

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. LXIX.

An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in His Majesty's Dominions, Vessels for Warlike Purposes, without His Majesty's Licence.

[3d *July* 1819.]

WHEREAS the Enlistment or Engagement of His Majesty's Subjects to serve in War in Foreign Service, without His Majesty's Licence, and the fitting out and equipping and arming of Vessels by His Majesty's Subjects, without His Majesty's Licence, for Warlike Operations in or against the Dominions or Territories of any Foreign Prince, State, Potentate, or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province, or against the Ships, Goods, or Merchandize of any Foreign Prince, State, Potentate, or Persons as aforesaid, or their Subjects, may be prejudicial to and tend to endanger the Peace and Welfare of this Kingdom: And whereas the Laws in force are not sufficiently effectual for preventing the same; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to prevent the listing His Majesty's Subjects to serve as Soldiers without His Majesty's Licence;* and also an Act passed in the Twenty-ninth Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act to prevent His Majesty's Subjects from serving as Officers under the* French *King; and for better enforcing an Act passed in the Ninth Year of His present Majesty's Reign, to prevent the enlisting His Majesty's Subjects to serve as Soldiers without His Majesty's Licence; and for obliging such of His Majesty's Subjects as shall accept Commissions in the* Scotch *Brigade in the Service of the States General of the United Provinces, to take the Oaths of Allegiance and Abjuration;* 9 G. 2. c. 30. 29 G. 2. c. 17.

Irish Act, 11 G. 2.

and also an Act passed in *Ireland* in the Eleventh Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act for the more effectual preventing the enlisting of His Majesty's Subjects to serve as Soldiers in Foreign Service without His Majesty's Licence;* and also an Act passed in *Ireland* in the Nineteenth Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act for the more effectual preventing His Majesty's Subjects from entering into Foreign Service, and for publishing an Act of the Seventh Year of King* William *the Third, intituled* '*An Act to prevent Foreign Education;*' and all and every the Clauses and Provisions in the said several Acts contained, shall be and the same are hereby repealed.

Irish Act, 19 G. 2.

Recited Acts repealed.

Subjects enlisting or engaging to enlist or serve in Foreign Service, military or naval, guilty of Misdemeanor.

II. And be it further declared and enacted, That if any natural-born Subject of His Majesty, His Heirs and Successors, without the Leave or Licence of His Majesty, His Heirs or Successors, for that Purpose first had and obtained, under the Sign Manual of His Majesty, His Heirs or Successors, or signified by Order in Council, or by Proclamation of His Majesty, His Heirs or Successors, shall take or accept, or shall agree to take or accept, any Military Commission, or shall otherwise enter into the Military Service as a Commissioned or Non-commissioned Officer, or shall enlist or enter himself to enlist, or shall agree to enlist or to enter himself to serve as a Soldier, or to be employed or shall serve in any Warlike or Military Operation, in the Service of or for or under or in Aid of any Foreign Prince, State, Potentate, Colony, Province, or Part of any Province or People, or of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province or People, either as an Officer or Soldier, or in any other Military Capacity; or if any natural-born Subject of His Majesty shall, without such Leave or Licence as aforesaid, accept, or agree to take or accept, any Commission, Warrant, or Appointment as an Officer, or shall enlist or enter himself, or shall agree to enlist or enter himself, to serve as a Sailor or Marine, or to be employed, or engaged, or shall serve in and on board any Ship or Vessel of War, or in and on board any Ship or Vessel used or fitted out, or equipped or intended to be used for any Warlike Purpose, in the Service of or for or under or in Aid of any Foreign Power, Prince, State, Potentate, Colony, Province, or Part of any Province or People, or of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province or People; or if any natural-born Subject of His Majesty shall, without such Leave and Licence as aforesaid, engage, contract, or agree to go, or shall go to any Foreign State, Country, Colony, Province, or Part of any Province, or to any Place beyond the Seas, with an Intent or in order to enlist or enter himself to serve, or with Intent to serve in any Warlike or Military Operation whatever, whether by Land or by Sea, in the Service of or for or under or in Aid of any Foreign Prince, State, Potentate, Colony, Province, or Part of any Province or People, or in the Service of or for or under or in Aid of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province or People, either as an Officer or a Soldier, or in any other Military Capacity, or as an Officer or

Sailor, or Marine, in any such Ship or Vessel as aforesaid, although no enlisting Money or Pay or Reward shall have been or shall be in any or either of the Cases aforesaid actually paid to or received by him, or by any Person to or for his Use or Benefit; or if any Person whatever, within the United Kingdom of *Great Britain* and *Ireland*, or in any Part of His Majesty's Dominions elsewhere, or in any Country, Colony, Settlement, Island, or Place belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt or endeavour to hire, retain, engage, or procure, any Person or Persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed in any such Service or Employment as aforesaid, as an Officer, Soldier, Sailor, or Marine, either in Land or Sea Service, for or under or in Aid of any Foreign Prince, State, Potentate, Colony, Province, or Part of any Province or People, or for or under or in Aid of any Person or Persons exercising or assuming to exercise any Powers of Government as aforesaid, or to go or to agree to go or embark from any Part of His Majesty's Dominions, for the Purpose or with Intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting Money, Pay, or Reward shall have been or shall be actually given or received, or not; and in any or either of such Cases, every Person so offending shall be deemed guilty of a Misdemeanor, and upon being convicted thereof, upon any Information or Indictment, shall be punishable by Fine and Imprisonment, or either of them, at the Discretion of the Court before which such Offender shall be convicted.

All Persons retaining or procuring others to enlist, guilty of the like Offence.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to render any Person or Persons liable to any Punishment or Penalty under this Act, who at any Time before the First Day of *August* One thousand eight hundred and nineteen, within any Part of the United Kingdom, or of the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or at any Time before the First Day of *November* One thousand eight hundred and nineteen, in any Part or Place out of the United Kingdom, or of the said Islands, shall have taken or accepted, or agreed to take or accept any Military Commission, or shall have otherwise enlisted into any Military Service as a Commissioned or Non-commissioned Officer, or shall have enlisted, or entered himself to enlist, or shall have agreed to enlist or to enter himself to serve as a Soldier, or shall have served, or having so served shall, after the said First Day of *August* One thousand eight hundred and nineteen, continue to serve in any Warlike or Military Operation, either as an Officer or Soldier, or in any other Military Capacity, or shall have accepted, or agreed to take or accept any Commission, Warrant, or Appointment as an Officer, or shall have enlisted or entered himself to serve, or shall have served, or having so served shall continue to serve as a Sailor or Marine, or shall have been employed or engaged, or shall have served, or having so served shall, after the said First Day of *August*, continue to serve in and on board any Ship or Vessel of War, used or fitted out, or equipped or intended for any Warlike Purpose; or shall have engaged, or contracted or agreed to go, or shall have gone to, or having so gone to shall, after the said First Day of *August*, continue in any Foreign State, Country, Colony, Province, or Part of a Province, or to or in any Place beyond the Seas, unless such Person or Persons shall embark at or proceed from some Port or Place within the United King-

Act not to extend to Persons enlisted or serving before the Times herein specified.

Kingdom, or the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, with Intent to serve as an Officer, Soldier, Sailor, or Marine, contrary to the Provisions of this Act, after the said First Day of *August*, or shall embark or proceed from some Port or Place out of the United Kingdom, or the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, with such Intent as aforesaid, after the said First Day of *November*, or who shall, before the passing of this Act, and within the said United Kingdom, or the said Islands, or before the First Day of *November* One thousand eight hundred and nineteen, in any Port or Place out of the said United Kingdom, or the said Islands, have hired, retained, engaged, or procured, or attempted or endeavoured to hire, retain, engage, or procure, any Person or Persons whatever, to enlist or to enter, or to engage to enlist or to serve, or be employed in any such Service or Employment as aforesaid, as an Officer, Soldier, Sailor, or Marine, either in Land or Sea Service, or to go, or agree to go or embark for the Purpose or with the Intent to be so enlisted, entered, or engaged, or employed, contrary to the Prohibitions respectively in this Act contained, any thing in this Act contained to the contrary in any wise notwithstanding; but that all and every such Persons and Person shall be in such State and Condition, and no other, and shall be liable to such Fines, Penalties, Forfeitures and Disabilities, and none other, as such Person or Persons was or were liable and subject to before the passing of this Act, and as such Person or Persons would have been in, and been liable and subject to, in case this Act and the said recited Acts by this Act repealed had not been passed or made.

Justices to issue Warrants for the Apprehension of Offenders.

IV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace residing at or near to any Port or Place within the United Kingdom of *Great Britain* and *Ireland*, where any Offence made punishable by this Act as a Misdemeanor shall be committed, on Information on Oath of any such Offence, to issue his Warrant for the Apprehension of the Offender, and to cause him to be brought before such Justice, or any Justice of the Peace; and it shall be lawful for the Justice of the Peace before whom such Offender shall be brought, to examine into the Nature of the Offence upon Oath, and to commit such Person to Gaol, there to remain until delivered by due Course of Law, unless such Offender shall give Bail, to the Satisfaction of the said Justice, to appear and answer to any Information or Indictment to be preferred against him, according to Law, for the said Offence; and that all such Offences which shall be committed within that Part of the United Kingdom called *England*, shall and may be proceeded and tried in His Majesty's Court of King's Bench at *Westminster*, and the Venue in such Case laid at *Westminster*, or at the Assizes or Session of Oyer and Terminer and Gaol Delivery, or at any Quarter or General Sessions of the Peace in and for the County or Place where such Offence was committed; and that all such Offences which shall be committed within that Part of the United Kingdom called *Ireland*, shall and may be prosecuted in His Majesty's Court of King's Bench at *Dublin*, and the Venue be laid at *Dublin*, or at any Assizes or Session of Oyer and Terminer and Gaol Delivery, or at any Quarter or General Sessions of the Peace in and for the County or Place where such Offence was committed; and all such Offences as shall be committed in *Scotland*, shall and may be prosecuted in the Court

Where Offences shall be tried.

of Justiciary in *Scotland*, or any other Court competent to try Criminal Offences committed within the County, Shire, or Stewartry within which such Offence was committed; and where any Offence made punishable by this Act as a Misdemeanor shall be committed out of the said United Kingdom, it shall be lawful for any Justice of the Peace residing near to the Port or Place where such Offence shall be committed, on Information on Oath of any such Offence, to issue his Warrant for the Apprehension of the Offender, and to cause him to be brought before such Justice, or any other Justice of the Peace for such Place; and it shall be lawful for the Justice of the Peace before whom such Offender shall be brought, to examine into the Nature of the Offence upon Oath, and to commit such Person to Gaol, there to remain till delivered by due Course of Law, or otherwise to hold such Offender to Bail to answer for such Offence in the Superior Court, competent to try and having Jurisdiction to try Criminal Offences committed in such Port or Place; and all such Offences committed at any Place out of the said United Kingdom shall and may be prosecuted and tried in any Superior Court of His Majesty's Dominions, competent to try, and having Jurisdiction to try Criminal Offences committed at the Place where such Offence shall be committed.

Vessels with Persons on board engaged in Foreign Service, may be detained at any Port in His Majesty's Dominions.

V. And be it further enacted, That in case any Ship or Vessel in any Port or Place within His Majesty's Dominions, shall have on board any such Person or Persons who shall have been enlisted or entered to serve, or shall have engaged or agreed or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions for the Purpose and with the Intent of enlisting or entering to serve, or to be employed, or of serving or being engaged or employed in the Service of any Foreign Prince, State, or Potentate, Colony, Province, or Part of any Province or People, or of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Colony, Province, or Part of any Province or People, either as an Officer, Soldier, Sailor, or Marine, contrary to the Provisions of this Act, it shall be lawful for any of the principal Officers of His Majesty's Customs where any such Officers of the Customs shall be, and in any Part of His Majesty's Dominions in which there are no Officers of His Majesty's Customs, for any Governor or Persons having the Chief Civil Command, upon Information on Oath given before them respectively, which Oath they are hereby respectively authorized and empowered to administer, that such Person or Persons as aforesaid is or are on board such Ship or Vessel, to detain and prevent any such Ship or Vessel, or to cause such Ship or Vessel to be detained and prevented from proceeding to Sea on her Voyage with such Persons as aforesaid on board: Provided nevertheless, that no principal Officer, Governor, or Person, shall act as aforesaid, upon such Information upon Oath as aforesaid, unless the Party so informing shall not only have deposed in such Information that the Person or Persons on board such Ship or Vessel hath or have been enlisted or entered to serve, or hath or have engaged or agreed or been procured to enlist or enter or serve, or is or are departing as aforesaid, for the Purpose and with the Intent of enlisting or entering to serve or to be employed, or of serving, or being engaged or employed in such Service as aforesaid, but shall also

Oath to be made as to Facts and Circumstances.

also have set forth in such Information upon Oath, the Facts or Circumstances upon which he forms his Knowledge or Belief, enabling him to give such Information upon Oath; and that all and every Person and Persons convicted of wilfully false swearing in any such Information upon Oath, shall be deemed guilty of and suffer the Penalties on Persons convicted of wilful and corrupt Perjury.

Penalty on Masters of Ships, &c. taking on board Persons enlisted contrary to this Act, 50*l.* for each Person.

VI. And be it further enacted, That if any Master or other Person having or taking the Charge or Command of any Ship or Vessel, in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any Part of His Majesty's Dominions beyond the Seas, shall knowingly and willingly take on board, or if such Master or other Person having the Command of any such Ship or Vessel, or any Owner or Owners of any such Ship or Vessel, shall knowingly engage to take on board any Person or Persons who shall have been enlisted or entered to serve, or shall have engaged or agreed or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions for the Purpose and with the Intent of enlisting or entering to serve, or to be employed, or of serving, being engaged or employed in any Naval or Military Service, contrary to the Provisions of this Act, such Master or Owner or other Person as aforesaid shall forfeit and pay the Sum of Fifty Pounds for each and every such Person so taken or engaged to be taken on board; and moreover every such Ship or Vessel, so having on board, conveying, carrying, or transporting any such Person or Persons, shall and may be seized and detained by the Collector, Comptroller, Surveyor, or other Officer of the Customs, until such Penalty or Penalties shall be satisfied and paid, or until such Master or Person, or the Owner or Owners of such Ship or Vessel shall give good and sufficient Bail, by Recognizance before One of His Majesty's Justices of the Peace, for the Payment of such Penalty or Penalties.

Penalty on Persons fitting out armed Vessels to aid in Military Operations with any Foreign Powers without Licence; or issuing Commissions for Ships.

VII. And be it further enacted, That if any Person, within any Part of the United Kingdom, or in any Part of His Majesty's Dominions beyond the Seas, shall, without the Leave and Licence of His Majesty for that Purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any Ship or Vessel, with Intent or in order that such Ship or Vessel shall be employed in the Service of any Foreign Prince, State, or Potentate, or of any Foreign Colony, Province, or Part of any Province or People, or of any Person or Persons exercising or assuming to exercise any Powers of Government in or over any Foreign State, Colony, Province, or Part of any Province or People, as a Transport or Store Ship, or with Intent to cruise or commit Hostilities against any Prince, State, or Potentate, or against the Subjects or Citizens of any Prince, State, or Potentate, or against the Persons exercising or assuming to exercise the Powers of Government in any Colony, Province, or Part of any Province or Country, or against the Inhabitants of any Foreign Colony, Province, or Part of any Province or Country, with whom His Majesty shall not then be at War; or shall, within the United Kingdom, or any of His Majesty's Dominions, or in any Settlement, Colony,

Colony, Territory, Island, or Place belonging or subject to His Majesty, issue or deliver any Commission for any Ship or Vessel, to the Intent that such Ship or Vessel shall be employed as aforesaid, every such Person so offending shall be deemed guilty of a Misdemeanor, and shall, upon Conviction thereof, upon any Information or Indictment, be punished by Fine and Imprisonment, or either of them, at the Discretion of the Court in which such Offender shall be convicted; and every such Ship or Vessel, with the Tackle, Apparel, and Furniture, together with all the Materials, Arms, Ammunition, and Stores, which may belong to or be on board of any such Ship or Vessel, shall be forfeited; and it shall be lawful for any Officer of His Majesty's Customs or Excise, or any Officer of His Majesty's Navy, who is by Law empowered to make Seizures, for any Forfeiture incurred under any of the Laws of Customs or Excise, or the Laws of Trade and Navigation, to seize such Ships and Vessels aforesaid, and in such Places and in such Manner in which the Officers of His Majesty's Customs or Excise and the Officers of His Majesty's Navy are empowered respectively to make Seizures under the Laws of Customs and Excise, or under the Laws of Trade and Navigation; and that every such Ship and Vessel, with the Tackle, Apparel, and Furniture, together with all the Materials, Arms, Ammunition, and Stores which may belong to or be on board of such Ship or Vessel, may be prosecuted and condemned in the like Manner, and in such Courts as Ships or Vessels may be prosecuted and condemned for any Breach of the Laws made for the Protection of the Revenues of Customs and Excise, or of the Laws of Trade and Navigation.

Penalty for aiding the Warlike Equipment of Vessels of Foreign States, &c.

VIII. And be it further enacted, That if any Person in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any Part of His Majesty's Dominions beyond the Seas, without the Leave and Licence of His Majesty for that Purpose first had and obtained as aforesaid, shall, by adding to the Number of the Guns of such Vessel, or by changing those on board for other Guns, or by the Addition of any Equipment for War, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the Warlike Force of any Ship or Vessel of War, or Cruizer, or other armed Vessel, which at the Time of her Arrival in any Part of the United Kingdom, or any of His Majesty's Dominions, was a Ship of War, Cruizer, or Armed Vessel in the Service of any Foreign Prince, State, or Potentate, or of any Person or Persons exercising or assuming to exercise any Powers of Government in or over any Colony, Province, or Part of any Province or People belonging to the Subjects of any such Prince, State, or Potentate, or to the Inhabitants of any Colony, Province, or Part of any Province or Country under the Controul of any Person or Persons so exercising or assuming to exercise the Powers of Government, every such Person so offending shall be deemed guilty of a Misdemeanor, and shall, upon being convicted thereof, upon any Information or Indictment, be punished by Fine and Imprisonment, or either of them, at the Discretion of the Court before which such Offender shall be convicted.

Offences committed out of the

IX. And be it further enacted, That Offences made punishable by the Provisions of this Act, committed out of the United Kingdom, may

Kingdom may be tried at Westminster.

may be prosecuted and tried in His Majesty's Court of King's Bench at *Westminster*, and the Venue in such Case laid at *Westminster*, in the County of *Middlesex*.

How Penalties shall be sued for and recovered.

X. And be it further enacted, That any Penalty or Forfeiture inflicted by this Act, may be prosecuted, sued for, and recovered, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer, or in the Court of Session in *Scotland*, in the Name of His Majesty's Attorney General for *England* or *Ireland*, or His Majesty's Advocate for *Scotland* respectively, or in the Name of any Person or Persons whatsoever; wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and in every Action or Suit the Person against whom Judgment shall be given for any Penalty or Forfeiture under this Act shall pay Double Costs of Suit; and every such Action or Suit shall and may be brought at any Time within Twelve Months after the Offence committed, and not afterwards; and One Moiety of every Penalty to be recovered by virtue of this Act shall go and be applied to His Majesty, His Heirs or Successors, and the other Moiety to the Use of such Person or Persons as shall first sue for the same, after deducting the Charges of Prosecution from the whole.

Double Costs.

Limitation of Actions.

Former Rules established by Law to be applied to Actions commenced in pursuance of this Act.

XI. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons for any Thing done in pursuance of this Act, all Rules and Regulations, Privileges and Protections, as to maintaining or defending any Suit or Action, and pleading therein, or any Costs thereon, in relation to any Acts, Matters, or Things done, or that may be done by any Officer of Customs or Excise, or by any Officer of His Majesty's Navy, under any Act of Parliament in force on or immediately before the passing of this Act, for the Protection of the Revenues of Customs and Excise, or Prevention of Smuggling, shall apply and be in full Force in any such Action or Suit as shall be brought for any Thing done in pursuance of this Act, in as full and ample a Manner to all Intents and Purposes as if the same Privileges and Protections were repeated and re-enacted in this Act.

Penalties not to extend to Persons entering into Military Service in Asia.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to subject to any Penalty any Person who shall enter into the Military Service of any Prince, State, or Potentate in *Asia*, with Leave or Licence, signified in the usual Manner, from the Governor General in Council, or Vice President in Council, of *Fort William* in *Bengal*, or in conformity with any Orders or Regulations issued or sanctioned by such Governor General or Vice President in Council.

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