

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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CAP. XII.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [21st *March* 1817.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is judged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and twenty-one thousand and thirty-five Effective Officers and Men, including the Forces stationed in *France*, and also Fifteen thousand five hundred and eighty-five Officers and Men proposed to be disbanded, and One thousand eight hundred and sixty-three Officers and Men proposed to be transferred to the *Indian* Establishment, but exclusive of the Officers and Men belonging to the Regiments now employed in the Territorial Possessions of the *East India* Company, or ordered from thence to *Great Britain*: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

Number of Forces 121,035.

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 orderd 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 *Saint Helena*, or in His Majeſty's Settlements of the *Cape of Good Hope* or *Ceylon*, or in any Settlement occupied by His Majeſty's Forces beyond the *Cape of Good Hope*, is to be carried into Execution, or Mercy ſhall be extended to any Offender liable to the Puniſhment of Death by the Sentence of any ſuch Court-martial, upon Condition of Tranſportation, the ſame ſhall be notified in Writing by the Officer commanding in Chief His Majeſty's Forces in *India*, or in *Saint Helena*, 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

XVIII. 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, Company, or Detachment to which he ſhall belong, or which he ſhall be ordered to join; 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, Company, or Detachment to which he ſhall belong, or which he ſhall be ordered to join: 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

Commissioned 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.

General 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 that 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, except in Cases of Desertion as before provided for. 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 Such Non-commissioned Officers and Soldiers to forfeit their Pay.

T or

Allowance to Gaolers, &c.

or Keeper of such Prison or House of Correction in *Great Britain*, and in *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 or Sheriffs Depute or Stewards Depute, or their respective Substitutes, within their several Shires and Stewartries, 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

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

upon the Holy Evangeliſts, (which Oaths ſhall and may be adminiſtered by the Preſident of the Court to the other Members thereof, and to the Preſident by any Member, having firſt taken the ſaid Oaths); that is to ſay,

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

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

'I 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 Trial 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 Regimental Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp Duty whatsoever; any Thing contained in any former Act or Acts to the contrary notwithstanding.

His Majesty empowered to make Articles of War.

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 Judgement of the same, as well within the United Kingdom of *Great Britain* and *Ireland*, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, and the Islands thereto belonging, as in His Majesty's Garrison of *Gibraltar*, and in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas.

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 or any other Person subject to the Provisions of this Act 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 or other Person 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 Britan* 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 publicly 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, 3 Car. I. &c.

XLVII. 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.

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

ſtable, Tithingman, or ſuch like Officer or Magiſtrate, as aforeſaid, ſhall preſume to quarter or billet any ſuch Officer or Soldier in any ſuch private Houſe, without the Conſent of the Owner or Occupier, in ſuch Caſe ſuch Owner or Occupier ſhall have his or their Remedy at Law againſt ſuch Magiſtrate or Officer, for the Damage that ſuch Owner or Occupier ſhall ſuſtain thereby: And if any Military Officer ſhall take upon him to quarter Soldiers otherwiſe than is limited and allowed by this Act, or ſhall uſe or offer any Menace or Compulſion to or upon any Mayors, Conſtables, or other Civil Officers before mentioned, tending to deter and diſcourage any of them from performing any Part of their Duty hereby required or appointed; ſuch Military Officer ſhall for every ſuch Offence (being thereof convicted before any Two or more of the Juſtices of the Peace of the County, by the Oath of Two credible Witneſſes) be deemed and taken to be *ipſo facto* caſhiered, and ſhall be utterly diſabled to have or hold any Military Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace of the ſaid County, and a Certificate thereof be tranſmitted to the Judge Advocate in *London*, who is hereby obliged to certify the ſame to the Commander in Chief and Secretary at War: And in caſe any Perſon ſhall find himſelf aggrieved in that ſuch Conſtable, Tithingman or Headborough, Chief Officer or Magiſtrate, (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace), has quartered or billetted in his Houſe a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and ſhall complain thereof to One or more Juſtice or Juſtices of the Peace of the Diviſion, City, or Liberty where ſuch Soldiers are quartered; or in caſe ſuch Chief Officer or Magiſtrate ſhall be a Juſtice of the Peace, then on Complaint made to Two or more Juſtices of the Peace of ſuch Diviſion, City, or Liberty, ſuch Juſtices reſpectively ſhall have, and have hereby Power to relieve ſuch Perſon, by ordering ſuch and ſo many of the Soldiers to be removed and quartered upon ſuch other Perſon or Perſons as they ſhall ſee Cauſe; and ſuch other Perſon or Perſons ſhall be obliged to receive ſuch Soldiers accordingly.

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 drunk 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 late Commiſſioners for the Affairs of Barracks, or from the Comptroller or other proper Officer of the Barrack Department, 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 Guards 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, 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 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 removed

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;

and on Victuallers refusing to quarter Soldiers.

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

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 Soldier 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 seventeen, 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 Agent.

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, Tithingman, or other Civil Officer, he ſhall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Juſtice of the Peace; to be levied by Warrant of ſuch Juſtice, by Diſtreſs and Sale of ſuch Offender's Goods, rendering the Overplus to the Party, after deducting reaſonable Charges in taking the ſame.

Soldiers' Wives, &c. not be 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 Peace: Provided always, that in caſe any Non-commiſſioned Officer or Private Soldier ſhall be again ſummoned to make Oath as aforeſaid, then on

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

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 from and to which the said Carriages shall, by virtue of such Orders as aforesaid, be required to travel, also specifying the Number of Miles between the Places, for which Number of Miles only so specified Constables or Petty Constables are authorized to demand Payment, 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, and the Number of Miles, &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 Magiſtrate's 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, 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, as all reaſon-

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 Agent for the Supply of Stores and Proviſions at Home, or Perſon acting in that Capacity, to authorize ſuch General or Field Officers or Agent 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 Commiſſariat Department, to iſſue out his or their Warrant or Warrants to the Conſtables or Petty Conſtables of the County, Diviſion, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which ſuch Regiment, Detachment,

Troop, or Company shall be so ordered to be conveyed, requiring them to make such Provision, not only of Waggons, Wains, 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

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

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

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

Arms, Clothes, 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 Waggon, &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 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 Constable, 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

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

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

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 seventeen, 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.

Penalty on Officers or Soldiers destroying the Game.

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.

Persons receiving Enlisting Money deemed to be enlisted.

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 Heirs

Oath and Attestation of Service to

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 ſeventeen, 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 Courts-martial*, in which Caſe every ſuch Recruit ſhall, inſtead of the ſaid Oath of Fidelity, take the Oath directed to be taken by the ſaid Act of the Fiftieth Year of His preſent Majeſty, 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 Recuit 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, 1817, before the Expiration of 24 Hours after Enliſtment, 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 Enliſtment: 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 ſeventeen, ſhall be liable on that Account to be proceeded againſt as having abſconded or deſerted from His Majeſty's Service.

XCV. And

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

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

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 Handwriting of the Justice of the Peace giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested.

Punishing Persons enlisting for wilfully concealing any Infirmity.

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.

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

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 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 vested, 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 Scotland 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 Parliment, 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

of 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 anywiſe moleſted upon Suſpicion of his having deſerted. Where any Corps beyond Seas ſhall be relieved in order to return Home ſuch of the Men as ſhall chooſe may be enliſted, etc.

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 enlisting 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 on his Return shall be entitled 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 ſeventeen, 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 upon being apprehended for Deſertion or any other Offence ſhall in the

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 the Regular Militia, ſtationed within the Diſtrict, or in caſe there be no ſuch Officer as aforeſaid within a convenient Diſtance, any Juſtice of the Peace may, and 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 Officer commanding the Corps, Depôt, or Detachment to which the Man belongs, if known, if not, then to the Agent of the Regiment, in order that the Proportion of Pay, to which the Man ſhall be entitled, may be remitted to him according to the Rules eſtabliſhed in that reſpect.

Non-commiſſioned Officer or Soldier whoſe Furlough ſhall have been extended, ſhall not be liable to be apprehended as a Deſerter, &c.

CXX. And be it further enacted, 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 ſuch Officer

Officer or Juſtice of the Peace as aforeſaid for any longer Period than One Month, unleſs with the Approbation of the General or other Officer commanding in the Diſtrict where ſuch Soldier ſhall be, or of the Officer commanding the Corps, Depôt, or Detachment to which the Non-commiſſioned Officer or Soldier ſhall belong.

Subſiſtence of Men on Furlough to be according to His Majeſty's Regulations.

CXXI. Provided always, and be it further enacted, That from and after the paſſing of this Act the Subſiſtence of Men on Furlough ſhall be iſſued according to the Rules which have been or ſhall be preſcribed by His Majeſty's Regulations.

No Volunteer liable to Proceſs unleſs for ſome criminal Matter,

CXXII. And to prevent, as far as may be, any unjuſt or fraudulent Arreſts that may be made upon Soldiers, whereby His Majeſty and the Public may be deprived of their Service, it is hereby further enacted, 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 Judgment had been given for him with Coſts againſt the Defendant in the ſaid Action.

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

Oath of the Debt to be made before a Judge,

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

Plaintiff may file a common Appearance.

CXXIII. And to the end that honeſt Creditors who aim only at the Recovery of their juſt Debts due to them from Perſons entering into and liſting in His Majeſty's Service may not be hindered from ſuing for the ſame, but on the contrary may be aſſiſted and forwarded in their Suits; and inſtead of an Arreſt, which may at once hurt the Service, and occaſion

great Expence and Delay to themſelves, may be enabled to proceed in a more eaſy and cheap Method; be it further enacted, 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.

Soldiers while confined for Debt not to receive Pay.

CXXIV. 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, Company, or Detachment to which he ſhall belong, or ſhall be ordered to join.

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

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

CXXVI. And be it further enacted, That all Commiſſaries, upon making up their Accounts, and alſo upon returning from any Foreign Service, ſhall take

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.

counts, or returning from Foreign Service, to take an Oath.

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

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

Penalty on such Offenders.

Application of the Forfeiture.

CXXVIII. 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.

CXXIX. And be it further enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and seventeen, 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

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

Exception.

ſhall grow due from and after the ſaid Twenty-fourth Day of *March* One thouſand eight hundred and ſeventeen, 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.

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

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

CXXX. And for the Encouragement of the due and well clothing of the Troops, be it hereby further enacted, That the Lord High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, may, if he or they ſee convenient, at the End of every Six Months, iſſue the Money due for the Clothing of the ſeveral Regiments, Troops, and Companies; and the Paymaſter General for the Time being is hereby directed to notify the Receipt of the Money to the Secretary at War, who ſhall immediately grant his Warrant for the Payment of the proper Sum or Sums to ſuch Perſon or Perſons only as have a regular Aſſignment from the Colonel or Commandant, or Perſon authorized by him to make ſuch Aſſignment.

Penalty on Paymaſters, Agents, &c. detaining Officers or Soldier's Pay.

CXXXI. And be it further enacted, That if any Paymaſter, Agent, or Clerk of any Garriſon, Regiment, Troop, or Company ſhall unlawfully detain or withhold, for the Space of One Month, the Pay of any Officer or Soldier, (Clothes and all other juſt Allowances being deducted,) after ſuch Pay ſhall be by him or them received; or if any Officers having received their Soldiers' Pay, ſhall refuſe to pay each Non-commiſſioned Officer and Soldier their reſpective Pay, when it ſhall become due, according to the ſeveral Rates eſtabliſhed by His Majeſty's Orders, then upon Proof thereof before a Court-martial as aforeſaid, to be for that Purpoſe duly held and ſummoned, every ſuch Paymaſter, Agent, Clerk, or Officer ſo offending ſhall be diſcharged from his Employment, and ſhall forfeit to the Informer, upon Conviction before the ſaid Court, One hundred Pounds to be levied as aforeſaid, and the Informer, if a Soldier, (if he demands it), ſhall be and he is hereby diſcharged from any further Service; any Thing in this Act contained to the contrary notwithſtanding: Provided always, that it ſhall and may be lawful for His Majeſty's Secretary at War to give Orders for withholding the Pay of any Officer, Non-commiſſioned Officer, or Soldier for any Period during which ſuch Officer, Non-commiſſioned Officer, or Soldier ſhall be abſent without Leave.

Penalty on Agents diſobeying Orders.

CXXXII. And for enforcing a prompt Obſervance of the Rules and Orders eſtabliſhed or to be eſtabliſhed for the due Appropriation of the Public Funds applicable to Army Services, and that a true and regular Account may be kept and rendered by the Agents of the ſeveral Garriſons, Regiments, and Independent Troops and Companies, 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, 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

and Directions, in relation to his Duty as Agent, he ſhall for the Firſt Offence forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Uſe of His Majeſty; and, if ſtill an Agent, for the Second Offence be diſcharged from his Employment as Agent of the Garriſon, Regiment, Battalion, Independent Troop, or Company, in relation to which he ſhall have been guilty of ſuch Offence, and be utterly diſabled to have or hold ſuch Employment thereafter; or if he ſhall have ceaſed to be ſuch Agent ſhall, for the Second and every ſucceeding Offence, forfeit the Sum of Two hundred Pounds, to be recovered as aforeſaid.

Penalty on Perſons acting as Army Agents without Authority.

CXXXIII. And whereas great Inconvenience has ariſen to His Majeſty's Service from Perſons, not being authorized Agents of Regiments, Troops, or Companies, negociating for the Purchaſe, Sale, and Exchange of Commiſſions in His Majeſty's Forces, and much larger Sums than are allowed by His Majeſty's Regulations are often given and received for Commiſſions, and great Frauds committed; be it therefore enacted, That every Perſon, not being an authorized Agent to ſome Regiment, Troop, or Company of His Majeſty's Forces, who ſhall 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 Negotiation relative to the Purchaſe, Sale, or Exchange of any Commiſſion in His Majeſty's Forces, or who ſhall negociate, 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 negotiated, bargained for, or taken and received in ſuch Caſes in which no Price ſhall be allowed by His Majeſty's Regulations.

Paymaſters, &c. to account with Executors.

CXXXIV. Provided always, and be it enacted, 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.

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

CXXXVI. And whereas great Miſchief and Inconvenience may ariſe if it ſhould be doubted whether Troops in Pay, raiſed or ſerving in any of His Majeſty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Poſſeſſion of or occupied by His Majeſty's Subjects, or any Forces of His Majeſty, are, while under the Command of any Officer having any Commiſſion immediately from His Majeſty, liable to the ſame Rules and Articles of War, and the ſame Penalties and Puniſhments as His Majeſty's other Forces are ſubject to; to prevent ſuch Miſchief, and remove all Doubts, be it declared and enacted, 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,

CXXXVII. And be it further enacted, That this Act ſhall extend to all Serjeants and Non-commiſſioned Officers or Perſons employed on the Recruiting Service, receiving any regular Pay in reſpect of ſuch Service; and all ſuch Serjeants and Non-commiſſioned Officers and Perſons employed on the Recruiting Service, receiving any regular Pay in reſpect of ſuch

Service, shall be liable to Martial Law and Discipline, in like Manner to all Intents and Purposes as His Majesty's other Forces, and be subject to the same Trial, Penalties, and Punishments. subject to the Provisions of this Act.

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

CXXXIX. Provided always, and be it further enacted, That nothing in this Act contained, as to enlisting for any limited Periods of Service, or contained in any other Act as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged, after certain Periods of Service, shall extend or be deemed or construed in any Manner to extend to any Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces. Certain Provisions of this Act not to extend to Negroes purchased by or on account of His Majesty.

CXL. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, are frequently sent over to *Great Britain* or *Ireland* in a very distressed Condition: And whereas their Pay is not sufficient to provide them with necessary Lodgings and Accommodations; be it 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; 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. Officers and Soldiers of such Troops sent over to Great Britain or Ireland, to be quartered and billetted as His Majesty's other Forces.

CXLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be any ways construed to extend, to concern any of the Militia Forces, or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, excepting only in such Case wherein, by any Act or Acts, for regulating any of the Militia Forces, or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, the Provisions contained in this Act, or in any Act for punishing Mutiny and Desertion, which shall be then in force, are extended and meant to take place in respect to the Officers and Soldiers of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* and *Ireland*; and also except so far as relates to the Mustering of the said Militia Forces, according to the Provisions hereinafter mentioned. This Act not to extend to the Militia, &c. further than is directed by the Laws relating thereto. Exception.

CXLII. And

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

CXLII. 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.

CXLIII. 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.

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

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

CXLV. 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.

CXLVI. And

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

CXLVIII. Provided always, and be it enacted, That if any Perſon ſhall harbour, conceal, or aſſiſt any Deſerter from His Majeſty's Service, knowing him to be ſuch, the Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Twenty Pounds; and upon Conviction, by the Oath of One or more credible Witneſs or Witneſſes, before any of His Majeſty's Juſtices of the Peace, the ſaid Penalty of Twenty Pounds ſhall be levied, by Warrant under the Hand of ſuch Juſtice of the Peace, by Diſtreſs and Sale of the Goods and Chattels of the Offender; One Moiety of the ſaid Penalty to be paid to the Informer, and the other Moiety to be paid to the Agent of the Regiment or Corps to which any ſuch Deſerter did belong, and ſhall be credited by ſuch Agent in his public Accounts, and a Report of the Penalty being adjudged ſhall be made to the Secretary at War by the Juſtice of the Peace by whom the ſame ſhall have been impoſed; and in caſe any ſuch Offender who ſhall be convicted as aforeſaid of harbouring, concealing, or aſſiſting any ſuch Deſerter, ſhall not have ſufficient 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, Penalty on Perſons concealing Deſerters. 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.

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 Regimentals, 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.

Penalties on Perſons perſuading Soldiers to deſert.

CXLIX. And be it further enacted, That if any Perſon or Perſons ſhall in any Part of His Majeſty's Dominions, directly or indirectly, perſuade or procure any Soldier or Soldiers in the Service of His Majeſty, His Heirs or Succeſſors, to deſert or leave ſuch Service as aforeſaid, every ſuch Perſon or Perſons ſo offending as aforeſaid, and being thereof lawfully convicted, ſhall, for every ſuch Offence, forfeit to His Majeſty, His Heirs or Succeſſors, or to any other Perſon or Perſons who ſhall ſue for the ſame, the Sum of One hundred Pounds; and if it ſhall happen that any ſuch Offender, ſo convicted as aforeſaid, hath not any Goods and Chattels, Lands or Tenements, to the Value of One hundred Pounds, to pay and ſatisfy the ſame, or if from the Circumſtances and Heinouſneſs of the Crime, it ſhall appear to the Court before which the ſaid Conviction ſhall be made as aforeſaid, that any ſuch Forfeiture is not a ſufficient Puniſhment for ſuch Offence, it ſhall be lawful for ſuch Court to commit any ſuch Offender to Priſon, there to remain for any Time not exceeding Twelve Months, without Bail or Mainprize, and alſo to ſtand in the Pillory for the Space of One Hour in ſome Market Town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market Town itſelf where the ſaid Offence was committed.

CL. And

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

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

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

Penalties for ſuch Offences where to be ſued for.

CLII. 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.

Limitation of Actions.

CLIII. And in order to prevent all Doubts that may ariſe in relation to puniſhing Crimes and Offences committed againſt former Acts of Parliament made in *Great Britain* and *Ireland* reſpectively, *for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters*, or againſt any of the Articles of War made and eſtabliſhed by virtue of the ſame, be it 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 inquired 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 inquired 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

Offences againſt former Mutiny Acts, puniſhable by this Act.

Authority of ſuch former Act, ſhall not be diſcontinued by the Expiration of the ſame, but it ſhall be lawful to proceed to Judgment upon any ſuch Trial, and to carry ſuch Judgment into Execution in like Manner as if the Proceedings had been commenced under the Authority of this Act.

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

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

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

Form of Conviction.

County of } 'BE it remembered, That on the Day of in the Year of our Lord at in the County aforeſaid, *A. B.* came before me [*or* us] One [*or* Two] of His Majeſty's Juſtices of the Peace in and for the ſaid County, and informed me [*or* us] upon Oath, that *G. H.* of on the Day of now laſt paſt, at in the ſaid County, did (*here ſet forth the Fact in the Manner deſcribed in the Statute*); whereupon the ſaid *G. H.* after being duly ſummoned to anſwer the ſaid Charge, appeared before me [*or* us] the ſaid Juſtice [*or* Juſtices] on the Day of at in the ſaid County, and having heard the Charge contained in the ſaid Information, declared that he was not guilty of the ſaid Offence; but the ſame being fully proved upon the Oath of *I. K.* a credible Witneſs, it manifeſtly appears to me [*or* us] the ſaid Juſtice [*or* Juſtices], that he the ſaid *G. H.* is guilty of the ſaid Offence charged upon him in the ſaid Information. It is therefore conſidered and adjudged by me [*or* us] the ſaid Juſtice [*or* Juſtices], that he the ſaid *G. H.* be convicted; and I [*or* we] do hereby convict him of the Offence aforeſaid; and I [*or* we] do hereby declare and adjudge that the ſaid *G. H.* hath forfeited the Sum of for the Offence aforeſaid, to be diſtributed as the Law directs, according to the Statute in that Caſe made and provided.

Given, *et cetera*.'

Continuance of this Act.

CLVI. And be it further enacted, 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 ſeventeen, until the Twenty-fifth Day of *June* in the Year of our Lord One thouſand eight hundred

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 ſeventeen, until the Firſt Day of *July* 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 ſeventeen, until the Twenty-fifth Day of *Auguſt* 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 ſeventeen, to the Twenty-fifth Day of *October* 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 eighteen, to the Twenty-fifth Day of *February* One thouſand eight hundred and nineteen.

CLVII. 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. Act may be altered this Seſſion.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am or have been (*as the Caſe may be*) [*ſtate Occupation, if any, or ſtate if 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

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 acknowledged that he had voluntarily enliſted himſelf for the Bounty of to ſerve His Majeſty King *George* the Third, His Heirs and Succeſſors, in the Regiment of commanded by and did engage to ſerve for the Period of [*This Blank to be filled up by the Magiſtrates with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Perſon enliſting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to ſuch Seven, Ten, or Twelve Years, as the Caſe may be*] Years, provided His Majeſty ſhould for ſo long require his Service; and alſo for ſuch further Period as His Majeſty ſhall pleaſe to direct, not to exceed in any Caſe Three Years, and to determine whenever Six Months ſhall have elapſed of continued Peace ſubſequent to the Expiration of the Term of [*Seven, or Ten, or Twelve*] Years. And I do hereby certify, That in my Preſence the Third and Fourth Articles of the Second Section, and the Firſt Article of the Sixth Section of the Articles of War againſt Mutiny and Deſertion, were read over to him, and that he took the Oath of Fidelty 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

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 Deserter from the Battalion of the Regiment of

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Inlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of Person by whom apprehended.	Reasons for suspecting the Prisoner to be a Deserter.
	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 and Address 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 or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

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