconding, etc. deemed duly inlisted.

LXXIX. 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 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.

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

LXXX. And be it further enacted, That any Person who shall inlist 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 inlisted 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 making false Representations for the Purpose of obtaining Bounty, guilty of obtaining Money under false Pretences.

LXXXI. 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 surrendering themselves as Deserters shall be deemed to have been duly enlisted though not actually enlisted.

LXXXII. And be it further enacted, That any Person who shall voluntarily surrender or deliver himself up as a Deserter, from any Regiment or Corps of His Majesty's Regular or Militia 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 inlisted 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.

LXXXIII. And be it further enacted, That if any Person duly bound as an Apprentice shall enlist as a Soldier in His Majesty's Land Service, and shall 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 in England not entitled to claim Apprentices,

LXXXIV. 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

unleſs bound for a certain Period, and the Maſters ſhall take the Oath herein mentioned.

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, not having been above the Age of Fourteen when ſo bound; and if in *Ireland* for the full Term of Five Years at the leaſt, not having been above the Age of Sixteen when ſo bound, 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.

LXXXV. 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 inliſt, if the Indenture be produced to a Juſtice within a limited Time.

LXXXVI. 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

LXXXVII. 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. a certain Part of the Bounty Money.

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

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

XC. 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. Offenders ſhall be tried at the next Quarter Seſſions,

XCI. 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 and in Scotland by the Judge Ordinary.

in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment.

Gaolers to give previous Notice to the Secretary at War of the Expiration of the Imprisonment of Soldiers in his Custody.

XCII. And be it further enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice to the Secretary at War before the Day on which the Imprisonment of such Person will expire, according to his Commitment or Sentence of the Period of Expiration of such Imprisonment.

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

XCIII. 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.

XCIV. 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.

XCV. 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 Officer commanding 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.

XCVI. 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.

XCVII. 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 Tythingman, 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 Martial in caſe ſuch Deſerter ſhall be apprehended within the City or Liberties of *Dublin*, or Places adjacent, and tranſmit an Account thereof in the Form preſcribed in the Schedule annexed to this Act marked (N.), 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 public 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.

XCVIII. And

Reward for taking up Deserters.

XCVIII. 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 upon receiving an Authority from the Secretary at War in *Great Britain*, or an Order given under the Authority of the Chief Governor or Governors of *Ireland*, 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 so committed, or being charged with being a Deserter as aforesaid, or in *Ireland*, to the Collector or Collectors of His Majesty's Revenue in the District where any Deserter shall be so committed, or being charged with being a Deserter as aforesaid, for paying, out of the Land Tax Money or Revenue arisen or to arise, in the Year One thousand eight hundred and twelve, 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.

XCIX. 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 Colonel or other Officer commanding the Regiment or Corps to which 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 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,

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

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

tion, 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 Colonel or other Officer commanding the Regiment or Corps to which 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 publicly or privately whipped at the Diſcretion of ſuch Juſtice.

Penalty on Officer breaking open any Houſe without Warrant.

C. 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.

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

CI. And whereas Soldiers, abſent from their Regiments on Furlough granted to them by their Commanding Officers, are ſometimes prevented by Sickneſs or other unavoidable Caſualty from returning to their Duty before the Expiration of the Time limited by ſuch Furlough, and Doubts have ariſen whether, in ſuch Caſes, the Extenſion of a Soldier's Furlough by a Juſtice of the Peace be ſanctioned by legal Authority, and effectual for preventing ſuch Soldier from being apprehended upon Suſpicion of his having deſerted his Regiment; be it further enacted, That any Inſpecting Field Officer ſtationed on the Recruiting Service, or any Officer of the Rank of Captain, or of ſuperior Rank, ſtationed within the Diſtrict, or in caſe there be no ſuch Officer as aforeſaid within a convenient Diſtance, 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 ſhall, on due Enquiry, appear to render ſuch Extenſion neceſſary; and that every ſuch Officer or Juſtice of the Peace,

who shall grant to any Non-commissioned Officer or Soldier an Extension of Furlough as aforesaid, shall immediately certify the same, with the Cause of its being so granted, to the Agent of the Regiment to which such Non-commissioned Officer or Soldier shall belong; and that such Non-commissioned Officer or Soldier, during the Period to which his Furlough shall have been so extended as aforesaid, 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 such Officer or Justice of the Peace as aforesaid, or in applying for and obtaining the same had committed any Offence to the Prejudice of good Order and Military Discipline: Provided also, that no such Furlough shall be extended by any Justice of the Peace for any longer Period than One Month, unless with the Approbation of the General Officer commanding in the District where such Soldier shall be.

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.

CII. Provided always, and be it further enacted, That in all Cases in which any Extension of Furlough shall be granted as aforesaid in *England*, and upon the Request of any such Non-commissioned Officer or Soldier to whom the same shall be granted, it shall be lawful for the Justice of the Peace granting the same, or where the same shall be granted by any such Officer as aforesaid, for any Justice of the Peace, upon the Production of a Certificate in Writing from such Officer, which he is hereby required to give, 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; such Justice of the Peace taking particular Care to state upon the Furlough in Words the Amount so directed by him to be paid, and the Periods from and to which the same has been ordered to be issued, both inclusive, corroborating the Statement of his Signature, and further, specifying upon the Order to the Parish Officer the Date of the Furlough originally granted, and the Name of the Commanding Officer by whom signed; and the same so authorized 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 of 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 publick 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 Regiments to

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*, or any Three or more of them to draw for and receive the ſame: Provided always, that if any 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. repay the Money ſo advanced.

CIII. Provided alſo, and be it further enacted, That in all Caſes in which any Extenſion of Furlough ſhall be granted as aforeſaid in *Scotland*, 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, or where the ſame ſhall be granted, by any ſuch Officer as aforeſaid, for any Juſtice of the Peace upon the Production of a Certificate in Writing from ſuch Officer, which he is hereby required to give, to make an Order in Writing, under his Hand, upon the Collector of the Exciſe of the Diſtrict wherein ſuch Non-commiſſioned Officer or Soldier ſhall reſide, or the Perſon officiating for ſuch Collector, requiring him 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, ſuch Juſtice of the Peace taking particular Care to ſtate upon the Furlough in Words the Amount ſo directed by him to be paid, and the Periods from and to which the ſame has been ordered to be iſſued, both incluſive, corroberating the Statement by his Signature, and further ſpecifying upon the Order to ſuch Collector of the Exciſe, or other Perſon officiating for him, the Date of the Furlough originally granted, and the Name of the Commanding Officer by whom ſigned, and the Sum ſo authorized ſhall be paid accordingly upon Production and Delivery to him of ſuch Order 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 *Scotland*, or any Three or more of them, to draw for and receive the ſame: Provided always, that if any Juſtice of the 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. Juſtices of Peace granting an Extenſion of Furlough in Scotland empowered on Requeſt to order the Collectors of Exciſe to advance Pay to Soldiers. Agents of Regiments to repay the Money advanced.

CIV. 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 No Volunteer liable to Proceſs unleſs for ſome criminal Matter; or unleſs for a real Debt of the Value of 20l.

Oath of the Debt to be made before a Judge,

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.

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

Plaintiff may file a Common Appearance.

CV. 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 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.

CVI. 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.

CVII. 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 Officer commanding 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.

CVIII. And be it further enacted by the Authority aforeſaid, That every Commiſſion Officer, Store-keeper, 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, Clothing, 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 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 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 Loſs and 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.

Penalty on ſuch Offenders.

For want of Diſtreſs the Offender to be committed.

Application of the Forfeiture.

Non-commiſſion Officers embezzling Soldier's Pay, &c. to be reduced, &c.

CIX. And be it further enacted by the Authority aforeſaid, That every Non-commiſſion Officer who ſhall be convicted, at a General or Regimental Court-martial, of having embezzled or miſapplied any Money with which he may have been intruſted, 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.

No Paymaſter, &c. to make Deduction out of Officers or Private Men's Pay.

Exception.

CX. 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 twelve, 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 twelve, other than the uſual Deductions allowed by His Majeſty's Regulations; and ſuch other neceſſary Deductions as ſhall from Time to Time be required to be made under any Act of Parliament now in force, or hereafter

after to be made or directed by His Majeſty, under His Royal Sign Manual.

Treaſury may iſſue out the Money due for Clothing every Six Months. Paymaſter General to pay the Cloathing Money to the Perſons having Aſſignments.

CXI. 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 notify the Receipt of the Money to the Secretary at War, who ſhall immediately grant his Warrant for the Payment of the proper Sum or Sums to ſuch Perſon or Perſons only as have a regular Aſſignment, from the Colonel or Commandant or Perſon authorized by him to make ſuch Aſſignment.

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

CXII. And be it further enacted, That if any Paymaſter, Agent, or Clerk of any Garriſon, Regiment, Troop, or Company, ſhall unlawfully detain or withhold, for 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 Soldier's 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 diſobeying Orders.

CXIII. And, for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the ſeveral Garriſons, Regiments, and Independent Troops and Companies, the ſaid Agents are hereby required and directed to obſerve ſuch Orders and Directions as ſhall from Time to Time be given by His Majeſty, under His Sign Manual, or by the Secretary at War for the Time being, by His Majeſty's Command, 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 for the firſt Offence forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Uſe of His Majeſty; and for the Second Offence be diſcharged from his Employment as Agent of the Garriſon, Regiment, Battalion, Independent Troop, or Company, in relation to which he ſhall have been guilty of ſuch Offence, and be utterly diſabled to have or hold ſuch Employment thereafter.

Penalty on Perſons acting as Army Agents without Authority.

CXIV. 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 negotiating 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.

CXV. 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.

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

CXVII. And

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.

CXVII. 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 any 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.

CXVIII. 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.

CXIX. 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 enlisted in His Majesty's Service.

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

CXX. Provided always, and be it further enacted, That nothing in this Act contained, as to enlisting 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

CXXI. 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.

ſame Regulations and Penalties.

CXXII. 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 herein-after mentioned.

This Act not to extend to the Militia, &c. further than is directed by the Laws relating thereto.

Exception.

CXXIII. 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.

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

CXXIV. 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.

CXXV. 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 able to.

Perſons taking a falſe Oath, guilty of Perjury.

Persons sued may plead the General Issue.

CXXVI. 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 the pass with said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof; that in every such Case, the Justice or Justices or such other Judge before whom the said Matter shall be tried, shall, by force and virtue of this Act, allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit; for which the said Defendant or Defendants shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Treble Costs.

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

CXXVII. 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.

In Scotland, Actions shall be preferred in the Court of Session.

CXXVIII. 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 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.

CXXIX. 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.

CXXX. 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.

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

Limitation of Actions.

CXXXII. 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.

CXXXIII. 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

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.

CXXXIV. 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.

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

Form of Conviction.

County of } ‘BE it remembered, That on the Day of in the Year of our Lord at in the County aforeſaid, *A. B.* came before 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.

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

CXXXVII. 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.

Act, in Part, may be altered this Seſſion.

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 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

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 Knowlege 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 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 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 (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.*]

SCHEDULE

SCHEDULE (N.)

DESCRIPTION RETURN of committed to Confinement at on the Day of
as a Deſerter from the Battalion of the Regiment of

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enliſtment, and in what Diſtrict.	Probable Date of Deſertion, and from whence.	Name, Occupation, and Addreſs of Perſon by whom apprehended.	The Particulars in Evidence againſt the Priſoner, and whether he confeſſed himſelf a Deſerter in the Preſence of the Magiſtrate who committed him; whether he appears to be in a State of Health to be removed.*
	Feet.	Inches.		Hair.	Eyes.					

I do hereby certify, that the Priſoner has been duly examined before me, as to the Circumſtances herein ſtated, and has declared in my Preſence that he a Deſerter from the before mentioned Corps.

_____ Signature of Magiſtrate.
_____ Signature of Priſoner.
_____ Signature of Informant.

* If a Military Medical Officer be at the Place he will inſpect the Deſerter, upon the Application of the Magiſtrate.

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