

ANNO QUARTO

GEORGII IV. REGIS.

CAP. LXXXI.

An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company; and to authorize Soldiers and Sailors in the *East Indies* to send and receive Letters at a reduced Rate of Postage. [18th *July* 1823.]

WHEREAS an Act was 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 another Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to extend the Provisions relating to the holding of Courts-martial, and to the Punishment of Offences committed in the* East Indies, *contained in the Act made in the Twenty-seventh Year of His late Majesty's Reign, 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,' *to the said Company's Settlement of* Fort Marlborough, *and to such other Principal Settlements wherever the said Company may be hereafter empowered to hold Courts* 27 G. 2. c. 9. 1 G. 3. c. 14.

Courts of Judicature; since the passing of which Acts the Territories under the Government of the said Company, and the Forces maintained by the said Company for the Safety and Protection of the same, have greatly increased, in consequence whereof further Provisions have become necessary; and it being requisite for the retaining of such Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny, or stir up Sedition, or shall desert the said Company's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law do allow: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be enlisted or in Pay as a Non-commissioned Officer or Soldier in the Service of the said Company, at any Time during the Continuance of this Act, shall begin, excite, cause, or join in any Mutiny or Sedition, in the Land or Marine Forces of His Majesty, or of the said Company, 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, and 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, or the said Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter upon any Terms with such Rebel or Enemy, without the Licence of the said United Company, or of the said United Company's Governor General in Council, or Governor in Council at any of their Presidencies, or without the 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 the said Company's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of His Majesty, or the Possessions or Territories which are or may be under the Government of the said Company, or in Foreign Parts, upon Land or upon the Sea, within or without the Limits of the Charter of the said United Company, shall suffer Death, or such other Punishments as by a Court-martial shall be awarded.

Punishment for Mutiny, Desertion, &c.

Persons accused of Capital

II. And be it further enacted, That it shall and may be lawful for the General or other Officer commanding in Chief the Forces of

or

or belonging to the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, for the Time being, having Authority to appoint Courts-martial, to appoint General Courts-martial, and to issue his Warrant to any General or other Officer, having the Command of a Body of Troops of His Majesty or of the said Company, empowering them respectively to appoint General Courts-martial as occasion may require, to be holden within the Territories of any Foreign State, or in any Country under the Protection of His Majesty or the said United Company, or at any Place other than *Prince of Wales Island*, in the Territories under the Government of the said United Company, and situated above One hundred and twenty Miles from the said Presidencies respectively, for the Trial of any Person under his Command accused of having committed wilful Murder, Theft, Robbery, Rape, or any other Crime which is Capital by the Laws of *England*, or of having used Violence, or committed any Offence against the Person or Property of any Subject of His Majesty, or any other Person entitled to His Majesty's Protection, or to the Protection of the respective Governments of the *East India* Company, or of any State in Alliance with the said Company, within the Territories of any foreign State, or in any Country under the Protection of His Majesty or the said United Company, or at any Place other than *Prince of Wales Island*, in the Territories under the Government of the said United Company situate above One hundred and twenty Miles from the said Presidencies respectively; and the Persons accused, if found guilty, shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or to such other Punishments, according to the Nature and Degree of their respective Offences, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that any Person so tried shall not be liable to be tried for the same Offence by any other Court whatsoever.

Crimes 120 Miles from the Presidencies can be tried by Court-martial.

III. And be it further enacted, That if any Person liable to be tried by a Court-martial for any such Offence alledged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of His Majesty or the said United Company, or at any Place, other than *Prince of Wales Island*, in the Territories under the Government of the said United Company situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort St. George*, and *Bombay* respectively, and for which no Proceeding shall have been commenced in any ordinary Court of competent Civil or Criminal Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, it shall and may be lawful for such Magistrate, and he is hereby required to deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence, as herein-before is provided in that Behalf.

Person liable to be tried by Court-martial may be apprehended and delivered over to his Regiment.

IV. Provided always, and be it enacted, That in all and every Case wherein a Sentence of Death or Transportation shall be pronounced for any such Capital Offence, committed at any Place situate

Sentences of such Courts not to be carried into

Execution till confirmed by the Chief Governor, and approved by Governor of the Presidency.

tuate above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and being within the Territories under the Government of the said United Company, such Sentence shall not be carried into Execution until confirmed by the General or other Officer commanding at the Presidency, with the Concurrence of the Governor General in Council or Governor in Council of the Presidency in the Territories subordinate to which such Offenders shall have been tried.

Deserters enlisting in other Corps punishable.

V. And be it declared and enacted, That no Non-commissioned Officer or Soldier who shall desert the said Company's Service shall be exempt from the Pains and Penalties imposed by this Act for such Offence, by again enlisting into His Majesty's or the said Company's Service; but any such Non-commissioned Officer or Soldier shall, notwithstanding such subsequent Enlistment, be deemed to have deserted, and shall in like manner suffer Death, or such other Punishments as by a Court-martial shall be awarded.

While in such Corps, can be punished for Crimes committed therein.

VI. And whereas Doubts have arisen whether Soldiers who of Right belong to the 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 the said Company'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 be punishable 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 any other Regiment, Corps, Troop, Company, Detachment, or Party, and had not been discharged therefrom: Provided always, that if such Persons shall be claimed by such other Regiment, Corps, Troop, Company, Detachment, or Party, and 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 have been already 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 as Evidence upon his Trial.

Transportation for Desertion.

VII. And be it further enacted and declared, That in case of any Non-commissioned Officer or Soldier tried and convicted of Desertion, wheresoever 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 his 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 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,

Cause, within any Part of His Majesty's Dominions, or any of the Possessions or Territories which are or may be under the Government of the said United Company, 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 the Benefit of Clergy.

Power of commuting Death to Transportation.

VIII. Provided also, 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 the Officer commanding in Chief the Forces at the Presidency to which the Offender shall belong, and having Power to appoint or authorize the Appointment of such Court-martial, 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 the said Officer commanding in Chief may seem meet; and if the Person so transported in pursuance of such Order shall afterwards, without Leave 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 His Majesty's Dominions, or any of the Possessions or Territories which are or may be under the Government of the said Company, 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.

Deserters may be sentenced to General Service.

IX. And be it further enacted, That it shall be lawful for any General Court-martial to sentence any Non-commissioned Officer or Soldier, convicted of Desertion by such Court, to general Service as a Soldier; and that the General or Commander of the Forces at the Presidency to which the said Offender shall belong, may thereupon direct, that such Service shall be in any Regiment or Regiments or Corps of the said Company, and in any Country or Place or Places out of the Possessions of the Territories under the Government of the said Company, or otherwise, as he may think fit.

If Deserter be a limited Service-man, he may be sentenced to serve for Life, &c.

X. Provided always, and be it further enacted, That if any Non-commissioned Officer or Soldier in any Regiment or Corps of the said Company's Forces, so convicted of Desertion, shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Soldier so enlisted in any Regiment or Corps of the said Company's 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 the General or Commander of the Forces at the Presidency where such Offender shall be tried 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; and such Forfeiture

ture may, in such Cases of Desertion, be adjudged in addition to any other Punishment, if the Court should think fit.

A Mark on Deserters.

XI. And be it further enacted, That it shall be lawful for any General 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 such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Armpit, with the Letter (D.), such Letter not to be less than Half an Inch long, and to be marked upon the Skin with Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Notice to a Judge, &c. of the Award, &c. of Transportation.

XII. Provided always, and be it further enacted, That whenever any Sentence of Transportation passed by any Court-martial in the *East Indies*, or in the other Possessions or Territories which are or may be under the Government of the said Company beyond the Seas or in Foreign Parts, 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 Court-martial upon Condition of Transportation, the same shall be notified in Writing by the Officer commanding in Chief, or in the Absence of the Officer commanding in Chief, then by the Adjutant General for the Time being, to some Judge of the Supreme Court of Judicature of the Presidency under which such Offender shall serve; 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 of *India*; and the Governor in Council of such Presidency, or Governors 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; and all such Orders and Acts shall be obeyed and done in respect to such Offenders, and shall have the like Consequence, as in Cases of Persons convicted of Crime and sentenced to be transported, or receiving Pardon on Condition of Transportation; and every Person so ordered to be transported 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 Pardon on Condition of Transportation.

Offenders, where Sentence is conditionally remitted, subject to the Law touching 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 any such conditional Remission of such Sentence 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 Judge as aforesaid, and during all the several Proceedings which shall be had for the Purposes aforesaid.

XIV. And

Governor General, or Governor in Council, may suspend Proceedings.

XIV. And be it further enacted, That it shall and may be lawful for the Governor General or Governor in Council of any of the said Company's Presidencies in *India*, to suspend the Proceedings of any Court-martial which may at any Time be holden upon any Person belonging to such Presidencies respectively.

Warrant to hold Courts martial; none lower than a Field Officer can convene, &c.

XV. And be it further enacted, That His Majesty may from Time to Time grant a Commission or Warrant under His Royal Sign Manual, unto the Court of Directors of the said United Company, who by virtue of such Commission or Warrant shall have Power, under the Seal of the said United Company, to authorize and empower their Governor General in Council, and Governor in Council for the Time being, at the Presidencies of *Fort William*, *Fort Saint George* and *Bombay* respectively, and their Governors and Council for the Time being at the said Island of *Saint Helena*, from Time to Time to appoint Courts-martial, and to authorize and empower the General or other Officer commanding any Body of the Forces employed in the said Company's Service to appoint General Courts-martial, as well as to authorize any Officer under their respective Commands, 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 Commands, 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 tried a Second Time for the same Offence, unless in case of Appeal.

Soldiers liable to ordinary Proceedings of a Court of Law, &c.

XVI. Provided always, and it is 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: 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, unless such Officer or Soldier shall have been tried by a Court-martial in Manner herein-before provided in respect of Offences committed within the Territories of any Foreign State, or in any Country under the Protection of His Majesty, or the said United Company, or at any Place in the Territories of the said United Company situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively.

Persons accused of capital Crimes, &c. to be delivered to the Civil Magistrate.

XVII. And be it further enacted, That if any Officer or 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, or any other Person entitled to His Majesty's Protection, or to the Protection of the respective Governments of the *East India* Company, or of any State in Alliance with the said Company, which is punishable by the known Laws of the Land, the Commanding Officer or Officers of every Regiment, Troop, Company,

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 Offender, every such Officer so offending, and being thereof convicted upon any Information or Indictment in any of His Majesty's Courts of Record in *India*, shall be deemed and taken to be cashiered, and shall be utterly disabled to have or to hold any Civil or Military Office or Employment in the said United Company's Service in the *East Indies*, provided a Certificate of the said Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong: Provided always, that nothing herein contained shall extend, or be construed to extend, to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence, who shall have been tried for such Offence by any Court-martial in manner herein-before provided, in respect of Offences committed within the Territories of any Foreign State, or in any Country under the Protection of His Majesty or the said United Company, or at any Place in or out of the Territories of the said United Company situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or against whom any effectual Proceeding shall have been taken, or ordered to be taken, for the Purpose of bringing such Person to Trial by such Court-martial as aforesaid: Provided also, that no Person or Persons, being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

After such Trial Persons can only be cashiered by a Court Martial.

Officers, &c. imprisoned, to receive no Pay; but if acquitted they shall receive Arrears of Pay.

XVIII. 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 be entitled to receive any Part of his Pay from the Day of such Commitment till the Day of 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.

Constitution of General Courts Martial.

XIX. And it is hereby further enacted and declared, That all General Courts-martial held under the Authority of this Act shall consist of Thirteen or Nine Commissioned Officers, as the Case may require; except the same shall be holden upon any Officer or Non-commissioned

missioned Officer or Private Soldier of the said Company's Forces which shall be serving in any Place out of His Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, in which Cases any General Court-martial may consist of any Number not less than Seven; and except the same shall be holden at *Sumatra*, or at *Prince of Wales Island*, or at *Singapore*, at which Places such General Court-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 Offence 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.

Constitution of Court-martial of Three Officers in Places out of His Majesty's Dominions or out of the Possessions of the East India Company, &c.

XX. Provided always, and be it further enacted, That it shall be lawful for any General or other Officer commanding any Station, or commanding any Detachment, Brigade, Division, or distinct Party belonging to any Army of the said Company, which may at any Time be serving in any Place out of His Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in Alliance with the said Company, in which the said Company's Forces are permanently stationed, 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 Place, by any Non-commissioned Officer or Soldier, or other Person serving with or belonging to the Company's Army, being under the immediate Command of any such General or other Officer, to summon and cause to assemble General Courts-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, or Offence or Offences as aforesaid, notwithstanding such General or other Officer shall not have received any Warrant or Warrants, empowering such General or other Officers 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 Punishments 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 in the Field 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 as any other Court-martial; and that Witnesses guilty of Perjury on Examination before them, being Persons amenable to this Act, shall be subject and liable to the same Penalties and Punishments as any Witnesses examined before any other Court-martial are or shall be by any Law or Usage in force in relation to any other Court-martial.

General Court-martial, unless out of the Company's Possessions, &c. to consist of 13 Members.

XXI. 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 out of His Majesty's Dominions, and out of the Possessions or Territories which are or may be under the Government of the said United Company, or on *Sumatra*, or at *Prince of Wales Island*, or at *Singapore*), shall consist of less than Thirteen Members.

No General Court-martial under 13 Members to pass Sentence of Death, unless held out of the Company's Possessions, &c.

XXII. 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 out of His Majesty's Dominions, or out of any of the Possessions or Territories which are or may be under the Government of the said United Company, or on *Sumatra*, or at *Prince of Wales Island*, or *Singapore*, shall sentence any Non-commissioned Officer or Soldier to Loss of Life or Limb, or Transportation.

Corporal or other Punishment for Immoralities.

XXIII. Provided always, and be it further enacted, That it shall be lawful for such General Courts-martial, by their Sentence or Judgment, to inflict Imprisonment, solitary or otherwise, or corporal Punishments, 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.

Imprisonment may be inflicted.

XXIV. 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 Fortress or Garrison, or other suitable Place of safe Custody.

Such Offenders to forfeit their Pay.

XXV. And be it further enacted, That every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General Court-martial shall forfeit all Right to any Pay or Allowances from the Day of his Commitment during the Time of such Imprisonment.

Oath to Witnesses.

XXVI. And be it further enacted, That all General and other Courts-martial shall have Powers and Authority, and are hereby required to administer an Oath, or in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them.

Members of General Courts-martial and Judge Advocate sworn.

XXVII. Provided always, and be it further enacted, That at all General Courts-martial to be held by virtue of this Act, every Member, before any Proceedings be had before such Court, 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,

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

'So help you GOD.'

'I *A. B.*

'I *A. B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Officers and Soldiers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of Officers and Soldiers in the Service of the said United Company, 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 like Cases: And I do further swear, that I will not divulge the Sentence of the Court until it shall be approved by the General or Commander in Chief, or the Person or Persons by whose Warrant or Authority the Court-martial is held; 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 as 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:

'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 this Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or Court-martial, in due Course of Law. So help me GOD.'

Concurrence in Sentence of Death.

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 out of His Majesty's Dominions, or out of any of the Possessions or Territories which are or may be under the Government of the said United Company, or be holden on *Sumatra*, or *Prince of Wales Island*, or *Singapore* as aforesaid; and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in any Place out of His Majesty's Dominions, or out of any of the Possessions or Territories which are or may be under the Government of the said United Company, or on *Sumatra*, or *Prince of Wales Island*, or *Singapore*, when the same shall consist of a less 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 Six in the Morning and Four in the Afternoon, except in Cases which require an immediate Example: Provided always, 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

Court out of which the Writ or Process issued be not sitting, then by any Judge or any Court of Law, 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 Courts of Law, upon Complaint made to such Judge or Court, in like Manner as if such Witness had neglected to attend on a Trial in any Criminal Proceeding in that Court.

Witnesses for Non-attendance attached.

Oaths to be taken by Members of Courts-martial, not being General Courts-martial.

XXVIII. Provided always, and be it further enacted, That at all 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 Court, before any Proceedings be had before it, shall take the following Oaths on the Holy Evangelists (which Oaths shall and may be administered by the President of the Court to other Members thereof, and to the President by any Member having first taken the said Oaths); that is to say,

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

I *A. B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Forces of the United Company of Merchants of *England* trading to the *East Indies*, and according to an Act of Parliament now in force, for the Punishment of Mutiny and Desertion of Officers and Soldiers in the Service of the said United Company, 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 like Cases. So help me GOD.

Rank 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.

Conjunction of King's and Company's Officers on Courts-martial.

XXIX. And whereas it may be expedient that Officers of His Majesty's Land Forces, when employed in Conjunction with Officers in the Service of the United Company, 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, to sit in Conjunction at Courts-martial, and proceed in the Trial of any Officer and 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 in pursuance of the Act which shall exist at the Time for the Punishment of

of Mutiny and Desertion in His Majesty's Forces; and the Oaths administered to the several Members of the Courts-martial shall be in the Terms by that 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 this Act; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by this Act, notwithstanding any Officer in the Service of the said United Company may also have a Commission from His Majesty.

Appointment of Courts-martial to be in the Officer commanding His Majesty's Forces.

XXX. Provided always, and be it enacted, That when and so long as any of His Majesty's Forces shall be employed to act within or under the Authority of any of the said Company's Presidencies in the *East Indies*, the Power of appointing Courts-martial or authorizing the Appointment of Courts-martial for the Trial of any Officer or Soldier of the said Company of or belonging to such Presidency, shall be in the Officer for the Time being commanding in Chief such of His Majesty's Forces as shall be employed within or under the Authority of such Presidency.

Persons tried may have Copy of Sentence and Proceedings.

XXXI. Provided always, and be it enacted, That the Party tried by any General Court-martial within the Presidencies of *Bengal*, *Madras*, or *Bombay*, 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 Six Months after such Sentences; and in case of Trial by any General Court-martial in the Company's other Possessions beyond the Seas or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether any such Sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Original of Proceedings and Sentence to be transmitted to the Judge Advocate General.

XXXII. Provided always, and be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial, do and 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 of the Army in which such Court-martial shall be held; and the said original Proceedings and Sentences are to be carefully kept and preserved in his Office, to the End that Persons entitled thereto may be enabled, upon Application to such Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

The King to make Articles of War.

XXXIII. And be it further enacted, That it shall and may be lawful to and for His Majesty from Time to Time to form, make, and establish Articles of War for the better Government of the said United Company's Forces, and the same from Time to Time to vary, alter, and amend; which Articles of War shall be judicially taken Notice of by all Judges, and in all Courts whatsoever.

Copy to the Judges, &c.

XXXIV. And for the more effectual Notification thereof to the several Judges and Persons herein-after mentioned; be it further enacted, 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*, *Edinburgh*, and in *India* respectively; and also to the Governors of His Majesty's Colonies, Plantations, and Territories within the Limits of the Charter of the said United Company.

Officers authorized to convene Courts-martial.

XXXV. And be it further enacted, That for bringing Offenders against such Articles of War to Justice, it shall be lawful for His Majesty to grant His Royal Commission or Warrant to the Persons and in the Manner herein mentioned and expressed, for convening and authorizing others to convene Courts-martial, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgment of the same, as well in the Possessions or Territories which are or may be under the Government of the Company, as elsewhere, where the Troops of the Company are or may be employed: Provided always, that no Person shall by such Articles of War be subject to any Punishment extending to Life or Limb, within the Dominions of His Majesty, or the Possessions or Territories which are or may be under the Government of the said United Company, for any Crime committed within One hundred and twenty Miles Distance from either of the Presidencies of *Bengal*, *Madras*, or *Bombay*, which is not expressed to be so punishable by this Act.

None to be adjudged of Life or Limb but the Crimes so punishable by this Act.

Offenders may be tried in Places other than where the Offences have been committed.

XXXVI. Provided always, and be it further enacted, That if any Officer or Soldier, or any other Person subject to the Provision of this Act, at any Place out of the Presidencies of *Bengal*, *Madras*, or *Bombay*, commit any of the Offences for which he may be liable to be tried by a Court-martial by virtue of this Act, and shall, after the Commission of any such Offence, go or be sent to any Part of His Majesty's Dominions, or to any Station or Part of the Possessions or Territories under the Government of the said Company, or elsewhere, in the Course of Service abroad, or come or be brought within the said Presidencies, or either of them, before he be tried by a Court-martial for such Offence, such Officer or Soldier shall be liable to be tried for the same at such other Station or Part of His Majesty's Dominions, or the Possessions or Territories which are or may be under the Government of the said Company, or elsewhere, in the same Manner as if the Offence had been committed where such Trial shall take place.

Courts-martial for the Trial of Company's Officers and Soldiers, may be wholly composed of King's Officers when no Company's Officer can be had.

XXXVII. And whereas it may sometimes happen that Officers in the Service of the said United Company cannot conveniently be had to compose the Whole or Part of a Court-martial for the Trial of Offenders liable to be tried by Court-martial by virtue of this Act; be it further enacted, That in any such Case any Officer or Soldier, or Person subject to the Provisions of this Act, may and shall be tried by a General Court-martial composed of Officers in His Majesty's Service alone; provided always, that in every such Case the Officer convening such Court-martial shall specify in his Warrant that no Officer in the Service of the said Company could conveniently be had.

XXXVIII. And

XXXVIII. 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 Four hundred Sicca Rupees, 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 in the Service of the Company in the *East Indies*; and no Certificate shall excuse the Absence of any Soldier but for the Reasons above mentioned, or One of them. Musters. Penalty on giving false Certificates, 400 Sicca Rupees.

XXXIX. And be it further enacted, That every Officer that shall make any false or untrue Muster of Man or Horse, or wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, and also every 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 shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment in the said Company's Service in the *East Indies*. False Musters punishable.

XL. And be it further enacted, That if any Officer shall knowingly muster any Person by a wrong Name, upon Conviction thereof before a General Court-martial, the said Officer shall be subject to such Penalties as are directed and inflicted by this Act upon those who shall make false Musters. Mustering by wrong Names.

XLI. And be it further enacted, That every Paymaster or other Commissioned Officer of the Company'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 Money, Provisions, Forage, or Stores belonging to the said United Company, or for the said United Company's Forces, or for the Use of His Majesty's Troops, or other Forces serving with the said United Company's Forces in *India*, or 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 such 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 any 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 Fine, Imprisonment, Dismissal Embezzlement by Officers, Commissaries, &c. how to be punished.

missal from the Company's Service, and Incapacity of serving the Company 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 Punishments, 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 the Presidency where such Offender shall be resident, or in any other Court 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 the Government of the Presidency shall direct and appoint, in case the same shall be recovered within any of the said Presidencies, and if not, then as the Government of the Presidency to which the Offender shall have belonged at the Time of his Offence shall direct and appoint.

Embezzlement by Non-commissioned Officers.

XLII. 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 to the Men under his Command, 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.

Paymasters not to make Deductions, &c.

XLIII. And be it further enacted, That no Paymaster or other Person shall receive any Fees, or make any Deductions whatsoever, out of the Pay or Allowances which shall be due to any Officer or Soldier in the Company's Army (without his Consent be obtained thereto), other than the usual Deductions, as shall be from Time to Time required to be made according to the Regulations of the Service.

Penalty on such Officers for detaining Pay and Allowances, 800 Sicca Rupees.

XLIV. And be it further enacted, That if any Officer or Paymaster shall unlawfully detain or withhold for the Space of One Month the Pay and Allowances of any Officer or Officers (Clothes and all other just Allowances being deducted) after such Pay and Allowances shall be by him or them received; or if any Officer, having received the Soldiers Pay and Allowances, shall refuse to pay each Non-commissioned Officer and Soldier his or their respective Pay and Allowances, when they shall become due and payable, according to the several Rates established by the Regulations of the Service, then upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose duly held and summoned, every such Paymaster or Officer so offending shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, Eight hundred Sicca Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded: Provided always, that it shall and may be lawful for the Governor General in Council, or the Governor in Council at the said Presidencies respectively, to give Orders for withholding the Pay of any Officer, Non-commissioned Officer or Soldier, for any Period during

during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave.

Officers, &c. of Artillery, Engineers, &c. liable to this Act.

XLV. And be it further enacted, That all Officers and Persons serving and hired to be employed, or who shall serve and be hired to be employed in the Artillery, and in the several Trains of Artillery, and in the Department of the Engineers, and all Officers serving or who shall serve in the Corps of Engineers, and all Officers and Persons serving or who shall serve as Military Surveyors or Draftsmen, or in the Corps of Sappers and Miners, or Pioneers, and all Persons who now are or shall be under the Ordnance, and all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving on the Medical Establishment of the Army, licensed Sutlers and Followers, 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.

Recruits concealing Infirmities punishable.

XLVI. And be it further enacted, That any Person who shall enlist into the Company'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 or Company's Marine Forces, notwithstanding he shall have been enlisted for any particular Regiment, and shall be entitled to receive such Portion or Residue of Bounty only as shall be allowed by the said Company, 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 or Regulations relating to Soldiers, to the contrary notwithstanding.

After Embarkation, Officers and Soldiers subject to Mutiny Act.

XLVII. And be it further enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the United Company, and all Officers in the said Company's Service who may proceed in charge of, or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall, from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company, be and hereby are adjudged to be, during their Passage, subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said United Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent.

Offences by such, previous to Arrival at Destination, cognizable after their Arrival.

XLVIII. And forasmuch as it may happen that Offences may be committed by the said Officers and Men after their Embarkation, and before their Arrival at their Place of Destination abroad, which nevertheless cannot be tried and punished during their Passage in such Manner as such Offences ought to be tried and punished; be it therefore enacted, That in every such Case every such Officer or Soldier shall and may, after his Arrival at his Place of Destination

abroad, be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender could have been tried by any Court-martial held under the Authority of this Act.

Debts due by deceased Officers, &c., considered Regimental Debts, to be paid in Preference to others.

XLIX. And be it further enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipment, or in respect of any Quarters, or of any Mess or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster, or Quartermaster, or any other Officer upon any such Accounts, or on account of any Advance made for any such Purpose, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying while in the Service of the said United Company, in preference to any other Debts, Claims, or Demands whatsoever, upon the Estate and Effects of such Officer or Soldier; and if any Doubt shall arise, as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, such Question shall be decided and concluded by the Order or Certificate of the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged; and all such Payments shall be good and valid in Law; and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid, under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary, in relation to the Distribution of such Assets; any thing in any Act or Acts of Parliament, or Law or Laws, to the contrary notwithstanding.

Surplus to be paid to Person entitled.

L. And be it further enacted, That it shall be lawful for such Military Secretary to cause all Surplus which may remain, after satisfying such Regimental Debts as aforesaid, to be paid to the Person or Persons entitled thereto.

Regimental Debts to be paid without Probate of Will, &c. being obtained.

LI. And be it further enacted, That all such Regimental Debts shall and may be paid without any Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters Testamentary or Dative, being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods, and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased, for the Payment of any Duty in respect of any Probate, or of any Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or for the Purpose of Distribution as Personal Estate; and it shall be lawful for the said Military Secretary to order and direct the Payment or Distribution of any such Surplus, in any

 Case

Case in which the same shall not exceed Two hundred Sicca Rupees, without any Probate, or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise; and it shall also be lawful for any Paymaster or other Person to issue any Sum not exceeding the Value of Two hundred Sicca Rupees, which may be due to any Officer deceased, or to the Widow or Relative of any Officer deceased, or to the Representative or Representatives of any such Officer's Widow or Relative, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto; and all such Payments respectively shall be as valid and effectual, to all Intents and Purposes, as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate, or Letters of Administration, or Confirmation of Testament, Letters Testamentary or Dative; any thing in any Act or Acts of Parliament, or Law or Laws, to the contrary notwithstanding.

Soldiers entitled to Discharge sent Home free of Expence.

LII. And be it further enacted, That every Soldier entitled to his Discharge under any Orders or any Regulations made by the said Company, or upon the Expiration of any Period for which he shall have engaged to serve, shall be sent to *Great Britain* or *Ireland*, free of Expence, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in His Majesty's Service on the March.

Such Persons subject to this Act till their Arrival at and Debarkation in Great Britain, &c.

LIII. Provided also, and be it further enacted, That every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provision of this Act, and the Articles of War framed or to be framed by His Majesty for the better Government of the Company's Forces.

A Person acknowledging himself to be a Deserter to be deemed duly enlisted.

LIV. 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 the said Company's Forces, or who upon being apprehended for Desertion or any other Offence shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, 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 the said Company's Forces, as the Commander of the Forces of the said Company shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not.

No Soldier liable to Process, except for a Criminal Matter, or a

LV. And to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Soldiers, whereby the said United Company may be deprived of their Services, it is hereby further enacted,

real Debt amounting to 200 Sicca Rupees.

enacted, That no Person who is or shall be listed, or who shall list and enter himself in the Company's Service as a Soldier, shall be liable to be taken out of the Company's Service, by any Process or Execution whatever, 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 Two hundred Sicca Rupees at the least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be granted; 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 of his superior Officers, 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 the Company'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.

Plaintiff may file a Common Appearance.

LVI. 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 enlisting in the Company'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 may and shall 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.

Where Troops are serving beyond the Jurisdiction of the Courts of Requests, Actions of Debt not exceeding 400 Sicca Rupees shall be cognizable before a Military Court, consisting of Five and not less than Three Commissioned Officers, &c.

LVII. And be it further enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of His Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of the Court of Requests established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt and all personal Actions against such Officers, Non-commissioned Officers, or Soldiers, all Persons licensed to act as Sutlers to any Corps or Detachment, or at any Station or Cantonment, or other Persons amenable to the Provisions of this Act, or resident within the Limits of a Military Cantonment, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere; provided the Value in question shall not exceed Four hundred Sicca Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose; which Court the Commanding Officer of any Station or Cantonment is hereby authorized and empowered to convene, and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no Instance of less than Three, and the President thereof shall not be under the Rank of a Captain; and every Member assisting at any such Court, before any Proceedings to be had before it, shall take the following Oath upon the Holy Evangelists; which Oath shall 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 Oath; (that is to say,)

'I swear, That I will duly administer Justice, according to the Evidence, in the Matter that shall be brought before me. So help me GOD.'

Witnesses to be examined on Oath.

And every Witness before any such Court shall be examined on Oath, which such Courts are hereby authorized to administer, or if Natives of the *East Indies*, on Oath or solemn Declaration, as the Circumstances of the Case may require; and it shall be competent for such Courts, upon finding any Debt or Damage due, either to award Execution thereof generally, or to direct that the Whole or any Part thereof shall be stopped and paid over to the Creditor out of any Pay or public Money which may be coming to the Debtor in the current or any future Month; and in case the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Debtor's Goods as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer, grounded on the Judgment of the Court, and the Goods of the Debtor, if found within the Limits of the Company's Garrison or Cantonment to which the Debtor shall belong at any subsequent Time, shall be liable to be seized and sold in satisfaction of any Remainder of such Debt or Damages; and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Cantonment, then any public Money, or any Sum not exceeding the Half Pay accruing to the Debtor, shall be stopped in liquidation of such Debt or Damage; and if such Debtor shall not receive Pay as an Officer or Soldier, or from any public Department, but be a Sutler, Servant, or Follower, he shall

Powers of Court.

be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries, for the Space of Two Months, unless the Debt be sooner paid: Provided always, that from and after the Time limited for the Commencement of this Act, so much of an Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing in the* East India *Company for a further Term the Possession of the* British *Territories in* India, *together with certain exclusive Privileges, for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, as gives to Magistrates the Cognizances of Debts due from Officers or Soldiers, being *British* Subjects, to the Natives of *India* resident without the Jurisdiction of the Courts of Requests therein mentioned, shall be and the same is hereby repealed accordingly.

53 G. 3, c. 155.

Soldiers confined for Debt not to receive Pay.

LVIII. And be it further enacted, That from the Commencement 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 or Allowances, 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 forfeit Pay.

LIX. And be it further enacted, That every Soldier who shall be taken Prisoner by the Enemy shall forfeit all Right or Claim to Pay and Allowance during the Period of his remaining a Prisoner, and until he shall again return to the Company's Service: Provided always, that upon the Return of every Soldier to the Company's Service, due Inquiry 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 Article 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 the Company's Service, shall be thereupon entitled to receive either the whole of any such Arrears of Pay or Allowances, or a Proportion thereof, as shall be adjudged by any such Court.

Soldiers on proving that they were unavoidably taken Prisoners may recover Arrears of Pay.

Persons and Civil Officers employed in the Commissariat and Ordnance, liable to this Act.

LX. And be it declared and enacted, That all Officers and Persons who are or shall be commissioned or employed in the Commissariat Department, or as Storekeepers, and all Civil Officers who are or shall be employed by or act under the Ordnance, and who are or shall be placed under the Command of any General or other Officer, shall be to all Intents and Purposes liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in case of the Company's other Forces.

Troops in Places in Possession of the Company, or occupied by Persons subject to the Company, liable to the Articles of War.

LXI. And whereas great Mischief and Inconvenience may arise if it should be doubted whether Troops in Pay raised or serving in any of the Possessions or Territories which are or may be under the Government of the said United Company, or Places which are or may be occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, are, while under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, liable to the Rules and Articles of War, and the same Penalties and Punishments as the Company'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, and to the same Trials, Penalties, and Punishments, in like Manner, to all Intents and Purposes, as the Company's other Forces.

This Act not to affect 55G.3.c.155. as to any Regulation respecting the Native Troops.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall in any Manner impeach or affect any Matters enacted or declared respecting Officers or Soldiers being Natives of the *East Indies*, or other Places within the Limits of the said Company's Charter, contained in the said Act passed in the Fifty-third Year of His late Majesty, but that all such Matters shall be of the same Force, in respect of such Native Officers and Soldiers, as if this Act had not been made.

Native Troops to be always subject to Articles of War of Presidency to which they shall belong.

LXIII. And be it further enacted, That whenever any Portion of such Native Troops shall be serving in any Country or Place out of the Possessions or Territories which are or may be under the Government of the said United Company, whether such be the Dominions of His Majesty or elsewhere, on the Trial of all Offences committed by any Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of the Presidency to which such Native Officer, Soldier, or Follower, shall belong, and to the established Usages mentioned and confirmed in the said last recited Act.

Punishment for false Swearing.

LXIV. And be it further enacted, That any Person wilfully and knowingly giving false Testimony on Oath or solemn Declaration, in any Case wherein an Oath or solemn Declaration is required to be made 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; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Non-commissioned Officer or Soldier, or other Person amenable to the Provisions of this Act, found guilty thereof, shall be punished at the Discretion of a General or Regimental Court-martial.

Persons may plead the General Issue.

LXV. And be it further enacted, 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

shall and may be lawful to and for all and every Person or Persons sued as aforesaid, to plead thereto the General Issue, that he or they are not guilty, and to give this Act and the Special Matter in Evidence on any Trial to be held thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Verdict shall pass with the said Defendant or Defendants in any such Action, or the Plaintiff or Plaintiffs therein become nonsuited, 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 the Costs by the Laws of the Realm are given to Defendants.

Suits against such Persons to be brought before the Courts of Record at the Presidency, or at Westminster.

LXVI. 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 into the Court of Record at the Presidency under which such Person is serving, or in the Courts of Record at *Westminster*, and in no other Court whatsoever.

Penalty on Persons concealing Deserters, &c. receiving, Arms, Grain, Forage, &c.

LXVII. And be it further enacted, That if any Person shall harbour, conceal, or assist any Deserter from the Company's Service, knowing him to be such, the Person so offending shall forfeit for every such Offence the Sum of One hundred and sixty Sicca Rupees, 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 One hundred and sixty Sicca Rupees shall be levied by Warrant, under the Hand of such Justice of the Peace, by Distress and Sale of 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 Government of the Presidency under which such Offender is resident; and a Report of the Penalty being adjudged shall be made to the Government 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 said Company, or furnished and provided for the Use of

of any Troops or Forces serving with the Forces of the said Company, 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 Forty Sicca Rupees; and if any Person shall buy or receive any Grain, Hay, Straw, or other Forage, provided for the Use of any Horse or Horses belonging to the Company's Service, from any Trooper or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Trooper or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Grain, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Forty Sicca Rupees; 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 Forty Sicca Rupees, and Forty Sicca Rupees, shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of Goods and Chattels of the Offender; One Moiety of the said first-mentioned Penalty of Forty Sicca Rupees to be paid to the Informer, and One Moiety of the said last-mentioned Penalty of Forty Sicca Rupees to be paid to the Informer, and the Residue of the said respective Penalties to be paid to the Government of the Presidency under which such Offender shall be resident; 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 Company, or any such Meat, Drink, Beer, or other Provisions, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Grain, Hay, Straw, or other Forage, provided for the Use of any Horse or Horses belonging to the Company's Service, from any Trooper or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any Trooper or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Grain, Hay, Straw, or other Forage as aforesaid, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties upon such Conviction, or give sufficient Security for Payment thereof, within the Space of Four Days from such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice.

Penalty on persuading Soldiers to desert.

LXVIII. And be it further enacted, That if any Person or Persons shall, in any Part of the Territories which are or may be under the Government of the said Company, directly or indirectly persuade or procure any Soldier or Soldiers in the Service of the said Company 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 the said Company, or to any other Person or Persons who shall sue for the same, the Sum of Eight hundred Sicca Rupees; and if it shall happen that any such Offender so convicted as aforesaid hath not any Goods and Chattels, Land or Tenements, to the Value of Eight hundred Sicca Rupees, to pay and satisfy, 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 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.

Penalties how recoverable.

LXIX. And be it further enacted, That all Penalties by this Act imposed for persuading or procuring any Soldier to desert, may and shall be sued for and be recoverable in His Majesty's Court of Record at the Presidency under which such Offender shall be resident.

Limitation of Actions.

LXX. Provided always, and be it further enacted, That no Action shall be brought or Prosecution carried on by virtue of this Act, for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed.

Offences against former Mutiny Act punishable.

LXXI. And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against the said Act, made in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, and 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 the said last-mentioned Act, or against any of the Articles of War made and established by virtue of the same, shall and may be inquired of, heard, tried, 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 the said Act of the Twenty-seventh Year of the Reign of King *George* the Second, shall remain in full Force, notwithstanding the Repeal of such Act; and Proceedings of any Court-martial upon any Trial began under the Authority of such former Act, shall not be discontinued by the Repeal 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: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act of the Twenty-seventh Year of the Reign of King *George* the Second, or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, 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

Such Offences not liable to Cognizance if committed Three Years before, unless the Offender had absented himself, &c.

Period, in which Case such Person shall be liable to be tried under such Commission or Warrant, to be issued at any Time not exceeding Two Years after the Impediment shall have ceased; or unless the Conduct of the Person accused shall have been submitted to the Consideration of the Court of Directors, by the Governor General, or Governor in Council of the Presidency to which such Person shall belong, in which Case such Person shall be liable to be tried under such Commission or Warrant, to be issued at any Time not exceeding Five Years after his Offence shall have been committed.

Regulations and Orders, though not provided for by former Acts, to be in force till this Act be published. 27 G. 2. c. 9.

LXXII. And be it further enacted and declared, That all Regulations and Orders made respecting the Administration of Justice by Courts-martial, or in any Manner respecting the Government, Economy, or Discipline of Officers or Soldiers and Followers of the Army of the said United Company, although not expressly provided for in the said Act passed in the Twenty-seventh Year of His 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 acted upon by the Governments or Military Authorities at the several Presidencies of *Fort William*, *Fort Saint George*, and *Bombay*, are and shall be to all Intents or Purposes valid, and shall continue valid until this Act shall be published and in force; and all Acts or Proceedings done or had under such Orders or Regulations are hereby ratified and confirmed.

46 G. 3. c. 92.

LXXIII. And whereas by a certain Act passed in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend Three Acts, made in the Thirty-first, Forty-first, and Forty-second Years of His present Majesty, relating to the Conveyance of Letters and Packets by the Post*; Seamen employed in His Majesty's Navy, and Non-commissioned Officers in the Army, within any Part of His Majesty's Dominions, whilst actually employed in His Majesty's Service, were authorized to send and receive by the Post, on their Private Concerns only, Single Letters, upon Payment of One Penny for each Letter, under the several Restrictions in the said Act contained: And whereas it is expedient to extend the Provisions of the said Act to Seamen in the Navy, and to Non-commissioned Officers and Soldiers whilst actually employed in His Majesty's Service in the *East Indies*, and at the Island of *Saint Helena*, and also to the Non-commissioned Officers and Soldiers actually employed in the Service of the *East India* Company, subject to such Modifications as are hereinafter contained; be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful to and for every Seaman employed in His Majesty's Navy, within any Part of the *East Indies*, or at the Island of *Saint Helena*, and to and for every Serjeant, Corporal, Drummer, Trumpeter, Fifer, and Private Soldier in His Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whilst actually employed in His Majesty's Service in the *East Indies*, or at the Island of *Saint Helena*; and also to and for every Serjeant, Corporal, Drummer, Trumpeter, Fifer, and Private Soldier in the Service of the said Company, whilst actually employed

Seamen employed in the Navy in the East Indies or St. Helena, and Non-commissioned Officers and Privates serving there, either in His Majesty's Forces or in

East India Company's Servants may receive Single Letters free from Postage, except the Payment of 1*d.* for each Letter in putting it into the Post Office; and may send Letters, the Party receiving them paying 2*d.* for Sea Postage and 1*d.* for Inland Postage.

ployed in the Service of the said Company, and not otherwise, to receive Single Letters by the Post, on his own private Concerns only, free from all Postage, except the Sum of One Penny for each Single Letter, to be paid upon putting the same into any Post Office in *Great Britain* or *Ireland*; provided that the several Regulations and Restrictions contained in the herein-before recited Act shall have been complied with; and likewise to send by the Post, on his own private Concerns alone, Single Letters, upon Payment, by the Party receiving the same, of the Sum of Two-pence for the Sea Postage of each such Letter, and of the aforesaid further Sum of One Penny for the Inland Postage of each such Letter, making in the whole the Sum of Three-pence for each such Letter; provided that if any such Letter shall be delivered into One of His Majesty's Post Offices in *Great Britain* or *Ireland* free of all Expence to His Majesty or the Revenue of the Post Office, such Letter shall be chargeable with the Inland Postage of One Penny as aforesaid, and to no other Charge; provided also, that the several Regulations and Restrictions contained in the said herein-before recited Act shall have been complied with.

Commencement of this Act.

LXXIV. And be it further enacted, That this Act shall commence and take Effect from and after the First Day of *February* One thousand eight hundred and twenty-four, except where any other Commencement is particularly directed; and that from and after such Day, all Powers and Provisions contained in the said Act of the Twenty-seventh Year of the Reign of His Majesty King *George* the Second shall cease and determine, and that the said Act shall be and is hereby repealed, except so far as is herein-before provided in that Behalf; and the whole of the said Act of the First Year of the Reign of His Majesty King *George* the Third shall be and is hereby repealed.

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