

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CVIII.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters. [22d *June* 1815.]

WHEREAS the raiſing or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unleſs it be with the Conſent of Parliament, is againſt Law: And whereas it is judged neceſſary by His Majeſty, and this preſent Parliament, that a Body of Forces ſhould be continued for the Safety of the United Kingdom, the Defence of the Poſſeſſions of His Majeſty's Crown, and the Preſervation of the Balance of Power in *Europe*, and that the whole Number of ſuch Forces ſhould conſiſt of One hundred and ninety thouſand ſeven hundred and ſixty-ſeven effective Officers and Men, exclusive of His Majeſty's Forces employed in the Territorial Poſſeſſions of the *Eaſt India* Company, the Foreign Corps in *Britiſh* Pay, and the embodied Militia: 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 Judgment 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 190,767.

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 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 enlist 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 enlisted 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

any One or more Corps in which he may have unwarrantably enlisted, 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 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 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 Court-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.

Deserter may be sentenced to serve as a Soldier in any Corps.

VI. And be it further enacted, That it shall be lawful for any General or General Regimental Court-martial to sentence any Non-commissioned Officer or Soldier, convicted of Desertion by such Court, to general Service as a Soldier, and that His Majesty may thereupon direct that such Service shall be in any Regiment or Regiments or Corps, and in any Country, or Place or Places, Abroad or otherwise, as He may think fit.

Deserter enlisted for a limited Term, may be sentenced to serve for Life, &c. and be ad-

VII. Provided also, and be it further enacted, That if any Non-commissioned Officer or Soldier in any Regiment or Corps of His Majesty's Regular Forces, so convicted of Desertion, shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Soldier so enlisted in any Regiment

or

judged to other Forfeitures.

or Corps of His Majeſty's Regular Forces to ſerve for Life as a Soldier, or for any Number of Years beyond the Period for which ſuch Non-commiſſioned Officer or Soldier ſhall have enliſted in the Regiment in which he ſo enliſted, or generally in any Regiment or Corps which His Majeſty ſhall pleaſe to direct; and any Non-commiſſioned Officer or Soldier may in any Caſe, in addition to any Service, be further adjudged to forfeit all 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.

A Mark to be affixed on the Body of Deſerters.

VIII. 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.

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.

IX. And be it further enacted, That whenever His Majeſty ſhall intend any Sentence of a Court-martial of Tranſportation to be carried into Execution, or ſhall be graciouſly pleaſed to extend His Mercy, upon Condition of Tranſportation, to any Offender liable to the Puniſhment of Death by the Sentence of a Court-martial, ſuch Sentence, together with His Majeſty's Pleaſure upon the ſame, ſhall be notified in Writing by the Commander in Chief for the Time being of His Majeſty's Forces in *Great Britain*, or in the Abſence of the Commander in Chief, then by the Adjutant General for the Time being, to any Juſtice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif; and thereupon ſuch Juſtice or Baron ſhall make an Order for the Tranſportation of ſuch Offender, upon the Terms and for the Time which ſhall be ſpecified in ſuch Notification, and ſhall alſo make ſuch other Order or Orders, and do all ſuch other Acts conſequent upon the ſame, as any ſuch Juſtice or Baron is authorized to make or do by an Act paſſed in the Twenty-fourth Year of His Majeſty's Reign, intituled *An Act for the effectual Tranſportation of Felons and other Offenders, and to authoriſe the Removal of Priſoners in certain Caſes, and for other Purpoſes therein mentioned*, with reſpect to Offenders in ſuch Act mentioned, tried at any Court of Oyer and Terminer or Gaol Delivery in *England*, as in the ſaid Act mentioned; and ſuch Order and Orders ſo to be made as aforeſaid, and all ſuch Acts as ſhall be ſo done as aforeſaid, ſhall be obeyed and done by ſuch Perſon in whoſe Cuſtody ſuch Offender ſhall at that Time be, and all other Perſons whom it may concern, and ſhall be as effectual and have all the ſame Conſequences as any Order made under the Authority of the ſaid Act with reſpect to any Offender in the ſaid Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Conſtables and other Perſons, ſhall be bound to obey the aforeſaid Order and Orders, be aſſiſtant in the Execution thereof, and be liable to the ſame Puniſhment for Diſobedience or interrupting the Execution of the ſame, as they would be if the ſame had been made under the Authority of the aforeſaid Act; and every Perſon ſo ordered to be tranſported as aforeſaid, ſhall be ſubject reſpectively to all and every the Proviſion and Proviſions made by Law, and now

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;

X. 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.

XI. And be it further enacted, That the said Clerk of the Crown of His Majesty's Court of King's Bench shall, upon the Application of any such Offender who shall be ordered by His Majesty to be transported as aforesaid, or of any other Person applying on His Behalf, or on the Application of any Person on Behalf of His Majesty, deliver a Certificate in Writing under his Hand (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of the 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 Court who shall make Order for such Transportation.

XII. 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 at the *Cape of Good Hope*, or in the Island of *Ceylon*, or in any other Foreign Settlement, Island, Territory, or Country belonging to His Majesty, within the Limits of the Charter of the United Company of Merchants of *England* trading to the *East Indies*, 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, Island, Territory, or Country respectively 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 with respect to Offenders ordered to be transported by Sentence of the Criminal Courts in *India*; and the Governor and Council of such Presidency, or Governor of such Settlement, Island, Territory, or Country respectively shall, and they are hereby required to take Order for the Transportation of all such Offenders accordingly.

XIII. And

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

XIII. 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.

XIV. And be it further enacted by the Authority aforesaid, That His Majesty may, from Time to Time, grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that His Majesty may likewise, from Time to Time, by His Royal Commission, empower the Chief Governor or Governors of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, the Governor of *Gibraltar*, and the Governor of any of His Majesty's Dominions beyond the Seas respectively, or the Person or Persons there commanding in Chief His Majesty's Forces for the Time being, and may also from Time to Time extend His Royal Warrant to the Commander of the Forces in that Part of the said United Kingdom called *Ireland*, and to any General 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.

XV. 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.

XVI. 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

XVII. 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,

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*.

Magistrate, &c.

XVIII. 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.

XIX. 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, or if in *Ireland* the Chief Secretary, or in his Absence the Under Secretary for the Military Department, 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 of War, or if in *Ireland* to such Chief or Under Secretary as aforesaid, to be proper, and the Order of the Secretary at War, or such Chief or Under Secretary in *Ireland* as the Case may require, 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.

XX. 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

General Court-martial to consist of 13 or 9 Com-

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 Commissioned 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.

Exceptions as to Trials of Officers, Soldiers, &c.

General Courts-martial may inflict Corporal Punishment or Imprisonment, &c. for certain Offences.

Generals or other Officers commanding Stations abroad may summon General Courts-martial in certain Cases.

XXII. Provided always, and be it further enacted, That it shall be lawful for any General or other Officer commanding any Station, or commanding any Division, Brigade, Detachment, or distinct Party belonging to any Army of His Majesty, which may at any Time be serving in any Place beyond the Seas out of His Majesty's Dominions, upon Complaint made to him of any Crime or Crimes, Offence or Offences done or committed against the Property or Person of any Inhabitant of or resident in any such Countries by any Non-commissioned Officer, Soldier, or other Person serving with or belonging to His Majesty's Armies in the Field, being under the immediate Command of any such General or other Officer, to summon and cause to assemble a General Court-martial which shall consist of not less than Three Officers at the least for the Purpose of trying any such Person or Persons accused or suspected of having committed any such Crime or Crimes, Offence or Offences as aforesaid, notwithstanding such General or other Officer shall not have received from His Majesty, or from any Person having His Majesty's Authority in that Behalf, any Warrant or Warrants empowering such General or other Officer to summon or assemble Courts-martial, and every such Court-martial shall have Power to try any such Person or Persons so accused or suspected as aforesaid, and to adjudge any such Person or Persons to suffer any such Punishment as shall be prescribed for any Crime or Crimes, Offence or Offences with which any such Person or Persons shall be charged before such Court-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding in Chief the Army of which the Division, Brigade, Detachment or Party to which any Person so tried, convicted and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same: Provided also, that every such Court-martial shall have such and the same Powers for summoning and examining Witnesses; and Witnesses guilty of Perjury, on Examination before them, shall be subject and liable to the same Penalties and Punishments as are or shall be by any Law or Usage in force in relation to any other Court-martial or to any Witnesses examined before any other Court-martial.

Penalty on Gaolers refusing to receive them.

General Courts-martial (except, &c.) not to consist of less than 13 Members.

XXIII. Provided always, and be it further enacted, That no General Court-martial for the Trial of any Officer, (except the same shall be holden in any Place beyond the Seas out of His Majesty's Dominions, and 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*), shall consist of less than Thirteen Members.

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

XXIV. Provided always, and be it further enacted, That it shall be lawful for any such General Courts-martial, by their Sentence or Judgment, to inflict Imprisonment, solitary or otherwise, or Corporal Punishment, not extending to Life or Limb, as such Court shall think fit, on any Non-commissioned Officer or Soldier for Immoralities, Misbehaviour, or Neglect of Duty, or to adjudge a Forfeiture of all Benefit or Advantage as to Increase of Pay, or as to Pension which might otherwise have accrued to such Non-commissioned Officer or Soldier from the Length or Nature of his Service: Provided always, that it shall not be lawful for any General Regimental Court Martial to award such Forfeiture of Benefit or Advantage as to Increase of Pay or as to Pension as aforesaid. General Courts-martial may inflict Corporal Punishment or Imprisonment, &c. for Immoralities, &c.

XXV. 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, or in any other Place which such Court may deem fit and convenient for that Purpose; 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, or until discharged, 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 such Gaoler or Keeper of any such House of Correction shall, upon receiving any Order in Writing, from any such Commanding Officer as aforesaid, deliver any such Non-commissioned Officer or Soldier to any Person, on producing such Order, although the Period for which he was originally sent to such Gaol or House of Correction shall not have expired; 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. General or other Courts-martial may sentence Non-commissioned Officers or Soldiers to Imprisonment in any House of Correction or Gaol, etc. Penalty on Gaolers refusing to receive them.

XXVI. And be it further enacted, That every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General or other Court-martial 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 Imprisonment in any Gaol or House of Correction, the Gaoler or Keeper of such Prison or House of Correction in *Great Britain*, and in Such Non-commissioned Officers and Soldiers to forfeit their Pay.

Allowance to Gaolers, etc.

Ireland the Inspector under whose immediate Inspection such House of Correction, Gaol, or Prison shall be, shall receive and apply in the Maintenance of such Non-commissioned Officer or Soldier 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 in *Great Britain*, and in *Ireland* the Chief Secretary to the Lord Lieutenant, or other Chief Governor, or in his Absence the Under Secretary for the Military Department, is hereby authorized and required to cause to be paid to the said Gaoler or Keeper, or Inspector respectively as 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, or for such Chief Secretary as aforesaid, or in his Absence for the Under Secretary for the Military Department for the Time being, if he should think fit, to order the Issue and Payment of any Arrears of Pay, or 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, in any Gaol, House of Correction, or Place of Military Confinement.

Courts-martial may administer Oath to Witnesses.

XXVII. 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.

XXVIII. 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 Doubts 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.'

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 Judge Advocate to be sworn.

"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." The Oath.

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

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

Hours of Trial.

Witnesses attending Courts-martial to be privileged from Arrest.

Witnesses not attending liable to be attached.

XXIX. 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

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

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.

XXX. 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.

XXXI. 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 Courts-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 Terms prescribed by the same Act.

Oaths to be taken by the Members, &c.

XXXII. 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 Trial 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.

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

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

XXXIV. 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.

Proceedings of Courts, &c. not liable to Stamp Duty.

XXXV. 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.

His Majesty empowered to make Articles of War.

XXXVI. 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,

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

signed with his own Hand and Name, to the Judges of His Majesty's superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Colonies, Plantations, and Territories abroad.

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

XXXVII. And be it further enacted by the Authority aforesaid, That for bringing Offenders against such Articles of War to Justice, it shall be lawful for His Majesty to erect and constitute Courts-martial as well as to grant His Royal Commissions or Warrants, to the Persons and in the Manner herein-before mentioned and expressed, for convening and authorizing others to convene Courts-martial, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgment 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.

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

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

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

XXXIX. 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 after the Commission of such Offence go or be sent to any other Station or Part of His Majesty's Dominions in the Course of Service abroad, or 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 at such other Station or Part of His Majesty's Dominions, or within the Realm, or any such Island as aforesaid, as if the said Offence had been committed where such Trial shall take place.

Musters to be made Twice a Year.

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

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

XLI. 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 Recognizance of such Muster, and to examine the Truth thereof before they sign the same.

Muster Rolls and Pay Lists to be verified on Oath, and attested by a Magistrate without Fee.

XLII. Provided always, and be it further enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath, shall be sworn before and attested by any Justice of the Peace or Magistrate, who are hereby authorized and required to administer such Oath and attest the same, without Payment of any Fee or Reward whatever in respect thereof, either to such Justice or Magistrate or the Clerk of any such Justice or Magistrate.

Penalty on giving false Certificates to excuse Soldiers from Musters.

XLIII. 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 such Soldier being employed on some other Duty of the Regiment, or being sick, 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.

XLIV. 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.

XLV. 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,

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.

XLVI. 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; 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.

Horses falsely mustered to be forfeited, &c.

Forfeiture how to be levied.

Soldiers giving Information of false Musters entitled to Discharge.

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.

XLVII. And be it further enacted by the Authority aforesaid, That in *Great Britain* the Deputy or Deputies of the Commissary General shall, upon every Half-yearly Muster taken by him or them respectively of any Regiment, Troop, or Company, in His Majesty's Service at any Place Ten Miles distant from *London*, close the Muster Rolls of the said Regiment, Troop, or Company, within Twenty-four Hours after such Muster shall have been made; and shall return the Rolls so taken by the Post or other safe Conveyance, within Seven Days after their being closed, to the Office of the Commissary General of Musters, who shall, and he is hereby directed and required to transmit One Set of every of the said Rolls to the Secretary at War, One to the Paymaster General of His Majesty's Land Forces, and One to the Comptrollers of the Accounts of the Army, on or before the First Day of *May*, and Twenty-ninth Day of *September*, respectively following such Half-yearly Muster: And no Alterations or Indorsements shall be made in or upon the said Muster-rolls, other than in the Case of Orders of Leave or Dates of Commissions, and other than involuntary Errors or literal Mistakes in writing or transcribing the said Muster-rolls, upon Pain of forfeiting their respective Employments, and

the Sum of Twenty Pounds to any Perſon that will ſue for the ſame, for every ſuch Offence.

Recital of the Petition of Right, 3 Car. 1. &c.

XLVIII. 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 Subject, Sojourner, or Inhabitant, to refuſe to quarter any Soldier or Soldiers, notwithſtanding any Demand or Warrant or Billetting whatſoever: But foraſmuch as at this Time, and during the Continuance of this Act, there is and may be Occaſion for the marching and quartering of Regiments, Troops, and Companies, in ſeveral Parts of the United Kingdom of *Great Britain* and *Ireland*; be it further enacted by the Authority aforeſaid, That for and during the Continuance of this Act, and no longer, it ſhall and may be lawful to and for the Conſtables, Tithingmen, Headboroughs, and other Chief Officers and Magiſtrates of Cities, Towns, and Villages, and other Places within *England*, *Wales*, and the Town of *Berwick-upon-Tweed*, and in their Default or Abſence, for any One Juſtice of the Peace inhabiting in or near any ſuch City, Town, Village, or Place, and for no others; and ſuch Conſtables, and other Chief Magiſtrates as aforeſaid, are hereby required to quarter and billet the Officers and Soldiers in His Majeſty's Service, and Perſons receiving Pay in His Majeſty's Army, in Inns, Livery Stables, Alehouſes, Victualling Houſes, and the Houſes of Sellers of Wine by Retail, whether *Britiſh* or Foreign, 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, or of the Department of the Ordnance, 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,

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.

ſtable, 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 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.

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

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

Regulations for Quartering Soldiers in Ireland.

XLIX. And whereas by an Act paſſed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Diſorders that may happen by the marching of Soldiers and providing Carriages for the Baggage of Soldiers on their March*, it was amongſt other Things enacted and declared, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard of Battle Axes, nor any Officer commanding the ſaid Yeoman, nor any Servant of any ſuch Officer, ſhould at any Time thereafter have, receive, or be allowed any Quarters in any Part of *Ireland*, ſave only during ſuch Time as he or they ſhould be and remain in ſome Sea-port Town in order to be tranſported, or during ſuch Time as there ſhould be any Commotion in any Part of *Ireland*, by reaſon of which Emergency the Army or any conſiderable Part thereof ſhould be commanded to march from any Part of *Ireland* to another, or during ſuch Time or Times as he or they ſhould be on their March as aforeſaid: And whereas the Barracks of *Ireland* are not at preſent ſufficient to lodge all the Forces upon its Military Eſtabliſhment: And whereas it may be neceſſary to ſtation Part of the Troops in Places where there are not Barracks or not ſufficient Barracks to hold them; be it enacted, and it is hereby declared

and

and agreed by the Authority aforeſaid, That it ſhall and may be lawful notwithſtanding the ſaid recited Act, to and for the Conſtables and other Chief Officers and Magiſtrates of Cities, Towns, Villages, and other Places in *Ireland*, 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, or in their Default, ſuch Juſtice of Peace as aforeſaid, are hereby required to quarter and billet the Officers and Soldiers in His Majeſty's Service in Inns, Livery Stables, Ale Houſes and the Houſes of Sellers of Wine by Retail, to be drank in their own Houſes or Places thereunto belonging, and all Houſes of Perſons ſelling Brandy, Strong Waters, Cyder or Metheglin by Retail; and where there ſhall not be found ſufficient Room in ſuch Houſes, then in ſuch Manner as has been heretofore cuſtomary, taking Care not to billet leſs than Two Men in any One Houſe, except only in caſe of billetting Horſe or Dragoons in Manner herein-after mentioned; nor ſhall any Billets at any Time be ordered for more than the Number of effective Soldiers preſent to be quartered; all which Billets, when made out by ſuch Chief Magiſtrates or Conſtables, or Juſtice of the Peace, as the Caſe may be, ſhall be delivered into the Hands of the Staff Officer employed, or of the Commanding Officer preſent; and if any Conſtable or other Chief Officer or Magiſtrate as aforeſaid ſhall preſume to quarter or billet any ſuch Officer or Soldier in any Houſe not within the Meaning of this Act, without the Conſent of the Owner or Occupier thereof, then 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 ſuch Conſtable, Chief Officer or Magiſtrate, being duly convicted of ſuch Offence by Indictment, ſhall be impriſoned for the Space of One Calendar Month; 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 Mayor, Conſtable, or other Chief Officer before mentioned, tending to deter or diſcourage any of them from performing any Part of their Duty hereby required or appointed, or to induce any of them to do any Thing contrary to their ſaid Duty, ſuch Military Officer ſhall for every ſuch Offence, being thereof convicted before any Two or more 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 whatſoever: Provided the ſaid Conviction be affirmed at the next Aſſizes or Quarter Seſſions of the Peace for the ſaid County, or County of a City or Town, and a Certificate thereof tranſmitted to the Chief Secretary, or in his Abſence to the Under Secretary for the Military Department in *Dublin*; and in caſe any Perſon ſhall find himſelf aggrieved in that ſuch Conſtable, 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 Juſtice or Juſtices reſpectively ſhall have, and have hereby Power to relieve ſuch Perſons by ordering ſuch and ſo many of the Soldiers to be removed and quartered upon ſuch other

Perſon or Perſons as he or they ſhall ſee Cauſe, and ſuch other Perſon or Perſons ſhall be obliged to receive ſuch Soldiers accordingly.

Soldiers not to be billetted above One Mile from the Places mentioned in the Route.

L. And as very great Detriment and Inconvenience ariſe to the Service, from the diſperſing and billetting of Soldiers when on a March at a great Diſtance from the Place or Places where they are meant to be quartered, and contrary to the true Intent and Meaning of the ſaid laſt recited Act, and by reaſon of which they are placed wide of their intended Route for the next Day's March; be it therefore enacted by the Authority aforeſaid, That at no Time when Troops are on a March ſhall any of them be billetted above One Mile from the Place or Places mentioned in the Route.

For the more equal billetting of Soldiers on the Borders of Counties.

LI. And whereas Soldiers are often billetted and quartered on the March unequally, and to the Prejudice of ſome of His Majeſty's Subjects, by reaſon that the Places mentioned in the Route are on the Borders of Counties, and that the Keepers of Houſes in which Soldiers may be quartered being out of the Pariſh or Place mentioned in the Route, although in the immediate Vicinity thereof, refuſe to receive ſuch Soldiers upon Billets granted by the Conſtables, Tythingmen, Headboroughs, or other Perſons of ſuch Places to whom the quartering of Soldiers belongs; for Remedy whereof, be it enacted, That in any ſuch Caſe it ſhall be lawful for the Conſtable, Tythingman, Headborough, or other Perſon to whom the quartering of Soldiers in any Place mentioned in any Route on the Border of any County ſhall belong, and he and they is and are hereby required to quarter and billet all Soldiers and their Horſes on their March in a juſt and equal Proportion upon the Keepers of all Houſes within One Mile of the Place mentioned in any ſuch Route, although ſome of ſuch Houſes may be in the adjoining County, in like Manner in every Reſpect as if ſuch Houſes were locally ſituate within ſuch Place; and all Powers, Authorities, Clauſes, Penalties, Forfeitures, and Proviſions in this Act contained in relation to the Billetting and Quartering of Soldiers ſhall extend and be applied to all Billets ſo granted as fully and effectually, to all Intents and Purpoſes, and in like Manner in every Reſpect as if ſuch Houſes were locally ſituate within the Place mentioned in the Route: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to authorize or empower any Conſtable, Tythingman, Headborough, or other Perſon to billet or quarter Soldiers out of the County to which they belong, in any Caſe in which any Conſtable, Tythingman, or Headborough, or other Perſon of the adjoining County ſhall be preſent, and undertake to billet and quarter the due Proportion of Men in ſuch adjoining County.

Licences may be granted for keeping Canteens.

LII. 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*, *Ireland*, and *Scotland*, reſpectively, or any Perſon appointed or employed by the ſaid Commiſſioners in *England* or *Ireland* reſpectively 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.

Lord Lieutenant to appoint a Perſon to ſign Routs.

LIII. 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.

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

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

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

LV. 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 Tythingmen, of each Pariſh, Ward, Hamlet, and Diſtrict, within their reſpective Diviſions, to billet and quarter ſuch Officers and Soldiers of His Ma-

jesty's Regiments of Foot Guards on such Houses only as by this Act is limited within their respective Parishes, Hamlets, or Districts; and such Petty Constables, Headboroughs, and Tythingmen, shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act equally and proportionably according to the Number of such Officers and Soldiers so to be billetted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot Guards shall be quartered within the said City and Liberties of *Westminster*, and the Places adjacent, lying in the said County of *Middlesex*, (except the City of *London*), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the 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;

LVI. 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 Tythingmen of their respective Parishes, Wards, Hamlets, and Districts, within the same, shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, in the said County of *Middlesex* and the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, make and deliver to the Justices then in open Sessions assembled, upon Oath, (which Oath they the said Justices are hereby authorized and required to administer), true Lists signed by them respectively of all such Houses, together with the Number of all such Persons respectively inhabiting the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, to the Intent that all and every Person and Persons may be at Liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith from Time to Time make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copy so taken, each Sheet to be computed at and contain One hundred and fifty Words; and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tythingman, of any such Parish, Ward, Hamlet or District, in the delivering such Lists to the Justices at their Quarter Sessions as aforesaid; or if he or they shall so deliver or cause to be delivered in, any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; such Petty Constable, Headborough, and Tythingman, or any of them so offending therein, shall for each such Offence forfeit each the Sum of Five Pounds, to the Use of

to be inspected without Fee.

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

Penalty on default.

Penalty on giving defective Lists.

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. How to be levied.

LVII. 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 that are or shall be established by any Act or Acts of Parliament in force in that respect. Officers, Men, and Horses, belonging to the Horse or Dragoons, and also Bat and Baggage Horses, &c. how to be quartered, etc.

LVIII. Provided always, and be it further enacted by the Authority aforesaid, That when any of His Majesty's Horse or Dragoons, or any other Horses as aforesaid, shall be quartered or billetted upon the Owner or Owners, Occupier or Occupiers, of any Alehouse, Victualling House, or other House in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables; then and in such Case, and upon Complaint made by the Person or Persons having no Stables, to Two or more Justices of the Peace of the Division, City, or Liberty, where such Horse or Dragoons, or other Horses shall be so quartered and billetted, and upon his or their making such Allowance in lieu of his or their quartering such Horse or Dragoons or other Horses, as such Justices shall think reasonable, it shall and may be lawful for such Justices to order the Men and their Horses, or such Horses only as the Case may be, to be removed and quartered upon some other Person or Persons who by this Act are liable to have Officers and Soldiers quartered and billetted upon them who have Stables, and to order and settle a proper Allowance to be made by the Person or Persons having no Stables, in lieu of his or their quartering such Horse or Dragoons, or other Horses so to be removed as aforesaid; and also to order and direct that such Allowance Dragoons, etc. quartered on Persons who have no Stables, may be removed to those who have Stables, etc.

shall

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

LIX. 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.

LX. 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 Officer respectively, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such House or Houses; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company, shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

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

LXI. 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.

LXII. 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 in any Part of the United Kingdom, 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 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

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 that is or shall be established by any Act or Acts of Parliament in force in that respect, 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 if in *England*, and to the Churchwardens of the Parish if in *Ireland*, 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, etc.

LXIII. 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 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.

LXIV. 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 Route or enlarging the District within which Quarters and Billets shall be required to enlarge such Route, and extend such Quarters and Billets in such Manner as shall be most convenient to the Troops to be quartered and billetted; any Thing in this Act or any other Act, or any Law or Custom to the contrary notwithstanding.

Officers and Soldiers to pay Rates for their Diet.

LXV. 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 that are or shall be established by any Act or Acts of Parliament in force in that respect.

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.

LXVI. Provided always, That in case any Innholder, or other Person on whom any Non-commissioned 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-commissioned Officers and Soldiers who are recruiting and the Recruits by them raised), shall be desirous to furnish such Non-commissioned Officers and Soldiers with Candles, Vinegar, and Salt, *gratis*, and allow to such Non-commissioned 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-commissioned 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-commissioned Officers and Soldiers, shall pay the several Sums to be payable out of the Subsistence Money for Diet and Small Beer to the Non-commissioned Officers and Soldiers as aforesaid, and not to the Innholder or other Person on whom such Non-commissioned Officers and Soldiers are quartered; any Thing herein contained to the contrary notwithstanding.

Officers receiving the Pay to settle the Demands of Innkeepers.

LXVII. 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 *June* One thousand eight hundred and fifteen, 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; 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,

Penalty on Officers not

neſſes, 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 in *England*, and the Chief Secretary, or in his Abſence the Under Secretary for the Military Department in *Ireland*, 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.

ſatisfying Accounts which ſhall be charged againſt them by the Agents.

LXVIII. And be it further enacted, That in caſe of any Troop or Company being ſuddenly ordered to march, and that the reſpective Commanding Officers are not enabled to make Payment of the Sums due for the Lodgings of the Men, and Stabling for the Horſes, every ſuch Officer ſhall before his Departure make up the Account with every Perſon with whom ſuch Troop or Company may have been quartered, and ſign a Certificate thereof, which Account and Certificate ſhall be tranſmitted to the Agent of the Regiment, that immediate Payment may be made, which he is hereby required to make accordingly, and to charge the ſame to the Account of ſuch Officer.

If Quarters be not paid for before the Marching of the Troops, Certificate of the Amount to be tranſmitted to the Agent.

LXIX. 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 being convicted thereof before a General Court-martial, be caſhiered; and if a Conſtable, Tithing-man, 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.

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

Penalty.

LXX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Juſtice 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-commiſſioned Officer or Private Soldier have either Wife or Child or Children, to cauſe ſuch Non-commiſſioned Officer or Soldier to be ſummoned before them, in the Town or Place where ſuch Non-commiſſioned Officer or Soldier ſhall be quartered, in order to make Oath of the Place of their laſt legal Settlement, (which Oath the ſaid Juſtice is hereby empowered to adminiſter); and ſuch Non-commiſſioned Officers and Private Soldiers as aforeſaid are hereby directed to obey ſuch Summons, and to make Oath accordingly; and ſuch Juſtice is hereby required to give an atteſted Copy of ſuch Affidavit ſo made before him 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 Seſſions of

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

the Peace: Provided always, that in case any Non-commissioned 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-commissioned 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 and Ireland.

LXXI. 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*, *Ireland*, and *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, if in *England*, *Wales*, or *Berwick-upon-Tweed*, or by an Order from the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or from the Officer commanding His Majesty's Forces in *Ireland*, 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, or to any Constable or Constables acting or having Authority to act in 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 Orders 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 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, as shall be most convenient for the Purposes aforesaid, according to their respective Jurisdictions, 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 Sums herein-after mentioned respectively, 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

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

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 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 in *England*, or if in *Ireland* to the Chief Secretary, or in his Abſence the Under Secretary for the Military Department, 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.

Penalty on Officers forcing Waggons to travel more than Magiſtrates Warrant ſpecifies, &c.

LXXII. And be it further enacted, That the Sums to be paid into the Hands of ſuch Conſtable or Petty Conſtable in *England*, *Wales*, and *Berwick upon Tweed*, ſhall be according to the following Rates; that is to ſay, 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

Rates to be paid for Carriages in England.

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: Provided always, that in Cases where the Day's March 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 always, 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 also, 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 the 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.

For providing Carriages at Places at a Distance from the Residence of any Justice of the Peace.

LXXIII. And whereas great Inconvenience often arises from there being no Justice of the Peace or Magistrate residing near to Places specified in Routes at which Soldiers are to halt, and be billetted and quartered on the March, to issue Warrants for the providing of Carriages: For Remedy whereof be it enacted, That it shall be lawful for any Constable, Tythingman, or Headborough, duly authorized for that Purpose by Warrant under the Hand and Seal of any Justice or Justices of the Peace residing nearest to such Place or Places, to make and give Orders for the providing of Carriages for the Baggage of Soldiers on March, and to appoint Persons having Carriages within their respective Liberties or Jurisdictions, to provide and furnish such Carriages, without having any special or particular Warrant for that Purpose; and all such Orders and Appointments shall be and be deemed to be as valid and effectual in all Respects, and to all Intents and Purposes, as if the same had been made and given by the Justice or Justices of the Peace giving such Authority: Provided always, that every such Justice of the Peace shall, at the Time of giving such Warrant and Authority, and thereafter once in each Year, or oftener, if necessary, cause a List or Lists to be made out of all Persons liable to furnish such Carriages under such Warrant, and of the Number and Description of Carriages belonging respectively to the Persons so liable to be required to furnish Carriages for Baggage, or for Troops on the March; and such Lists shall, at all seasonable

able Hours, be open to the Inſpection of all Perſons whoſe Names ſhall be inſerted therein; and all Orders and Appointments for ſuch Carriages ſhall be made and taken from ſuch Liſts in regular Rotation, as far as the ſame can be done, ſo as that the providing ſuch Carriages ſhall be equally diſtributed among the ſeveral Perſons liable to furniſh the ſame under the Proviſions of this Act.

Rates of Carriage in Ireland.

LXXIV. And whereas, from various local Circumſtances, the Rates of Carriage in *Ireland* cannot be regulated in the ſame Manner as the Rate in *England*, be it therefore enacted, That the Sums to be paid into the Hands of any ſuch Conſtable or Petty Conſtable as aforeſaid in *Ireland* ſhall be as follows; (that is to ſay) For every Hundred Weight which the Owner or Owners of any Wheel Carriage ſhall take as Loading on ſuch Wheel Carriage the Sum of One Penny and One Sixth Part of a Penny for every Mile or reputed Mile he or they ſhall therewith march, or according to ſuch Rate as ſhall be fixed and ordered by the Juſtices of the Peace for any County or Diſtrict, the ſaid Juſtices having regard to the Price of Hay and Oats at the Time of fixing ſuch additional Rates.

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.

LXXV. 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 Proviſions ſhould be made for enforcing prompt Obedience to ſuch Orders as His Majeſty or the Lord Lieutenant or other Chief Governor in *Ireland* 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 public Welfare of the Realm; be it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for His Majeſty, or ſuch Lord Lieutenant or Chief Governor or Governors in *Ireland*, by His or their Order, diſtinctly ſtating that ſuch Caſe of Emergency doth exiſt, ſignified by the Secretary at War, or if in *Ireland*, by the Chief Secretary, or in his Abſence by the Under Secretary for the Military Department 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, or Perſon acting in that Capacity, to authorize ſuch General or Field Officers or Commiſſary in Chief as aforeſaid, or Perſon aforeſaid, by Writing under his Hand, reciting ſuch Order of His ſaid Majeſty, or Lord Lieutenant or Chief Governor aforeſaid, to require all Juſtices of the Peace within their ſeveral Counties, Ridings, Diviſions, Cities, Liberties, and Precincts in *England*, *Ireland*, *Wales*, and Town of *Berwick-upon-Tweed*, to iſſue his or their Warrant or Warrants for any of the Purpoſes herein-after mentioned; and ſuch Juſtice or Juſtices ſhall, when and as often as ſuch Requiſition in Writing as laſt-mentioned ſhall be brought and ſhewn unto any One or more of ſuch Juſtices, by the Quarter-Maſter, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, ſo ordered to be conveyed, or by any Officer in the Department of the ſaid Commiſſary General, to iſſue out his or their Warrant or Warrants to the Conſtables, or Petty Conſtables, of the County, Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment, Troop,

Troop, or Company shall be so ordered to be conveyed, requiring them to make such Provision not only of Waggons, Wains, Carts, and Cars 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 to received, the said Constable or Petty Constable is hereby required to give a Receipt in Writing, but without any Stamp, to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having such Horses, Carriages, Boats, Barges, or other Vessels, and Men, within their respective Liberties, as they shall think proper, to provide and furnish such Horses, Carriages, Boats, Barges, or other Vessels, and Men, according to the Warrant or Warrants aforesaid, who are hereby required to provide and furnish the same accordingly; and it shall and may be lawful in such Cases, to and for all and every Military Officer and Officers, for the Use of whom, or of whose Regiment, Detachment, Troop, or Company, such Horses, Carriages, Boats, Barges, or other Vessels shall be provided in such Cases, to carry and convey, and permit to be carried and conveyed, on the same respectively, not only the

Officer, 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.

Military Officers may convey on them Arms, Cloathes, Accoutrements, Baggage, Equipage,

Arms,

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, or if in *Ireland* to the Chief Secretary, or in his Absence the Under Secretary for the Military Department, who is hereby authorized 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.

Officers, Soldiers, Servants, Women, Children, and other Persons. Penalty on Officers forcing Horses, &c. to travel beyond the Distance specified in Warrant without Licence.

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

No Waggons, &c. to carry above 30 Hundred Weight.

LXXVII. Provided also, and be it further enacted, That no Owner of any such Carriage in *Ireland* shall be compelled or obliged to take any Loading until the same shall be first duly weighed at the Expence of the Owner or Owners of such Carriage, if he or they shall think fit, and if the same can be done in a reasonable Time without Let or Hindrance of His Majesty's Service; and if any Officer requiring such Carriage shall force or compel the Owner to take any Loading until the same shall be first duly weighed, if the same can be done in a reasonable Time as aforesaid, or shall, contrary to the Will of the Owner of such Carriage, or his Servant, put or permit any Person whatsoever to put any greater Load upon any Carriage than is herein-after directed, either at the Time of Loading or on the March, every such Officer shall for every such Offence forfeit the Sum of Twenty Shillings to the Party injured, upon such Proof and in such Manner as is herein-before appointed.

Owners of Carriages in Ireland not obliged to take Loading till it is weighed.

LXXVIII. And be it further enacted, That no Carriage impressed by Authority of this Act in *Ireland* shall be liable or obliged to carry above Six Hundred Weight; and if the Owner shall consent to carry above Six Hundred Weight on any Carriage he shall be allowed and paid at the Rate of One Penny One Sixth Part *per* Mile for every Hundred above the Weight of Six Hundred Pounds put on his Carriage, and the Owner or Owners of such Carriage or Carriages shall not be compelled or obliged to proceed with such Carriage or Carriages, under the Sum of Sevenpence *per* Mile or reputed Mile at the least, in case he or they shall be required

Carriages impressed in Ireland not obliged to carry above Six Hundred Weight, &c.

quired to carry a leſs Weight on ſuch Carriage or Carriages than Six Hundred Pounds Weight for each Carriage.

Notice to be given to the Lord Mayor of Dublin before the March of Troops out of that City, to provide Carriages.

LXXIX. And be it further enacted, That Notice ſhall be given to the Lord Mayor of the City of *Dublin* at leaſt Twenty-four Hours before the March of any Troops or Companies of Soldiers out of the ſaid City, or in caſe of Emergency, as long before ſuch March as the Nature of the Caſe ſhall permit, of the Number of Troops or Companies appointed to march; whereupon the Lord Mayor for the Time being ſhall ſummon a proportionable Number of Cars out of the Licenſed Cars, Brick Cars, and other Cars within the County of the ſaid City, and ſo from Time to Time the ſaid Cars are by Turns to be employed in carrying the Baggage of ſuch Troops or Companies, at the Prices and under the Regulations herein-before mentioned; and it is hereby directed that no Country Cars or Carriages coming to the Market of the ſaid City, nor any Cars or Carriages coming to any of the Markets in *Ireland*, ſhall be detained or employed againſt the Will of the Owners, in carrying the Baggage of the Army on any Pretence whatſoever.

Number of Carriages for Troops in Ireland to be regulated by the Lord Lieutenant.

LXXX. And be it further enacted, That the Number of Carriages to be allowed each Troop or Company in *Ireland*, ſhall be from Time to Time regulated by Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in Proportion to the Eſtabliſhment of ſuch Troop or Company; and the Sums ordered to be advanced as aforeſaid, for the Payment of the Carriage of Baggage by the Officer or Officers reſpectively, ſhall be to them repaid by the Lords Commiſſioners of His Majeſty's Treaſury in *Ireland* for the Time being, without Fee or Reward, on Oath made by ſuch Officer or Officers before one of His Majeſty's Juſtices of the Peace, or Chief Magiſtrate of any City or Corporate Town, of his or their Payment of ſuch Sum or Sums for Carriages as aforeſaid, and an Account of the ſame being produced by the Agent of the Regiment, which Account ſhall have been certified by the Quarter Maſter General to be charged conformably to the Orders of the Lord Lieutenant or Chief Governor or Governors of *Ireland*, and the Regulations preſcribed by this Act.

Penalty on Conſtables, etc. for Neglect.

LXXXI. 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, Cars, or Carriages, more than the Rates herein-before allowed reſpectively; 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.

Rates to be paid before Carriages proceed in the March.

LXXXII. And be it further enacted, That the Constable or Petty Constable to whom such Money shall have been so paid in *Ireland*, is and are hereby required, before the Owner of any Carriage or Horse in *Ireland* shall be compelled to take any Loading, or be forced to proceed in the March with his Carriage, to pay down in Hand to the Owner of such Carriage, or his Servant, the full Sum to which the Owner of such Carriage would be entitled for the March in the said Warrant directed to be made, according to the Rate at which such Constable or Petty Constable shall have been so paid for the same as aforesaid.

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

LXXXIII. 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, or any Baggage of any Troops embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or 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.

LXXXIV. And

Treaſurer of the County to repay the Conſtables extraordinary Charges.

LXXXIV. 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.

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

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

LXXXVI. 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.

LXXXVII. 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*.

LXXXVIII. And

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

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

Penalty on Officers or Soldiers deſtroying the Game.

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

Perſons receiving Enliſting Money deemed to be enliſted.

XC. 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.

Oath and Atteſtation of Service to

XCI. And whereas it is highly expedient that no Doubt ſhould remain as to Service of Soldiers, by reaſon of any Omiſſion of His Majeſty's

His Majeſty to be taken to His Heirs and Succeſſors.

Heirs and Succeſſors in any Oath of Atteſtation, be it therefore declared and enacted, That any Oath and Atteſtation of Service heretofore or hereafter taken and made to His Majeſty, is and ſhall be deemed and conſtrued to be an Oath of Service to His Majeſty's Heirs and Succeſſors, as the Sovereign of the Realm for the Time being, as fully and effectually, to all Intents and Purpoſes whatſoever, as if the Words Heirs and Succeſſors had been inſerted in any ſuch Oath or Atteſtation.

Clauſe for Relief of Perſons haſtily enliſting themſelves.

XCII. Provided nevertheleſs, and it is hereby enacted and declared by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and fifteen, when and as often as any Perſon or Perſons ſhall be enliſted 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 enliſting reſpectively, be carried or go with ſome Officer, Non-commiſſioned Officer, or Private Soldier belonging to the Recruiting Party by which he ſhall be enliſted, or with the Perſon employed on the Recruiting Service with whom he ſhall have enliſted, 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 enliſted, 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 enliſting; and upon ſuch Declaration, and returning the Enliſting 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 enliſted, ſuch Perſon or Perſons ſo enliſting 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 enliſted, 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 enliſted 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 enliſting 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 enliſting and ſwearing, together with the Place of the Birth, Age, and Calling, if known, of ſuch Perſon or Perſons in the Form mentioned in the Schedule to this Act annexed marked (C.), if the Oath in the Form marked (A.) ſhall have been taken, and in the Form marked (D.) if the Oath in the Form marked (B.) ſhall have been taken, except in the Caſe of Recruits enliſted to ſerve

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

either

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 Enlistment 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 Enlistment 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 enlist any Recruit, shall at the Time of such enlisting 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 enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Magistrate upon the Examination of such Recruit, or of any other Person that the Recruiting Party has left the Place where such Recruit was enlisted, 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

Recruits enlisted 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 enlisting themselves on paying the Enlisting Money.

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

ing to the Recruiting Party entitled thereto demanding the ſame: Provided always, that in every Caſe wherein any Perſon ſhall have received Enliſting 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, or if in *Ireland*, the Chief Secretary or Under Secretary as aforeſaid, in order that in the Event of ſuch Perſon being afterwards apprehended and reported as a Deſerter, the Facts of his having received Enliſting Money and having abſconded may be aſcertained before he be finally adjudged to be a Deſerter as having been duly enliſted.

Perſons receiving Enliſting Money and abſconding, &c. deemed duly enliſted.

XCIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive the Enliſting 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 Enliſting Money as aforeſaid, ſhall thereafter abſent himſelf from the Recruiting Party with which he enliſted, or Perſon with whom he enliſted, and ſhall not voluntarily return to ſuch Recruiting Party or Perſon enliſting 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 enliſted, 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 enliſting 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 enliſted was diſcloſed and known to the Recruiting Party, and that no Notice was given to the Perſon enliſted or left at his laſt uſual Place of Abode of his having ſo enliſted.

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

XCIV. And be it further enacted, That any Perſon who ſhall enliſt into His Majeſty's Forces, and who ſhall be diſcovered to be incapable of active Service by reaſon of any Infirmity which ſhall have been concealed by ſuch Perſon, or not declared before the Juſtice of the Peace at the Time of his Atteſtation, and mentioned at the Foot thereof, may be transferred into any Garriſon or Veteran or Invalid Battalion, or into His Majeſty's Marine Forces, notwithſtanding he ſhall have enliſted for any particular Regiment, and ſhall be entitled to receive ſuch Proportion or Reſidue of Bounty only as ſhall be allowed by His Majeſty by any Regulation made in that Behalf, in lieu and inſtead of the Bounty upon which ſuch Man ſhall have been enliſted, any Thing in any Act or Acts of Parliament

ment, 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.

XCV. 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 Enlisting 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 the *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 being attested.

Punishing Persons enlisting for wilfully concealing any Infirmity.

XCVI. Provided always, and be it further enacted, That it shall be lawful for any Two Justices of the Peace or Magistrates before whom any Person shall be brought who has enlisted, and who shall be proved upon Oath before them and convicted of having wilfully concealed any such Infirmity upon being attested, or of having knowingly, wilfully, and designedly made any such false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and such Person shall thereupon be subject to such Punishment as by and under any Statutes or Laws now in force may be inflicted upon Rogues, Vagabonds and Vagrants and incorrigible Rogues, to be adjudged by the Justices of the Peace or Magistrates so convicting any such Person as aforesaid.

For reckoning the Service of Soldiers from the Quarter Day antecedent to the Date of their Enlistment.

XCVII. And be it further enacted, That the Service of every Soldier, whether he shall have been or shall be enlisted for limited Service or for Life, shall, as to the reckoning Years of Service, for the Purpose of estimating any Increase of Pay or any Pension by reason of any Length of Service, under any Act or Acts of Parliament, or under any Regulations made by His Majesty, in relation to any such Increase of Pay or Pension, be deemed and construed to commence and be reckoned from the Quarter Days, that is to say from the Twenty-fifth Day of *March*, the Twenty-fifth Day of *June*, the Twenty-fifth Day of *September*, the Twenty-fifth Day of *December* respectively, immediately antecedent to the Day of enlisting, and not from the Day of Attestation, any Thing in any Act or Acts of Parliament, or Law or Regulation to the contrary notwithstanding: Provided always, that no Soldier shall be entitled to receive any Pay for any Period preceding the Day of his actual enlisting.

Penalty on Perſons advertiſing for Recruits without Authority.

XCVIII. And whereas various Perſons are in the habit of advertiſing for Recruits for Regiments of the Line, the Militia, or for the Service of the Honourable *The Eaſt India* Company; and alſo under the Pretence of procuring Subſtitutes for the ſame, to the great Detriment of the Service; be it therefore further enacted, That all Perſons whatſoever who ſhall after the paſſing of this Act advertize, poſt, or diſperſe, or cauſe to be advertized, poſted, or diſperſed Bills for the Purpoſe of procuring Recruits or Subſtitutes, or ſhall open or keep any Houſes or Places of Rendezvous purporting in any Manner whatever to be connected with the Recruiting Service or Department for the Line, Militia, or *Eaſt India* Company, or ſhall interfere or be concerned directly or indirectly in any Manner or Way therewith (except ſuch Recruiting Parties as may be ſtationed under the Command and Direction of the reſpective Field Officers of Diſtricts, without the expreſs Permiſſion in Writing of the Adjutant General, if for the Line or Militia, or of the Court of Directors, if for the Honourable *Eaſt India* Company's Service), or ſhall receive any Perſon or Perſons as aforeſaid at his Houſe or Office under any ſuch Bill or Advertiſement on any Pretence whatever, ſhall forfeit the Sum of Twenty Pounds for every ſuch Offence; to be recovered on Conviction before a Magiſtrate, One Moiety to the Informer and the other to the Poor of the Pariſh where ſuch Information ſhall be laid; and on Default of Payment thereof ſhall be committed to the Common Gaol or other Public Priſon, at the Diſcretion of the Magiſtrate, for any Period not exceeding Three Months, and not leſs than One Month for each and every ſuch Offence.

Penalty on Apprentices enliſting themſelves.

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

C. And be it further enacted, That no Maſter in *England* ſhall be entitled to claim any Apprentice who ſhall, after the paſſing of this Act, enliſt as a Soldier in His Majeſty's Land Service, unleſs ſuch Apprentice ſhall have been bound to him in *England* for the full Term of Seven Years, 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 (K.) and produce the

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.

CI. 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 of the Schedule to this Act annexed, marked (L.): Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover any such Apprentice in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven Years in *England*, or Four Years in *Scotland*.

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

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

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

CIII. 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 enlisting of such Apprentice as a Soldier, be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas, which shall be reserved in order to provide the said Recruit with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

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

CIV. 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.

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

CV. 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 Juſtice of the Peace or Magiſtrate that the ſame was proved before him, ſhall be ſufficient Evidence of ſuch Indenture of Apprenticeſhip.

Offenders ſhall be tried at the next Quarter Seſſions.

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

and in Scotland by the Judge Ordinary.

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

CVIII. And

CVIII. 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, or if in *Ireland* to the Chief Secretary, or in his Absence to the Under Secretary for the Military Department, 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.

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

CIX. 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.

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

CX. 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; and the Magistrate shall give an Order and take such other Steps as shall be necessary to enforce the Payment of such Proportion within Four Days after the Amount shall have been declared by such Magistrate.

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

CXI. 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.

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

CXII. And whereas it is expedient that Provisions should be made for the inlisting and attesting of Soldiers desirous of re-inlisting, and others desirous of inlisting Abroad, be it therefore enacted, That it shall be lawful for any Person duly authorized and appointed by His Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to inlist and attest out of *Great Britain* or *Ireland* any Soldiers desirous of inlisting or re-inlisting into His Majesty's Service, and to administer such Oaths as are

Persons authorized by His Majesty may inlist or re-inlist Soldiers abroad.

directed and required to be administered in that Behalf by Justices of the Peace in the United Kingdom in relation to the inlisting or re-inlisting of Soldiers; and any Person so authorized and appointed shall have all such Powers and Authorities in that Behalf as are given to any Justices of the Peace in the United Kingdom in relation to the inlisting or re-inlisting of Soldiers, and shall for all such Purposes as aforesaid be deemed and taken to be Justices of the Peace, any Person so inlisted or re-inlisted shall be deemed and taken to be so inlisted or re-inlisted under the Provision of any Act in force in relation to inlisting of Soldiers, and to the Punishment of Mutiny and Desertion, in like Manner in every Respect, and as fully and effectually to all Intents and Purposes as if such Oath had been administered, and such Attestation had been made, and inlisting or re-inlisting taken place before a Justice of the Peace in the United Kingdom.

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

CXIII. 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 inlisted, 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.

CXIV. And whereas several Soldiers, being duly inlisted, 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 if no such Constable, Headborough, or Tythingman can be immediately met with, then 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 without Fee or Reward to himself or Clerk, 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 public Prison in such Town or Place where such Deserter shall be apprehended; or to the *Savoy*, in case such Deserter shall be apprehended within the City of *London* or *Westminster*, or Places adjacent; or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin*, or Places adjacent, and transmit an Account thereof in

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.

Reward for taking up Deserters.

CXV. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters from His Majesty's Service, be it further enacted by the Authority aforesaid, That such Justice of the Peace shall also issue his Warrant in Writing to the Collector or Collectors of the Land-Tax Money of the Parish or Township in *Great Britain*, where any Deserter shall be so committed, or in *Ireland* to the Collector or Collectors of His Majesty's Revenue in the District where any Deserter shall be so committed, for paying out of the Land-Tax Money or Revenue arisen or to arise in the Year One thousand eight hundred and fifteen, 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 or Collectors to whom such Warrant shall be directed, and allowed upon his or their Account.

Any Person confessing himself a Deserter, to be deemed duly enlisted.

CXVI. 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 enlisted, and to be a Soldier, and shall be liable to serve in any such Regiment or Battalion or Corps of His Majesty's Forces, as His Majesty shall think fit to appoint,

point, whether such Person shall have been ever actually enlisted as a Soldier or not.

Penalty on Officer breaking open any House without Warrant.

CXVII. Provided always, and be it enacted, That no Commissioned Officer shall break open any House to search for Deserters without Warrant from a Justice of the Peace; and that every Commissioned 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 Out-houses of any Person whomsoever, under Pretence of searching for Deserters, shall upon due Proof thereof forfeit the Sum of Twenty Pounds.

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

CXVIII. 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, or any Adjutant of Local Militia, 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.

CXIX. Provided

CXIX. 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, in the Form in the Schedule to this Act annexed, marked (O.) under his Hand, upon the Church-wardens 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 public Monies in his Hands, and the ſame ſhall be allowed in his Accounts, and ſuch Orders of Juſtices ſhall be taken as Caſh in the Payment of Duties of Exciſe received by him; and all Sums of Money ſo advanced out of any Duties of Exciſe ſhall be repaid to the Account of the ſaid Duties by the Agents of the Regiments to which the Men to whom the ſame ſhall have been paid ſhall reſpectively belong, to any Perſon or Perſons authorized by the Commiſſioners of Exciſe in *England*, 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.

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.

Agents of Regiments to repay the Money ſo advanced.

CXX. 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-

Juſtices of Peace granting an Extenſion of Furlough in Scotland empowered on Requeſt to order the Collectors of Exciſe to advance Pay to Soldiers.

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 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 on whom the same shall have been paid shall respectively belong, to any Person or Persons authorized by the Commissioners of Excise in *Great Britain*, 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.

Agents of Regiments to repay the Money advanced.

CXXI. Provided always, and be it further enacted, That it shall be lawful for His Majesty to make any such further or other Regulations for the advancing of any Sums of Money in all such Cases of Extension of Furlough, and for the Reimbursement thereof, as may be from Time to Time necessary for the carrying the same into Effect and ensuring the immediate Advance of such Money, where necessary, in *Great Britain* or *Ireland*, and the due and regular Reimbursement thereof.

His Majesty may make Regulations for advancing Money in Cases of Extension of Furlough.

CXXII. And to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Soldiers, whereby His Majesty and the Public may be deprived of their Service, it is hereby further enacted by the Authority aforesaid, That no Person whatsoever, who is or shall be listed, or who shall list and enter himself as a Volunteer in His Majesty's Service as a Soldier, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless for a real Debt, or other just Cause of Action, and unless before the taking out of such Process or Execution, (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be sued out, amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of such Process or Writ; for which Memorandum or Oath no Fee shall be taken. And if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or

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

Oath of the Debt to be made before a Judge, and a Memorandum thereof marked on the Back of the Process.

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 Party, or otherwise, and by Warrant under his or their Hand 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 enlisted 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 Cost, in case Judgment had been given for him with Costs against the Defendant in the said Action.

Plaintiff may file a common Appearance.

CXXIII. 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 Resort 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 Judgment 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.

His Majesty may make Regulations for advancing Money in Cases of Execution of Prisoners.

Soldiers while confined for Debt, not to receive Pay.

CXXIV. And be it further 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.

Soldiers taken Prisoners to forfeit Pay, to be entitled on being adjudged by Court to have been fairly taken and acted properly, Secretary at War may advance Pay if necessary, with Consent of such Court.

CXXV. And be it further enacted, That every Soldier who shall be taken Prisoner by the Enemy shall forfeit all Right and Claim to pay during the Period of his remaining a Prisoner, and until he shall again return to His Majesty's Service: Provided always, that upon the Return of every Soldier to His Majesty's Service, due Enquiry shall be made as to the Conduct of such Soldier in relation to his being made Prisoner, and during the Period of his so remaining a Prisoner, and before return to Service, by some General or Regimental, or Garrison or other Court-martial which shall be constituted under any Articles of War made by His Majesty for the Purpose of investigating such Cases, and every Soldier who shall prove to the Satisfaction of the Court by Oath of himself, or others, or in such Manner as such Court shall require, and which Oath every such Court is hereby authorized to administer, that he was fairly and unavoidably taken Prisoner in the Course of Service, without any wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided

or

aided or aſſiſted the Enemy, and that he hath returned as ſoon as poſſible to His Majeſty's Service, ſhall thereupon be entitled to receive, either the whole of any ſuch Arrears of Pay, or a Proportion thereof, as ſhall be adjudged by any ſuch Court: Provided alſo, that it ſhall be lawful for the Secretary at War for the Time being, or if in *Ireland*, for the Chief Secretary, or in his Abſence the Under Secretary for the Military Department, to order the Iſſue of ſuch Arrears, or of any Proportion thereof, or of any ſuch Pay, or of any Proportion thereof, as ſhall under all the Circumſtances appear to be proper, notwithſtanding any ſuch Forfeiture, and before any ſuch Inveſtigation, and from Time to Time, to ſtop the Continuance of any ſuch Iſſue of Pay, as the Caſe and Conduct of any ſuch Soldier, in relation to his being captured by the Enemy, and not returning to His Majeſty's Service when enabled ſo to do, may require, and the Orders of the Secretary at War, or of ſuch Chief or Under Secretary for the Payment of any ſuch Arrears or Pay, ſhall be a good and ſufficient Diſcharge for ſuch Payment.

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

CXXVI. 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, etc. may be tried by a Court-martial.

Penalty on ſuch Offenders.

CXXVII. And be it further enacted by the Authority aforeſaid, That every Paymaſter or other Commiſſioned Officer of His Majeſty's Forces, or any Storekeeper, or Commiſſary, or Deputy or Aſſiſtant Commiſſary, or other Perſon employed in the Commiſſariat Department, or in any Manner in the Care or Diſtribution of any Money, Proviſions, Forage or Stores, belonging to His Majeſty's Forces, or for their Uſe, who 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 Paymaſter or other Commiſſioned Officer, Storekeeper, or Commiſſary, or Deputy or Aſſiſtant Commiſſary, or other 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, and every ſuch Officer or Perſon ſhall in Addition to any other Puniſhment, make good, at his own Expence, the Loſs and Damage ſuſtained which ſhall have been aſcertained by ſuch Court-martial; and the Loſs and Damage ſo aſcertained as aforeſaid may be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any other Courts of Law having Juriſdiction, where any Perſon adjudged by a Court-martial

to have incurred any such Penalties, or to make good any such Losses or Damages, shall be resident after the said Judgment shall be confirmed and made known; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

Application of the Forfeiture.

CXXVIII. And be it further enacted by the Authority aforesaid, That every Non-commissioned Officer who shall be convicted at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been entrusted, for the Payment of the Men under his Command, or for 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.

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

CXXIX. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June* One thousand eight hundred and fifteen, 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 *June* One thousand eight hundred and fifteen, 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 to be made or directed by His Majesty, under His Royal Sign Manual.

No Paymaster, etc. to make Deductions out of Officers or private Mens' Pay.

Exception.

CXXX. And for the Encouragement of the due and well cloathing 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 Cloathing 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.

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

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

CXXXI. 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 Soldiers' Pay, shall refuse to pay each Non-commissioned Officer and Soldier their respective Pay, when it shall become due, according to the several Rates established by His Majesty's Orders, then upon Proof thereof before a Court-martial, as aforesaid, to be for that Purpose duly held and summoned, every such Paymaster, Agent, Clerk, or Officer

Penalty on Paymasters, Agents, etc. detaining Officers or Soldiers Pay.

cer to 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.

CXXXII. And for enforcing a prompt Observance of the Rules and Orders established, or to be established for the due Appropriation of the Public Funds applicable to Army Services, 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 Person being or having been an Agent shall refuse or neglect to observe and comply with such Orders and Directions, in relation to his Duty as Agent, 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, if still an Agent, 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; or if he shall have ceased to be such Agent shall, for the Second and every succeeding Offence, forfeit the Sum of Two hundred Pounds, to be recovered as aforesaid.

Penalty on Persons acting as Army Agents without Authority.

CXXXIII. And whereas great Inconvenience has arisen to His Majesty's Service from Persons, not being authorized Agents of Regiments, Troops, or Companies, negociating for the Purchase, Sale, and Exchange of Commissions in His Majesty's Forces, 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 being an authorized Agent to some Regiment, Troop, or Company, of His Majesty's Forces, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds, and every Person, whether authorized or not, as Agent to some Regiment, Troop, or Company, who shall take, accept, or receive any Commission, Sum of Money, or Reward, for any Negotiation relative to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, or who shall negotiate, bargain for, or receive for his own Use or for the Use of any other Person or Persons, any Sum of Money or other Consideration above the Amount of the Price allowed by His Majesty's Regulations for the Purchase, Sale, or Exchange of any such Commission, or any Sum of Money or other Consideration, where no Price shall be allowed by His Majesty's Regulations, shall, for every such Offence, forfeit the Sum of One hundred Pounds, and Treble the Value of such Sum of Money or other Consideration as he shall negotiate, bargain for, or receive above the Amount of the Price allowed by His Majesty's Regulations for such Commission, in such Cases where any Price shall be allowed by His

Majeſty's Regulations, or Treble the Value of the Sum or other Conſideration negotiated, bargained for, or taken and received in ſuch Caſes in which no Price ſhall be allowed by His Majeſty's Regulations.

Paymaſters, &c. to account with Executors.

CXXXIV. 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.

CXXXV. 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 Sappers and Miners, 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 Sappers and Miners, 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 in His Majeſty's other Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of His Majeſty's other Forces.

Troops raiſed or ſerving in His Majeſty's Provinces,

CXXXVI. 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,

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

tries, 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 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.

CXXXVII. 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.

CXXXVIII. 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.

CXXXIX. 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 or Ireland,

CXL. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, are frequently sent over to *Great Britain* or *Ireland* 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*, *Ireland*, *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

to be quartered and billeted as His Majesty's

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.

other Forces, and under the ſame Regulations and Penalties.

CXLI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be any ways conſtrued to extend, to concern any of the Militia Forces, or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, or in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or the Iſlands thereto belonging, excepting only in ſuch Caſe wherein, by any Act or Acts, for regulating any of the Militia Forces, or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, the Proviſions contained in this Act, or in any Act for puniſhing Mutiny and Deſertion, which ſhall be then in force, are extended and meant to take place in reſpect to the Officers and Soldiers of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* and *Ireland*; and alſo except ſo far as relates to the Muſtering of the ſaid Militia Forces, according to the Proviſions hereinafter mentioned.

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

Exception.

CXLII. 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, &c.

CXLIII. 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.

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

Perſons taking a falſe Oath guilty of Perjury.

Perſons ſued, except in Scotland, may plead the General Iſſue.

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

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.

CXLVI. 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.

CXLVII. 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.

Penalty on Perſons concealing Deſerters.

CXLVIII. 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 Agent of the Regiment or Corps to which any ſuch Deſerter did belong, and ſhall be credited by ſuch Agent in his public Accounts, and a Report of the Penalty being adjudged ſhall be made to the Secretary at War by the Juſtice of the Peace by whom the ſame ſhall have been impoſed; and in caſe any ſuch Offender who ſhall be convicted as aforeſaid of harbouring, concealing, or aſſiſting any ſuch Deſerter, ſhall not have ſufficient

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, 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 Agent of the Regiment or Corps to which any ſuch Deſerter or Soldier did belong, who ſhall report the ſame to the Secretary at War and credit the ſame in his public Accounts; 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 upon ſuch Conviction, or give ſufficient Security for Payment thereof within the Space of Four Days from 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 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.

CXLIX. And

Penalties on Perſons perſuading Soldiers to deſert.

CXLIX. 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.

CL. 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 other 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.

CLI. 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.

CLII. 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.

CLIII. And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts of Parliament made in *Great Britain* and *Ireland* respectively, *for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, or against any of the Articles of War made and established by virtue of the same, be it enacted by the Authority aforesaid, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, shall and may, during the Continuance of this Act, be enquired of, heard, tried, and determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this Act may be enquired of, heard, tried, determined, adjudged, and punished: And every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial, upon any Trial begun under the Authority of such former Act, shall not be discontinued by the Expiration of the same, but it shall be lawful to proceed to Judgement upon any such Trial, and to carry such Judgement into Execution in like Manner as if the Proceedings had been commenced under the Authority of this Act.

None liable to be tried, &c. for Offences against former Acts committed Three Years before issuing the Warrant for Trial, &c.

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

Form of Conviction.

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

County of } ‘BE it remembered, That on the Day of in the Year of our Lord at ‘in the County aforesaid, *A.B.* came before me [*or* us] One ‘[*or* Two] of His Majesty's Justices of the Peace in and for the ‘said County, and informed me [*or* us] upon Oath, that *G.H.* ‘of on the Day of ‘now last past, at ‘in the said County, did (*here set forth the Fact in the Manner ‘described in the Statute*); whereupon the said *G.H.* after being ‘duly summoned to answer the said Charge, appeared before ‘me [*or* us] the said Justice [*or* Justices] on the ‘Day of at in the said ‘County, and having heard the Charge contained in the

'said Information, declared that he was not guilty of the 'said Offence; but the same being fully proved upon the 'Oath of *I. K.* a credible Witness, it manifestly appears to me '[*or* us] the said Justice [*or* Justices], that he the said *G. H.* 'is guilty of the said Offence charged upon him in the said 'Information. It is therefore considered and adjudged by me '[*or* us] the said Justice [*or* Justices,] that he the said *G. H.* be 'convicted; and I [*or* we] do hereby convict him of the Offence 'aforesaid; and I [*or* we] do hereby declare and adjudge that 'the said *G. H.* hath forfeited the Sum of

'for the Offence aforesaid, to be distributed as 'the Law directs, according to the Statute in that Case made 'and provided.

'Given, *et cetera.*'

Continuance of this Act.

CLVI. 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 *June* in the Year of our Lord One thousand eight hundred and fifteen, until the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and sixteen; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark* and *Isle of Man*, and the Islands thereto belonging, from the First Day of *July* in the Year of our Lord One thousand eight hundred and fifteen, until the First Day of *April* in the Year of our Lord One thousand eight hundred and sixteen; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *August* in the Year of our Lord One thousand eight hundred and fifteen, until the Twenty-fifth Day of *May* in the Year of our Lord One thousand eight hundred and sixteen; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies*, and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *October* One thousand eight hundred and fifteen, to the Twenty-fifth Day of *July* One thousand eight hundred and sixteen; and shall be and continue in force in all other Places from the Twenty-fifth Day of *February* One thousand eight hundred and sixteen, to the Twenty-fifth Day of *March* One thousand eight hundred and seventeen.

Act may be altered this Session.

CLVII. Provided always, and be it enacted, That this Act may be altered and varied by any Act or Acts to be made in this Session of Parliament.

SCHEDULE

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am or have been (*as the Caſe may be*) [*ſtate Occupation, if any, or ſtate if 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 Magiſtrates 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 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 enlisted 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 enlisted to serve in the [Infantry or Artillery, *as the Case may be*] of the *East India* Company, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in Duty bound, defend Him in His Person, Crown and Dignity, against all His Enemies; and I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

SCHEDULE (H.)

I *A. B.* do make Oath, That I am (or have been, *as the Case may be*) [*state Occupation if any, or state if of none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, or Place, &c.*] and that I am 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

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 no Ways diſabled by
Lameneſs, Deafneſs, or otherwiſe, but had the perfect Uſe of His Limbs
and Hearing, and was not an Apprentice legally bound ſo as to prevent
his enliſting, and acknowledged that he had voluntarily enliſted 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 pre-
ſent 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

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 public 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 (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 Inliſtment, 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 to be a Deſerter in the Preſence of the Magiſtrate who committed him.
	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.

* Enquiry having been made as to the Priſoner's Health, it has been reported to me that he in a fit ſtate to be removed.

——————— Signature of Magiſtrate.

* If any Military Medical Officer be at the Place, he will inſpect the Deſerter.

SCHEDULE (O.)

To the [Churchwarden *or* Overſeer] of the [Pariſh, Townſhip, *or* Place.]

YOU are hereby required to pay to *A. B.* [*deſcribe whether Non-commiſſioned Officer*, &c.] within named, on Furlough from the Day of to the Day of ſigned by [*Commanding Officer ſigning the Furlough*], the Sum of out of any Money now in your Hands, or out of the firſt Money which ſhall come to your Hands, in reſpect of the Rates for the Relief of the Poor, being at the Rate of *per* Day, from the Day of to the Day of both incluſive; and for ſo doing this ſhall be your Warrant, and paſs as ſuch, for your Re-payment under the Mutiny Act. Witneſs my Hand the Day of

C. D. Juſtice of the Peace for

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