

ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

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Every Officer or Private Man, during the Continuance of this Act, who ſhall mutiny or deſert, &c.

Parliament aſſembled, and by the Authority of the ſame, That if any Perſon who is or ſhall be commiſſioned or in Pay as an Officer, or who is or ſhall be liſted or in Pay as a Non-commiſſioned Officer or Soldier, ſhall at any Time during the Continuance of this Act, begin, excite, cauſe, or join in any Mutiny or Sedition in 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 therefore enacted, 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 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 Courts-martial award a Capital Puniſhment, may order Offenders to be tranſported.

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

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 ſen-

VII. Provided always, 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

tenced to ſerve for Life, &c. and be adjudged to other Forfeitures.

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 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.

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 any Act or Acts of Parliament in force at the Time of making any ſuch Orders in relation to the Tranſportation of Offenders; and ſuch Order and Orders ſo to be made, and all ſuch Acts as ſhall be ſo done as aforeſaid, ſhall be obeyed and done by ſuch Perſon in whoſe Cuſtody ſuch Offender ſhall at that Time be, and all other Perſons whom it may concern, and ſhall be as effectual and have all the ſame Conſequences as any Order made under the Authority of the ſaid Act with reſpect to any Offender in the ſaid Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Conſtables and other Perſons, ſhall be bound to obey the aforeſaid Order and Orders, be aſſiſtant in the Execution thereof, and be liable to the ſame Puniſhment for Diſobedience or interrupting the Execution of the ſame, as they would be if the ſame had been made under the Authority of the aforeſaid Act; and every Perſon ſo ordered to be tranſported as aforeſaid, ſhall be ſubject reſpectively to all and every the Proviſion and Proviſions made by Law, and now in force concerning Perſons convicted of any Crime and ſentenced to

be tranſported, or receiving His Majeſty's Pardon on Condition of Tranſportation.

Such Notification, &c. ſhall be filed in the Office of the Clerk of the Crown;

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 his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majeſty's Order for ſuch Offender's Tranſportation was given; which Certificate ſhall be ſufficient Proof of the Conviction and Sentence of ſuch Offender, and alſo of the Terms on which ſuch Order for his Tranſportation was given, in any Court, and in any Proceeding wherein it may be neceſſary to enquire into the ſame.

Sentence of Tranſportation in India, &c. to be notified by the Officer commanding in Chief to ſome Judge of One of the Supreme Courts, who ſhall make Order for ſuch Tranſportation.

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 at 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.

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, 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 always, and be it further enacted, That if any Officer, Non-commissioned Officer, or Soldier, shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop,

Company, or Party, is and are hereby required to uſe his and their utmoſt Endeavours to deliver over ſuch accuſed Perſon to the Civil Magiſtrate; and ſhall alſo be aiding and aſſiſting to the Officers of Juſtice in the ſeizing and apprehending ſuch Offender, in order to bring him to Trial: And if any ſuch Commanding Officer ſhall wilfully neglect or refuſe, upon Application made to him for that Purpoſe, to deliver over any ſuch accuſed Perſon to the Civil Magiſtrate, or to be aiding or aſſiſting to the Officers of Juſtice in apprehending ſuch Offenders; every ſuch Officer ſo offending, and being thereof convicted, upon any Information or Indictment in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any of His Majeſty's Courts in *Scotland*, or in *Dublin*, ſhall be deemed and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majeſty's Service, and a Certificate thereof ſhall be tranſmitted to the Judge Advocate in *London*, if ſuch Conviction ſhall be in *Great Britain*, or to the Judge Advocate in *Dublin*, if ſuch Conviction ſhall be in *Ireland*.

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 at 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-

missioned Officers, except in certain Places.

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.

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

XXI. 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.

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

XXII. 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

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 an 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, &c.** **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 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

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 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 always, 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 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 the Terms prescribed by the same Act.

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

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.

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

XXXIII. Provided always, and be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial do, and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial to the Judge Advocate General in *London*, unless such Court-martial shall have been appointed in *Ireland*, in which Case they shall be transmitted to the Judge Advocate General for that Part of the United Kingdom in *Dublin*; and the said original Proceedings and Sentences are to be carefully kept and preserved in their respective Offices, to the end that the Persons entitled thereto may be enabled, upon Application to such Offices respectively to obtain Copies thereof, according to the true Intent and Meaning of this Act.

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

XXXIV. Provided always, and be it further enacted and declared, That none of the Proceedings of any General or Regimenal Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp Duty whatsoever; any Thing contained in any former Act or Acts to the contrary notwithstanding.

His Majesty empowered to make Articles of War.

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

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

XXXVI. And for the more effectual Notification thereof to the several Judges and Persons herein-after mentioned, be it further enacted, That Copies of all such Articles of War, printed by the King's Printer, shall, from Time to Time, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War for the Time being, signed with his own

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

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

XXXVII. And be it further enacted, 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 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 always, 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 any 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 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 therefore enacted, 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

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, 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, 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 be it further enacted, That if any Officer or Commiſſary ſhall knowingly muſter any Perſon by a wrong Name, upon Conviction thereof before a General Court-martial, the ſaid Officer or Commiſſary

ſhall be ſubject to ſuch Penalties as are 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, 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 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, 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 for every ſuch Offence to any Perſon who ſhall ſue for the ſame.

Recital of the Petition of Right, 5 Car. I. &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, 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, Tithingmen, 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 agreed; 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

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, 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 Routes.

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 always, 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 Guuards in Westminster, &c.

LV. And be it further enacted and declared, 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,

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

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.

for each ſuch Offence forfeit each the Sum of Five Pounds, to the Uſe of the Poor of ſuch reſpective Pariſhes, Wards, Hamlets, and Diſtricts; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtice or Juſtices of the Peace for the ſaid City and Liberties of *Weſtminſter*, for the ſaid County of *Middleſex*, and for the ſaid County of *Surrey*, and for the ſaid Borough of *Southwark* in the ſaid County of *Surrey* reſpectively, (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to make and iſſue); and for Want of ſufficient Diſtreſs to be found for that Purpoſe, the ſaid Juſtice or Juſtices is and are hereby empowered and required by Warrant or Warrants, under his or their Hand and Seal or 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, 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, 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

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

removed as aforeſaid; and alſo to order and direct that ſuch Allowance ſhall be paid by the Perſon or Perſons from whom ſuch Men and Horſes ſhall be removed, to or amongſt the Perſon or Perſons to whom ſuch Men and Horſes ſhall be ſo removed as aforeſaid, or be applied in the furniſhing of Quarters for the Reception of ſuch Men and Horſes, as the Caſe may require, and as ſuch Juſtices ſhall think fit.

Dragoons, 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, 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, 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, Tythingmen, 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, 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;

LXII. And be it further enacted, That if any High Conſtable, Conſtable, Beadle, or other Officer or Perſon whomſoever, 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 on account of excuſing, or in order to excuſe any Perſon or Perſons whomſoever, 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

and on Victuallers refuſing to quarter Soldiers.

receive or to afford proper Accommodation to, or to 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 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 or her own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch 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 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, &c.

LXIII. And for the better preventing Abuſes in quartering or billetting the Soldiers in purſuance of this Act, be it further enacted, 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 and Seal, or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Conſtable, Conſtable, Beadle, or other Officer who ſhall quarter or billet any Soldiers in purſuance of this Act, to give an Account in Writing unto the ſaid Juſtice or Juſtices requiring the ſame, of the Number of Officers and Soldiers who ſhall be quartered or billetted by them, and alſo the Names of the Houſekeepers or Perſons upon whom every ſuch Officer or Soldier ſhall be quartered or billetted, together with an Account of the Street or Place where every ſuch Houſekeeper dwells, and of the Signs (if any) belonging to their Houſes; to the end it may appear to the ſaid Juſtice or Juſtices, where ſuch Officers and Soldiers are quartered or billetted, and that he or they may thereby be the better enabled to prevent or puniſh all Abuſes in the quartering or billetting of them.

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, That from and after the Twenty-fourth Day of *March* One thouſand eight hundred and ſixteen, 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 Wit-

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 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 or Officers.

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 further enacted, 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 such Offender's 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, 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 such 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 the

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, 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 such Justices 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 Warrant or 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 such 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

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

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, Cloaths, Accoutrements, Baggage, Equipage,

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 Markets 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, 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 whomſoever, ſhall wilfully do any Act or Thing, whereby the Execution of any ſuch 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 any 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, 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 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 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 such 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, 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 further enacted, That if, from and after the ſaid Twenty-fourth Day of *March* One thouſand eight hundred and ſixteen, 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; every Officer ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, to be diſtributed amongſt 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, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and sixteen, 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 enlisting 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 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 Court-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, 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 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 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

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.

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

the Juſtice of the Peace, and paid when demanded to any Perſon belonging to the Recruiting Party entitled thereto demanding the ſame: Provided always, that in every Caſe wherein any Perſon ſhall have received 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, 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.

Recruits diſcharged previous to March 25, 1816, before the Expiration of 24 Hours after Inliſtment, not to be proceeded againſt as Deſerters.

XCIV. And whereas many Juſtices and Chief Magiſtrates have erroneouſly diſcharged Recruits before the Expiration of Twenty-four Hours after the Time of their Inliſtment: And whereas ſuch Recruits are in conſequence liable to be treated as Deſerters through ſuch Error of the Juſtice or Chief Magiſtrate, and without any evil Intention on their own Part; be it therefore enacted, That no ſuch Recruit who ſhall have been ſo erroneouſly diſcharged by a Juſtice or Chief Magiſtrate previous to the Twenty-fifth Day of *March* One thouſand eight hundred and ſixteen, ſhall be liable on that Account to be proceeded againſt as having abſconded or deſerted from His Majeſty's Service.

XCV. And

XCV. 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, or any Rules and Regulations relating to Soldiers, to the contrary notwithſtanding.

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

XCVI. 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 *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.

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

XCVII. 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.

Puniſhing Perſons enliſting for wilfully concealing any Infirmity.

XCVIII. 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

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

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.

XCIX. 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 whomſoever who ſhall after the paſſing of this Act advertiſe, poſt, or diſperſe, or cauſe to be advertiſed, 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.

C. 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 Ap-

CI. 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*, or in the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, 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 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.)

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

CII. 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*.

How Maſters in Scoland ſhall proceed to recover Apprentices.

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

CIV. And

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

CIV. 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 Master shall be carried before a Justice and committed.

CV. 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.

CVI. 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 alleged 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;

CVII. 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.

CVIII. 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. and in Scotland by the Judge Ordinary.

CIX. 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.

CX. 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.

CXI. 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.

CXII. 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 enlifted, etc.

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

CXIII. 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 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.

CXIV. 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.

CXV. 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

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 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.

CXVI. 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, 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 ſixteen, into the Hands of ſuch Perſon or Perſons as ſhall apprehend or cauſe to be apprehended, any Deſerter from His Majeſty's Service, the Sum of Twenty Shillings for every ſuch Deſerter as ſhall be apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector or Collectors to whom ſuch Warrant ſhall be directed, and allowed upon his or their Account.

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

CXVII. 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 of the Forces of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or who

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

Penalty on Officer breaking open any Houſe without Warrant.

CXVIII. 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.

CXIX. 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.

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.

CXX. 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 Churchwardens and Overſeers of the Poor of the Pariſh, Townſhip, or Place wherein ſuch Non-commiſſioned Officer or Soldier ſhall reſide, requiring them to pay to ſuch Non-commiſſioned Officer or Soldier any Sum of Money directed in ſuch Order, not exceeding what the Pay of ſuch Non-commiſſioned Officer or Soldier would amount to for the Period to which ſuch Furlough ſhall be extended as aforeſaid; ſuch Juſtice of the Peace taking particular Care to ſtate upon the Furlough in Words the Amount ſo directed by him to be paid, and the Periods from and to which the ſame has been ordered to be iſſued, both incluſive, corroborating the Statement by 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.

Agents of Regiments to repay the Money ſo advanced.

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

CXXI. Provided alſo, and be it further enacted, That in all Caſes in which any Extenſion of Furlough ſhall be granted as aforeſaid in *Scotland*, and upon the Requeſt of any ſuch Non-commiſſioned Officer or Soldier to whom the ſame ſhall be granted, it ſhall be lawful to the Juſtice of the Peace granting the ſame, or where the ſame ſhall be granted by any ſuch Officer as aforeſaid, for any Juſtice of the Peace upon the Production of a Certificate in Writing from ſuch Officer, which he is hereby required to give, to make an Order in Writing, under his Hand, upon the Collector of the Exciſe of the Diſtrict wherein ſuch Non-commiſſioned Officer or

Soldier shall reside, or the Person officiating for such Collector, requiring him to pay to such Non-commissioned Officer or Soldier any Sum of Money directed in such Order, not exceeding what the Pay of such Non-commissioned Officer or Soldier would amount to for the Period to which such Furlough shall be extended as aforesaid; such Justice of the Peace taking particular Care to state upon the Furlough in Words the Amount so directed by him to be paid and the Periods from and to which the same has been ordered to be issued, both inclusive, 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 to whom the same shall have been paid shall respectively belong, to any Person or Persons authorized by the Commissioners of Excise in *Scotland*, or any Three or more of them, to draw for and receive the same: Provided always, that if any Justice of the Peace shall not think fit to make such Order for paying any such Money as aforesaid, he shall state his Reasons for such Refusal in Writing at the Back of the Furlough.

Agents of Regiments to repay the Money advanced.

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

CXXII. 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.

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.

CXXIII. 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, That no Person who is or shall be listed, or who shall list and enter himself as a Volunteer in His Majesty's Service as a Soldier, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless for a real Debt, or other just cause of Action; and unless before the taking out of such Process or Execution, (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be sued out, amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of such Process or Writ; for

which Memorandum or Oath no Fee ſhall be taken: And if any Perſon ſhall nevertheleſs be arreſted contrary to the Intent of this Act, it ſhall and may be lawful for One or more Judge or Judges of ſuch Court, upon Complaint thereof made by the Party himſelf, or by any his ſuperior Officer, to examine into the ſame by the Oath of the Parties or otherwiſe, and by Warrant under his or their Hand and Seal or Hands and Seals, to diſcharge ſuch Soldier ſo arreſted contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Soldier ſo arreſted was legally 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 Coſts, in caſe Judgement had been given for him with Coſts againſt the Defendant in the ſaid Action. the Back of the Proceſs.

CXXIV. 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, That it ſhall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice firſt given in Writing of the Cauſe of Action to ſuch Perſon or Perſons ſo entered, or left at his or their laſt Place of Reſidence before ſuch liſting, to file a common Appearance in any Action to be brought for or upon account of any Debt whatſoever, ſo as to entitle ſuch Plaintiff to proceed therein to 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. Plaintiff may file a common Appearance.

CXXV. And be it further enacted, 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 while confined for Debt, not to receive Pay.

CXXVI. 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 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.

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 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.

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

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

CXXVIII. And be it further enacted, 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 Penal-

Penalty on such Offenders.

ties, or to make good any such Losses or Damages, shall be resident after the said Judgement 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.

CXXIX. And be it further enacted, 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, &c.

CXXX. And be it further enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and sixteen, no Paymaster General, or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, Muster Master, Paymaster of a Corps or District, or any other Officer whatsoever, or their Under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty-fourth Day of *March* One thousand eight hundred and sixteen, 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, &c. to make Deductions out of Officers or private Mens' Pay.

Exception.

CXXXI. 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 Clothing every Six Months.

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

CXXXII. 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 so offending shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds to be levied as aforesaid, and the Informer, if a Soldier, (if

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

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.

CXXXIII. 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, be it further enacted, That 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.

CXXXIV. 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 negociate 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 Negociation 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 negociate, 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

ſideration 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.

CXXXV. Provided always, and be it enacted, That every Paymaſter, Agent, or Clerk, of any Garriſon, Regiment, Troop, or Company, who is or ſhall be liable to account with any of the Executors or 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 any ſuch Executor or Adminiſtrator, deliver a juſt and true Account to 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.

CXXXVI. And whereas it may otherwiſe be doubted, whether the Officers and Perſons ſerving in the Royal Artillery, and the Perſons hired to be employed in the Trains of Artillery, or the Officers ſerving in the Corps of Royal Engineers, or the Perſons hired to be employed in the Department of the ſaid 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, 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 in the Department of the Royal Engineers, 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, &c. acting in

CXXXVII. And whereas great Miſchief and Inconvenience may ariſe if it ſhould be doubted whether Troops in Pay, raiſed or ſerving in any of His Majeſty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Poſſeſſion of or occupied by His Majeſty's Subjects,

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

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, 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.

CXXXVIII. 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.

CXXXIX. 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.

CXL. 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,

CXLI. 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 therefore enacted, 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;

to be quartered and billetted as His Majesty's other Forces.

and the said Constables and other Civil Magistrates are hereby required to quarter and billet the Officers and Soldiers of such Troops in the same Manner and under the same Regulations and Penalties, as are directed by this Act to be observed in quartering and billetting the Officers and Soldiers of His Majesty's other Forces; and all Persons on whom the Officers and Soldiers of the said Troops shall be legally quartered, refusing to receive

and provide for them, as is directed for the Officers and Soldiers of His Majeſty's other Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of His Majeſty's other Forces.

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

CXLII. 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.

Exception.

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

CXLIII. And, for the better aſcertaining the Number of effective Men of the Regiments of Militia, when embodied and in actual Service, be it further enacted, That from and after the paſſing of this Act, every Regiment or Corps of Militia and Fencible Men, when embodied and in actual Service, ſhall be regularly muſtered by Commiſſaries appointed for that Purpoſe, in the ſame Manner and as often as the reſt of the Army is uſually muſtered; and the Magiſtrates ſhall have the ſame Powers and Authorities, and both Officers and Men ſhall be ſubject to the ſame Regulations, Reſtrictions, and Penalties, as are impoſed on the Officers and Soldiers of the reſt of the Army by virtue of this Act.

In what Caſes this Act ſhall extend to Jerſey, Guernſey, &c.

CXLIV. And be it further enacted, 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.

Perſons taking a falſe Oath guilty of Perjury.

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

CXLVI. And be it further enacted, (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.

CXLVII. And be it further enacted, 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.

CXLVIII. 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.

CXLIX. 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 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.

CL. 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

Penalties on Perſons perſuading Soldiers to deſert.

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.

CLI. 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.

CLII. 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.

CLIII. Provided always, and be it further enacted, That no 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,

CLIV. And in order to prevent all Doubts that may ariſe in relation to puniſhing Crimes and Offences committed againſt former Acts of Parliament

liament 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 further enacted, 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.

Puniſhable by this Act.

CLV. 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.

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

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

Form of Conviction.

County of } ‘BE it remembered, That on the Day of in the Year of our Lord at ‘in the County aforeſaid, *A. B.* came before me [*or* us] One ‘[*or* Two] of His Majeſty's Juſtices of the Peace in and for the ‘ſaid County, and informed me [*or* us] upon Oath, that *G. H.* ‘of on the Day of ‘now laſt paſt, at ‘in the ſaid County, did (*here ſet forth the Fact in the Manner ‘deſcribed in the Statute*); whereupon the ſaid *G. H.* after being ‘duly ſummoned to anſwer the ſaid Charge, appeared before ‘me [*or* us] the ſaid Juſtice [*or* Juſtices] on the ‘Day of at in the ſaid ‘County, and having heard the Charge contained in the ſaid ‘Information, declared that he was not guilty of the ſaid ‘Offence; but the ſame being fully proved upon the Oath of ‘*I. K.* a credible Witneſs, it manifeſtly appears to me [*or* us] ‘the ſaid Juſtice [*or* Juſtices], that he the ſaid *G. H.* is guilty ‘of the ſaid Offence charged upon him in the ſaid Information.

'It is therefore considered and adjudged by me [*or* us] the 'said Justice [*or* Justices], that he the said *G. H.* be convicted; 'and I [*or* we] do hereby convict him of the Offence afore- 'said; 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.

CLVII. And be it further enacted, That this Act shall be and continue in force, within *Great Britain*, from the Twenty-fourth Day of *March* in the Year of our Lord One thousand eight hundred and sixteen, until the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and seventeen; 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 Thirty-first Day of *March* in the Year of our Lord One thousand eight hundred and sixteen, until the First Day of *April* in the Year of our Lord One thousand eight hundred and seventeen; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fourth Day of *May* in the Year of our Lord One thousand eight hundred and sixteen, until the Twenty-fifth Day of *May* in the Year of our Lord One thousand eight hundred and seventeen; 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-fourth Day of *July* One thousand eight hundred and sixteen, to the Twenty-fifth Day of *July* One thousand eight hundred and seventeen; and shall be and continue in force in all other Places from the Twenty-fourth Day of *November* One thousand eight hundred and seventeen, to the Twenty-fifth Day of *November* One thousand eight hundred and eighteen.

Act may be altered this Session.

CLVIII. And be it further enacted, That this Act may be altered and varied by any Act or Acts to be made in this Session of Parliament.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am 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 One of His Majesty's Justices of the Peace of (or Chief Magistrate of) do hereby certify, That 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 acknowleged 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 a Duplicate of this Certificate, signed with my Name.

SCHEDULE (D.)

FORM OF JUSTICE'S CERTIFICATE.

I One of His Majeſty's Juſtices of the Peace of (or Chief Magiſtrate of), do hereby certify, That 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 a Duplicate of this Certificate, ſigned with my Name.

SCHEDULE (E.)

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

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

SCHEDULE (I.)

I One of His Majeſty's Juſtices of the Peace of [or Chief Magiſtrate of] do hereby certify, That appeared to be Years old, Feet, Inches high, Complexion, Eyes, Hair, came before me at on the Day of , and ſtated himſelf to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was 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 preſent Majeſty, and alſo the Oath above ſet forth, and that he received the Sum of on being atteſted, and that I have given to the ſaid a Duplicate of this Certificate, ſigned with my Name.

SCHEDULE (K.)

FORM OF MASTER'S OATH.

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

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

SCHEDULE

SCHEDULE (L.)

FORM OF JUSTICE'S CERTIFICATE.

To wit. } I 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.

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 }

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

SCHEDULE

SCHEDULE (N.)

DESCRIPTION RETURN of committed to Confinement at on the Day of
as a Deferter 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 [*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

Juſtice of the Peace for

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1816.