

ANNO NONO

GEORGII IV. REGIS.

****

CAP. III.

An Act for the regulating of His Majesty's Royal Marine Forces while on Shore.

[21st *March* 1828.]

WHEREAS it may be necessary for the Safety of the United Kingdom, and the Defence of the Possessions of the Crown of *Great Britain* and *Ireland*, that a Body of Royal Marine Forces should be employed in His Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*: And whereas the said Royal Marine Forces may frequently be quartered or be on Shore, or sent to do Duty on board Transport Ships or Merchant Ships or Vessels, or Ships or Vessels of His Majesty not being in Commission, or any Convict Hulk or Ship, where they will not be subject to the Laws relating to the Government of His Majesty's Forces by Sea; yet nevertheless it being requisite for the retaining of such Forces in their Duty, that an exact Discipline be observed; and that Marines who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment that the Law will allow: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, if any Person being entered or in Pay as an Officer of Royal

After March 24, 1828, every Marine Officer, Non-

commissioned Officer and Private Man,

Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer or Private Man in any Division of Royal Marines in His Majesty's Service, and on the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight shall remain in such Service, or during the Continuance of this Act shall be voluntarily entered and in Pay as a Marine Officer or Private Man in His Majesty's Service, and being in such Service, at any Time during the Continuance of this Act, on Shore in any Place within the said Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, shall begin, excite, cause, or join in any Mutiny or Sedition in the Company to which he doth or shall belong, or in any other Company, Troop, or Regiment, either of Marine or Land Forces, in His Majesty's Service, or shall not use his utmost Endeavours to suppress the same; or coming to the Knowledge of any such Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall desert His Majesty's Service; or being actually entered as a Marine in any Company, shall list himself in any other Company, Troop, or Regiment, or enter as a Seaman in His Majesty's Service, without first having a Discharge in Writing from the Officer commanding in Chief the Company in which he last served as a Marine, in which Case he shall be reputed a Deserter; or shall be found sleeping upon his Post, or shall leave it before relieved; or shall hold Correspondence with any Rebel or Enemy of His Majesty, or give them Advice or Intelligence of any kind, by any Ways or Means, or in any Manner whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them, without His Majesty's Licence, or Licence of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being; 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; all and every Person and Persons so offending in any or either of the Matters before mentioned, on Shore in any Part of this Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or on board any Transport Ship or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, shall suffer Death, or such other Punishment as by Court-martial shall be inflicted.

who shall mutiny or desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on or shall desert his Post, &c.

or shall strike or disobey his Superior Officer; shall suffer Death, or such Punishment as a Court-martial shall inflict.

The Lord High Admiral may grant a Commission for holding a General Court-martial, &c.

II. And be it further enacted, That it shall and may from Time to Time be lawful to and for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to grant a Commission, under his or their respective Hand or Hands, to any Officer of Royal Marines in His Majesty's Service, not under the Degree of a Field Officer, for the holding General Courts-martial at any Place or Places on Shore in this Kingdom, or in any other of His Majesty's Dominions; in every of which Courts-martial all or any of the Offences aforesaid, and all or any other of the Offences herein-after

specified, shall be tried and proceeded against in such Manner as by this Act is directed.

Courts-martial may inflict Corporal Punishment for Immoralities, &c.

III. And be it also enacted, That it shall and may be lawful to and for such Courts-martial, by their Sentence or Judgment, to inflict Corporal Punishment, not extending to Life or Limb, on any Marine, for Immorality, Misbehaviour, or Neglect of Duty, on Shore, in any Place or Places within this Kingdom, or in any other of His Majesty's Dominions, or in Transports or Merchant Ships or Vessels, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, during the Continuance of this Act.

Lord High Admiral empowered to make Articles for Punishment of Mutiny and Desertion, &c.

IV. And be it further enacted, That it shall and may be lawful to and for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, at any Time during the Continuance of this Act, to make and establish Rules and Articles in Writing under his or their respective Hand or Hands, which Articles shall be judicially taken notice of by all the Judges, and in all Courts whatsoever, for the Punishment of Mutiny and Desertion, Immorality, Misbehaviour, and Neglect of Duty, in any of His Majesty's Royal Marine Forces, while on Shore in any Part of this Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or in Transport or Merchant Ships or Vessels, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, and for bringing Offenders against the same to Justice; and to erect and constitute Divisional or Detachment Courts-martial, with Power to try, hear, and determine any Crimes or Offences specified in such Rules and Articles, and inflict Punishments by Sentence or Judgment for the same, according to the true Intent and Meaning of this Act; and all such Articles of War shall from Time to Time, as soon after the same shall have been established as the same can be done, be transmitted by the Secretary of the Admiralty for the Time being to the Judges of His Majesty's Courts at *Westminster* and *Dublin* and into *Scotland* respectively.

and to constitute Courts-martial.

Punishment.

V. Provided always, That no Person shall be adjudged to suffer any Punishment extending to Life or Limb by the said Rules or Articles, within this Kingdom, except for such Crime or Crimes as is or are expressed to be so punishable by this Act.

Oaths to be taken by Members of Divisional Courts-martial, &c.

VI. Provided also, and be it further enacted, That in all Trials by any Divisional or Detachment Courts-martial which shall be held by virtue of this Act, or of any Articles of War established in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the Oaths herein-after mentioned upon the Holy Evangelists (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the said Oath); that is to say,

Oaths.

'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 truly administer Justice according to 'the Rules and Articles for the better Government of His 'Majesty's Royal Marine Forces when on Shore, and according to 'an Act now in force for the Punishment of Mutiny and Desertion 'and of other Crimes therein mentioned, without Partiality, Favour, 'or Affection; and if any Doubt shall arise (which is not explained 'by the said Articles, or Act), according to my Conscience, and the 'best of my Understanding, and the Custom of War.

'So help me GOD.'

And the President of every such Court-martial (not being under the Rank of Captain) shall be appointed by the Commanding Officer of the Division or Detachment directing such Court-martial; and every such Divisional or Detachment Court-martial is hereby authorized and directed to administer an Oath to every Witness that shall appear before them.

Deserters may be transported for Life, &c.

VII. And be it further enacted and declared, That in case of any Non-commissioned Officer or Marine tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, according to the Nature of the Offence, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years; and if such Non-commissioned Officer or Marine, having been adjudged to be transported as a Felon, shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported,) return into or be found at large without Leave as aforesaid, or other lawful Cause, within any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any of the Islands adjacent to or dependent on the same, or in any of His Majesty's Possessions 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.

His Majesty, where a Capital Punishment is awarded, may order Offenders to be transported.

VIII. Provided always, and be it enacted, That in all Cases wherein a Capital Punishment shall have been awarded by a Court-martial, it shall be lawful for His Majesty, instead of causing such Sentence to be carried into Execution, to order the Offender to be transported as a Felon for Life, or for a certain Term of Years, as to His Majesty shall seem meet; and if the Person so transported in pursuance of such Order from His Majesty shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported,) return to any Part of *Great Britain* or *Ireland*, or into any of the Islands adjacent to or dependent on the same, or into any of His Majesty's Possessions 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.

IX. Pro-

Court may sentence Deserters to serve for Life, &c.

IX. Provided also, and be it further enacted, That if any Non-commissioned Officer or Marine 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 Marine so enlisted to serve for Life as a Soldier, or for any Number of Years beyond the Period for which such Non-commissioned Officer or Marine shall have enlisted, or generally in any Regiment or Corps which His Majesty shall please to direct; and any Non-commissioned Officer or Marine 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 Marine from the Length or Nature of his Service.

Court-martial or order them to be marked.

X. And be it further enacted, That it shall be lawful for any Court-martial, before which any Non-commissioned Officer or Marine shall be tried and convicted of Desertion, to direct, if it shall so think fit, in addition to any other Punishment such Court may award for any such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than Half an Inch long, and to be marked upon the Skin with Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

How Order for Transportation shall be proceeded in.

XI. And be it further enacted, That whenever His Majesty shall intend any such Sentence of a Court-martial to be carried into Execution, or shall be graciously pleased to extend His Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order and Orders so to be made, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that Time be, and all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Constables, and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under

the Authority of the aforesaid Act; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and now in force, concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

Order to be filed in the Office of the Clerk of the Crown;

XII. And be it further enacted, That the Justice or Baron who shall make any such Order as aforesaid, under any such Notification of His Majesty's Pleasure as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of His Majesty's Court of King's Bench, and to be there kept of Record, and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same.

who shall on Application deliver a Certificate of the Conviction of any such Offender, &c.

XIII. And be it further enacted, That the said Clerk of the Crown of His Majesty's Court of King's Bench shall, upon the Application of any such Offender, who shall be ordered by His Majesty to be transported as aforesaid, or of any other Person applying on his Behalf, or on the Application of any Person on behalf of His Majesty, deliver a Certificate in Writing under his Hand (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majesty's Order for such Offender's Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Offenders under Sentence of Death, obtaining His Majesty's conditional Pardon, not suffered to escape.

XIV. And be it further enacted, That if any Offender under Sentence of Death by a Court-martial as aforesaid shall obtain His Majesty's conditional Pardon as aforesaid, all and every the Laws now in force touching the Escape of Felons under Sentence of Death shall apply to such Offender, and to all Persons aiding, abetting, or assisting in any Escape or intended Escape of any such Offender, or contriving any such Escape, from the Time when such Order shall be made by such Justice or Baron as aforesaid, and during all the several Proceedings which shall be had for the Purposes aforesaid.

General Court martial not to consist of less than 13, except in Cases where serving beyond the Seas, &c.

XV. And it is hereby further enacted and declared, That no General Court-martial which shall have Power to sit by virtue of this Act shall consist of a less Number than Thirteen, whereof none to be under the Degree of a Commissioned Officer; except Courts-martial to be holden on any Officer, Non-commissioned Officer, or Private Marine, who may be serving on Shore in any Place beyond the Seas, and out of His Majesty's Dominions, or out of the *East Indies*, in which Cases any General Court-martial may consist of any Number not less than Seven; and the President of such Court-martial shall not be under the Degree of a Field Officer of Royal Marines, unless where such Field Officer cannot be had, in which Case the

Marine Officer next in Seniority to such Field Officer, not being under the Degree of a Captain, shall preside at such Court-martial; and that such Court-martial shall have full Power and Authority, and are hereby required, to administer an Oath to every Witness, in order to the Examination on Trial of any of the Offences that shall come before them.

Oaths to be taken by all Members of a General Court-martial.

XVI. And be it further enacted, That in all Trials of Offenders by General Courts-martial to be held by virtue of this Act, every Officer present at such Trials, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Court and Judge Advocate or his Deputy (who are hereby authorized to administer the same), in these Words; that is to say,

Oaths.

'YOU shall well and truly try and determine, according to the Evidence which shall be given in the Matter now before you, between our Sovereign Lord the King's Majesty and the Prisoner to be tried. So help you GOD.'

'I *A.B.* do swear, That I will truly administer Justice according to an Act now in force for the Regulation of His Majesty's Royal Marine Forces while on Shore, and according to the Rules and Articles made in pursuance of the said Act for the Punishment of Mutiny and Desertion, and other Crimes therein respectively mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise (which is not explained by the said Act or the said Rules and Articles), according to my Conscience, the best of my Understanding, and the Custom of War in like Cases: And I further swear, That I will not divulge the Sentence of the Court, until it shall be approved by the Lord High Admiral, or Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*; 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 in a due Course of Law.

'So help me GOD.'

The Judge Advocate to be sworn.

And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words:

The Oath.

'I *A.B.* do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law. So help me GOD.'

Oaths to be administered to Witnesses.

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

And every such Court-martial is hereby authorized and directed to administer an Oath to every Witness who shall appear before them; and no Sentence of Death shall be given against any Offender by any such General Court-martial as aforesaid, unless Nine Officers present, or where the Court-martial shall consist of Seven Members, unless Five Officers present shall concur therein; and if there be more Officers present than Thirteen or Seven respectively, then the Judgment

Judgment shall pass by the Concurrence of Two Thirds of the Officers present; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest in like Manner as Witnesses attending any of His Majesty's Courts of Law are privileged; and that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or the Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, 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 duly summoned as aforesaid, who shall not attend on the Court-martial, whether the same be a General or Divisional Court-martial, or who attending shall refuse to be sworn or to give Evidence on any Court-martial, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies*, or elsewhere respectively, upon Complaint made to the said Courts of King's Bench or Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, in like Manner as if such Witness had neglected to attend on a Trial in any Criminal Proceeding in that Court.

Hours of Trial.

Witnesses during their Attendance privileged from Arrest.

Witnesses not attending liable to be attached.

XVII. 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 Private Marine to Imprisonment, or to Imprisonment and hard Labour, in any House of Correction, Common Gaol, or Public Prison, or in any other Place which such Court may appoint for that Purpose; and all Gaolers and Keepers of such Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged by, any Non-commissioned Officer or Private Marine who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Private Marine, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the Division at which such General or other Court-martial shall have been held; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Private Marine in Manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Use of His Majesty.

Courts-martial may sentence Offenders to Imprisonment, &c.

XVIII. Pro-

XVIII. Provided also, and be it further enacted, That it shall and may be lawful for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, in case he or they shall deem it expedient so to do, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement to be expressed in any Sentence upon any Non-commissioned Officer or Private Marine, either previous to the Commitment of such Non-commissioned Officer or Private Marine under any such Sentence, or at any Time afterwards during the Period of Confinement mentioned in such Sentence, and so from Time to Time as often as the said Lord High Admiral or the said Commissioners shall deem it requisite; and that the Gaoler or Keeper of the Prison, Gaol, or House of Correction, in which such Non-commissioned Officer or Private Marine shall happen to be, shall immediately on the Notification of such Order to him, remove and convey, or cause to be removed and conveyed, such Non-commissioned Officer or Private Marine to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid, (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, such Copies respectively to be attested by the Secretary of the Admiralty for the Time being, receive into his Custody, and shall confine pursuant to such Sentence, such Non-commissioned Officer or Private Marine, under the like Penalty and Forfeiture of One hundred Pounds, in case of Refusal or Neglect, as is herein-before provided; such Penalty or Forfeiture in any such Cases to be recovered in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer or Court of Sessions at *Edinburgh*.

Lord High Admiral may change the Place of Confinement of such Offenders.

Gaoler to be allowed not exceeding 1*s*. per Mile for Charges of Removal.

XIX. And be it further enacted, That every Non-commissioned Officer or Private Marine, who shall be sentenced by any General, Divisional, or Detachment Court-martial to be imprisoned, shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also that during the Continuance of any such Imprisonment, the Gaoler or Keeper of such Prison or House of Correction shall receive the Sum of Sixpence *per Diem* out of the Subsistence of such Non-commissioned Officer or Private Marine, during the Time that such Non-commissioned Officer or Private Marine shall continue in Custody; which said Sum the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, are hereby authorized and required to cause to be paid by the Paymaster of Royal Marines to the said Gaoler or Keeper aforesaid, upon receiving an Application in Writing to their Secretary, signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said Non-commissioned Officer or Private Marine was confined: Provided always, that it shall be

Pay to be forfeited during Imprisonment.

Gaoler to receive 6*d*. per Day for Subsistence of Prisoner.

lawful for the said Lord High Admiral or the said Commissioners for the Time being, if they should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Private Marine, during or after the Expiration of the Period of his Imprisonment in any Gaol, House of Correction, or Place of Military Confinement.

Like Allowance of 6*d.* per Day in Places of Military Confinement.

XX. Provided always, and be it enacted, That in case such Imprisonment shall be in any Place of Military Confinement, and not in a Common Gaol or House of Correction, then the like Allowance of Sixpence *per* Day for Subsistence shall be made by the Paymaster General of Royal Marines to the Non-commissioned Officer or Private Marine so imprisoned, in lieu of all Pay or other Allowances.

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

XXI. And be it enacted, That the Party tried by any General Court-martial to be held as aforesaid shall be entitled to a Copy of the Sentence and Proceedings of such Courts-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf, he or they paying reasonably for the same, at any Time not sooner than Three Months after such Sentence, whether such Sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Original Proceedings, &c. of Courts-martial to be transmitted to the Secretary of the Admiralty.

XXII. And be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial to be held as aforesaid, do and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial, to the Secretary of the Admiralty for the Time being; which original Proceedings and Sentence shall be by him carefully kept and preserved in the Office of the Admiralty of *Great Britain* and *Ireland*, to the end that the Persons entitled thereto may be enabled, upon Application to the said Office, to obtain Copies thereof according to the true Intent and Meaning of this Act.

None to be tried a Second Time for the same Offence unless in case of Appeal.

XXIII. Provided always, and be it further enacted, That no Marine, either Officer or Private Man, being acquitted or convicted of any Offence at any such Court-martial as aforesaid, 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 Divisional to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, be liable to be revised more than once.

Persons offending beyond Seas, &c. may be tried here.

XXIV. And be it further enacted, That if any Officer or Private Man in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, shall commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall escape and come or be brought into this Realm before he be tried by a Court-martial for such Offence, and shall be apprehended

for the same, such Officer or Private Man shall be tried for the same as if the same Offence had been committed within this Realm.

Not to exempt any on Shore from ordinary Process.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to exempt any Royal Marine, either Officer or Private Man, whatsoever, while on Shore, from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable.

Persons acquitted, &c. by the Civil Magistrate.

XXVI. Provided also, and be it further enacted, That no Person or Persons, being acquitted or convicted of any Capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Persons committed for Criminal Offences not to receive Pay till they return to the Regiment, &c.

XXVII. And be it further enacted, That no Officer, Non-commissioned Officer, or Private Marine, who shall be arrested and committed to Prison upon a Charge of any Criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong, or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, 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 Company to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the said Lord High Admiral or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Private Marine, during any such Commitment or Imprisonment, or either of them, or any Part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Private Marine, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Imprisonment, or after the Discharge of such Officer, Non-commissioned Officer, or Private Marine, after Conviction or otherwise, as shall appear to the said Lord High Admiral or the said Commissioners to be proper; and the Order of the said Lord High Admiral or any Two of the said Commissioners for the Payment of such Pay or Arrears shall be a sufficient Discharge for such Payment.

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

XXVIII. And be it further enacted, That if any Marine Officer, Non-commissioned Officer, or Private Man shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer or Officers of every 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 be also aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender,

Penalty for Refusal.

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 and assisting to the Officers of Justice in apprehending such Offender, every such Officer so offending, and being thereof convicted before any Two or more Justices of the Peace for the County where the Offence is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial.

Constables, &c. to quarter Officers and Men in Inns, Alehouses, &c.

XXIX. And whereas there is and may be Occasion for the marching and quartering of the said Royal Marine Forces in several Parts of this Kingdom; be it further enacted, That for and during the Continuance of this Act, and no longer, (in pursuance of an Order or Orders in Writing in that Behalf, under the Hand of the said Lord High Admiral, or under the Hands of Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being,) it shall and may be lawful to and for the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within *England* and *Wales*, and the Town of *Berwick-upon-Tweed*, and, in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others, and such Constables and other Chief Magistrates as aforesaid are hereby required to quarter and billet the Marines, both Officers and Private Men, in His Majesty's Service, in Inns, Livery Stables, Alehouses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses or Places thereunto belonging, and all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin by Retail, to be drank in their own Houses, other than and except Canteens held and occupied under the Authority of the Commissioners for the Affairs of Barracks, or of the Department of the Ordnance, or of the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and other than and except the House or Houses of any Distillers who keep Houses or Places for distilling Brandy or Strong Waters, and the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters (so as such Distillers and Shopkeepers do not permit or suffer Tippling in his or their Houses), and in no other, and in no private Houses whatsoever without the Consent of the Occupier; nor shall any more Billets at any Time be ordered than there are effective Royal Marines present to be quartered; and if any Constable, Tithingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Private Man in any such private House, without the Consent of the Occupier, in such Case such Occupier shall have his or her Remedy at Law against such Magistrate or Officer for the Damages that such Occupier shall sustain thereby; and if any

but in no Distillers or Shopkeepers Houses, or in any private Houses.

Marine

Marine Officer shall take upon him to quarter Private Men otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to any Mayors, Constables, or other Civil Officers before mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed, such Marine Officer shall for every such Offence, being thereof convicted before any Two or more of the next Justices of the Peace of the County where the Offence shall be committed, by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace of the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial; and in case any Person shall find himself aggrieved, in that such Constable, Tithingman, or Headborough, Chief Officer or Magistrate (such Chief Officer or Magistrate not being a Justice of the Peace), has quartered or billetted in his House a greater Number of Royal Marines than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Royal Marines are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justice or Justices respectively shall have, and is or are hereby declared to have, Power to relieve such Person, by ordering such and so many of the said Royal Marines to be removed, and quartered upon such other Person or Persons as they shall see Cause; and such other Person or Persons shall be obliged to receive such Royal Marines accordingly.

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

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

XXX. And be it further enacted, That if any High Constable, Constable, Beadle, or other Officer or Person whomsoever, who by virtue or colour of this Act shall quarter or billet, or be employed in quartering or billetting, any Marine Officers or Private Men, shall neglect or refuse for the Space of Two Hours to quarter or billet such Officers or Marines, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Forces; or shall receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse, any Person or Persons whomsoever from quartering or receiving into his, her, or their House or Houses any such Officer or Marine; or in case any Victualler, or any other Person liable by this Act to have any Officer or Marine billetted or quartered on him or her, shall refuse to receive or to afford proper Accommodation to or to victual any such Officer or Marine so quartered or billetted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein respectively directed to be furnished or allowed to Non-commissioned Officers or Marines so quartered or billetted upon him or her as aforesaid, at the Rate which is or shall be established by any Act or Acts in force in that Behalf, and shall be thereof convicted before any One or more Justice or Justices of the Peace of the County, City, or Liberty within which such Offence shall be committed,

Penalty on Constables, &c. neglecting to quarter Marines;

or taking Money to excuse any Person from quartering; and on Victuallers refusing to receive Marines.

mitted, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby empowered to administer), every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit for every such Offence the Sum of Five Pounds, or any Sum not exceeding Five Pounds nor less than Forty Shillings, as the said Justice or Justices, before whom the Matter shall be heard, shall in his or their Discretion think fit; to be levied by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within the County, City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; and the said Sum of Five Pounds, or the said Sum not exceeding Five Pounds nor less than Forty Shillings, when levied, shall be paid to the Overseers of the Poor of the Parish where the Offence shall be committed, or to some one of them, for the Use of the Poor of such Parish.

Justices may order Constables to give an Account of the Number of Officers and Private Men, and where quartered.

XXXI. And for the better preventing Abuses in quartering or billetting the Royal Marines in pursuance of this Act, be it further enacted, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace within their respective Counties, Cities, or Liberties, by Warrant or Order under his or their Hand and Seal or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officer or Person, who shall quarter or billet any Royal Marines in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices requiring the same, of the Number of Officers and Private Men who shall be quartered or billetted by them, and also the Names of the Housekeepers or Persons upon whom every such Officer or Private Man shall be quartered or billetted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses, to the end it may appear to the said Justice or Justices where such Officers and Private Men are quartered or billetted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billetting of them.

Marines not to be billetted above One Mile from the Place mentioned in the Route.

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

Officers and Marines to pay Rates for their Provisions.

XXXIII. And be it further enacted, That the Marine Officers and Private Men so quartered and billetted as aforesaid shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouse, Victualling-houses, and the

Houses of Sellers of Wine by Retail, to be drank in their own Houses or Places thereunto belonging, and other Houses in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

If Innholders refuse to furnish the Men quartered on them with Meat, they shall allow them Candles, Small Beer, &c. gratis.

XXXIV. Provided always, and be it enacted, That in case any Innholders, or other Persons on whom any Non-commissioned Officers or Private Men shall be quartered by virtue of this Act, (except on a March or employed in recruiting, and likewise except the Recruits by them raised, for the Space of Seven Days at most for such Non-commissioned Officers and Private Men who are recruiting, and Recruits by them raised,) shall be desirous to furnish such Non-commissioned Officers and Private Men with Candles, Vinegar, and Salt, and with either Small Beer or Cider, not exceeding Five Pints for each Man *per Diem, gratis*, and allow to such Non-commissioned Officers or Private Men the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly, then and in such Case the Non-commissioned Officers and Private Men so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of such Non-commissioned Officers and Private Men, shall pay the several Sums that are or shall be established by any Act or Acts in force in that Behalf to the Non-commissioned Officers and Private Men aforesaid, and not to the Innholder or other Person on whom such Non-commissioned Officers and Private Men are quartered; any thing herein contained to the contrary notwithstanding.

Commanding Officer may exchange Marines in their Quarters;

and the Constables to billet the same accordingly.

XXXV. And whereas it may be for the Benefit of the Service for the Commanding Officer to have Power to exchange the Billets or Quarters of Marines quartered in the same Town or Place; be it therefore enacted, That the Commanding Officer of Royal Marines, in any Town or Place where such Marine Forces are quartered, shall and he is hereby declared to have Power from Time to Time to exchange any Marine or Marines quartered in such Town or Place, for any other Marine or Marines quartered in the same Town or Place, provided the Number of Men do not exceed the Number at that Time billetted on such Houses respectively where such Men shall be exchanged; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places, where any of the said Royal Marine Forces shall be quartered, are hereby required to billet such Men so exchanged accordingly.

Penalty on taking Money to excuse any Person from quartering.

XXXVI. And be it further enacted, That if any Marine Officer shall take or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Private Men, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

XXXVII. And

Officers to give Notice to Innkeepers of Subsistence-money in their Hands, &c.

XXXVII. And that the Quarters both of the said Marine Officers and Private Men, while on Shore as aforesaid, may during the Continuance of this Act be duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, every Officer or other Person to whom it belongs to receive or that shall actually receive the Pay or Subsistence-money for one or more particular Company or Companies of the said Royal Marine Forces, or otherwise, shall immediately upon each Receipt of every particular Sum which shall from Time to Time be paid, return, or come to his or their Hands on account of Pay or Subsistence, give public Notice thereof to all Persons keeping Inns, or other Places where Officers or Private Men are quartered by virtue of this Act; and shall also appoint the said Innkeepers and others to repair to their Quarters at such Times as they shall appoint for the Distribution and Payment of the said Pay or Subsistence-money to such Officers or Private Men, which shall be within Four Days at the farthest after the Receipt of the same as aforesaid; and the said Innkeepers and others shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Private Men so quartered in their respective Houses; which Accounts the said Officer or Officers is or are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed either to the Officers or Private Men; and if any Officer or Officers as aforesaid shall not give Notice as aforesaid, and shall not immediately upon producing such Account stated, satisfy, content, and pay the same, upon Complaint on Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City wherein such Quarters were (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer), the Paymaster or Person for the Time being authorized to pay the said Royal Marine Forces is hereby required and authorized (upon Certificate of the said Justices before whom such Complaint on Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to pay and satisfy the said Sums out of the Arrears due to the said Marine Officer or Officers, upon pain that such Paymaster or Person shall forfeit their respective Place or Places of Paymaster or otherwise, and be discharged from holding the same for the future; and in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster, or Person for the Time being authorized to pay the said Royal Marine Forces, is hereby authorized and required to deduct the Sums he shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Company to which such Officer or Officers shall belong; and such Officer or Officers shall for such their Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken and are hereby declared to be *ipso facto* cashiered.

On moving from Quarters, the Officer to make

XXXVIII. And where it may happen that the Subsistence-money due to any Marine Officer or Private Man shall, by occasion of any Accident, not be paid to such Officer or Private Man, or such Officer or

or Private Man shall neglect to pay the same, so that Quarters cannot be or are not paid as this Act directs; in every such Case it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters where such Company shall remain for any Time whatsoever, make up the Accounts as this Act directs with every Person with whom such Company shall have quartered, and sign a Certificate thereof, and give the said Certificate so by him signed to the Party to whom such Money is due, with the Name of such Company to which he or they shall belong, to the end the said Certificate may be forthwith transmitted to the proper Paymaster of the Royal Marines, who is hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the end the same may be applied to such Company, under Pain as is before in this Act directed for Nonpayment of Quarters.

up Accounts, and give Certificates for Money due.

Paymaster to pay the Sum certified for.

XXXIX. And be it enacted, That it shall and may be lawful to quarter Officers and Private Men of His Majesty's Royal Marine Forces in *Scotland* in such and the like Places and Houses as Officers and Private Men of the Land Forces might have been quartered in by the Laws in force in *Scotland* at the Time of the Union; and that the Possessors of such Houses shall only be liable to furnish the said Marine Officers and Private Men quartered there as by the said Laws in force at the Time of the Union was provided with respect to the Officers and Private Men of the Land Forces; and that no such Marine Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

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

XL. And be it further enacted, That it shall and may be lawful to quarter Officers and Marines in *Ireland* in such and the like Places and Houses as they might have been quartered in by the Laws in force in *Ireland* at the Time of its Union with *Great Britain*, and that the Possessors of such Houses shall only be liable to furnish the said Officers and Marines quartered there as by the said Laws in force at the Time of the said Union was provided; and that if any Person in *Ireland* liable to have Officers and Marines quartered and billetted on him, shall refuse to receive or victual any such Officer or Marine so quartered and billetted upon him or her as aforesaid, or shall refuse to furnish any such Officer or Marine so quartered or billetted in such Manner as by the said Laws in force in *Ireland* at the Time of the said Union was provided, every such Person so refusing shall be subject and liable to all such Penalties as any Person so refusing was liable to under or by virtue of any Laws in force in *Ireland* at the Time of the said Union.

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

XLI. Provided always, and be it further enacted, That it shall not be lawful to quarter or billet, in any Part of the United Kingdom, any Officer or Marine upon or in the House or Residence of any Foreign Consul duly accredited as such; any thing in this Act, or in any Act or Acts, or Law or Custom, to the contrary notwithstanding.

No Officer, &c. to be quartered on any Foreign Consul.

XLII. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, or any Two Magistrates, within their

Justices may grant or transfer

respective

Licences for selling Ale, &c. to any Person authorized to hold Canteens, without regard to the Time of Year or the Notices required for granting such Licences:

respective Jurisdictions, to grant or transfer any Licence for selling Ale by retail, or Cider or Perry, to be drank or consumed in any House or Houses or Premises, where more Houses or Premises than one shall be held together by the same Person or Persons as a Canteen, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquor, by retail, to any Person or Persons applying for the same, who shall hold any Canteen under any Lease thereof, or any Agreement or other Authority from the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or from the Paymasters and Inspectors General of His Majesty's Royal Marine Forces, without regard to the Time of Year or any Notices or Certificates specified or required in relation to the applying for or granting any such Licences; any thing in any Act or Act to the contrary notwithstanding: And

And the Commissioners of Excise are required to grant Licences to such Persons.

it shall also be lawful for His Majesty's Commissioners of Excise in *England*, *Ireland*, and *Scotland* respectively, or any Person appointed or employed by the said Commissioners in *England* or *Ireland* respectively in that Behalf, or for any Collectors or Supervisors of Excise within their respective Districts, and they are hereby required to grant Licences for selling Beer or Ale by retail, or Cider or Perry, to be drank or consumed in the Houses or Premises occupied as a Canteen of the Person or Persons applying for such Licence, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquors, by retail, to any such Person or Persons who shall hold any such Canteen under any such Licence or Transfer of any such Licence of any Justice or Magistrate as aforesaid; and it shall also be lawful for any Person or Persons holding any such Canteen under any such Lease, Agreement, or Authority as aforesaid, and having such Licences as aforesaid, to keep such Canteen, and to utter and sell therein, and in the Premises thereto belonging, and not elsewhere, Victuals and all such exciseable Liquors as he and they shall be licensed and empowered to sell under the Authority and Permission of any such Excise Licence as aforesaid, without being subject to any Penalty or Forfeiture; any thing in any Act or Acts to the contrary notwithstanding.

Any Justice may summon Marines having Wife or Children to make Oath of their last Settlement.

XLIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace for the County, Town, or Place where any Non-commissioned Officer or Private Marine shall be quartered in that Part of *Great Britain* called *England*, in case such Non-commissioned Officer or Private Marine have either Wife or Child or Children, to cause such Non-commissioned Officer or Private Marine to be summoned before him in the Town or Place where such Non-commissioned Officer or Private Marine shall be quartered, in order to make Oath of the Place of his last legal Settlement (which Oath the said Justice is hereby empowered to administer); and such Non-commissioned Officer or Private Marine as aforesaid is hereby directed to obey such Summons, and to make Oath accordingly; and such Justice is hereby required to take the Examination of such Non-commissioned Officer or Private Marine in Writing, and to give an attested Copy of the Examination so taken before him to the Person so examined, to be by him delivered to his Commanding Officer, in order to be produced when required; which said Examination and

such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Sessions of the Peace, although such Non-commissioned Officer or Private Marine be dead or absent from the Kingdom: Provided always, that in case any Non-commissioned Officer or Private Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced by him or by any other Person on his Behalf, such Non-commissioned Officer or Private Marine shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Justices may order Constables to provide Carriages for the Marine Forces on their Marches.

XLIV. And be it further enacted, That for the better and more regular Provision of Carriages for His Majesty's Royal Marine Forces on their Marches, or for their Arms, Clothes, and Accoutrements, in *England*, *Wales*, and the Town of *Berwick-upon-Tweed*, all Justices of the Peace within the several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, by an Order in Writing under his or their respective Hand or Hands, shall, as often as such Order shall be brought and shewn unto One or more such Justice or Justices by the Officer or Officers of the Company or Companies of Royal Marines so ordered to march, issue out his or their Warrant or Warrants to the High Constable or Petty Constable of the Division, Riding, City, Liberty, Hundred, or Precinct, from, through, near, or to which such Company or Companies shall be ordered to march, for each of which Warrants a Fee of One Shilling only shall be paid, requiring them to make such Provision for Carriages, with able Men to drive the same, as shall be mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen; and in case sufficient Carriages cannot be provided within any such Riding, City, Liberty, Hundred, Division, or Precinct, then the next Justice or Justices of the Peace for the County, Riding, or Division shall, upon such Order as aforesaid being brought or shewn to One or more of them by any of the Marine Officers aforesaid, issue his or their Warrant or Warrants to the High Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct, for the Purposes aforesaid, to make up such Deficiency; and the aforesaid Officer or Officers who, by virtue of the aforesaid Warrant or Warrants from such Justice or Justices of the Peace, is or are to demand the Carriage or Carriages therein mentioned of the High Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the respective Sums herein-after mentioned, for which respective Sums so received the said Constable or Petty Constable is hereby required to give a Receipt in Writing to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having Carriages within their respective Liberties, as they shall

shall think proper, to provide and furnish such Carriages and Horses and Oxen and Men according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly; and no Person owning or driving, or causing to be driven, any such Waggon, Wain, Cart, or other Carriage, shall be subject to any Penalty or Forfeiture, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner of any such Waggon, Wain, Cart, or other Carriage, to put any additional Number of Horses or Oxen to those prescribed or paid for under this Act; any thing in any Act or Acts relating to Highways or Turnpike Roads, or any particular Highway or Road, to the contrary notwithstanding; and if any Marine Officer or Officers, for the Use of whose Company or Companies the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage to travel more than One Day's Journey, or shall not discharge the same in due Time for their Return Home, or shall suffer any Marine or Servant (except such as are sick), or any Woman, to ride in the Waggon, Wain, Cart, or Carriage aforesaid, or shall force any Constable or Petty Constable, by threatening or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners, by themselves, Servants, or Private Men; every such Officer for every such Offence shall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace for the County or Riding where the Offence shall be committed, who are to certify the same to the proper Paymaster of His Majesty's Royal Marine Forces, who is hereby required to pay the aforesaid Sum of Five Pounds, according to any Order and Appointment under the Hands and Seals of the Justices of the Peace, and is also hereby empowered to deduct the same out of such Officer's Pay.

Waggons, &c. not to be stopped on account of Weight or Number of Horses.

Penalty on Officer forcing Waggons to travel more than One Day's Journey, &c.

Rates of Carriage.

XLV. And be it further enacted, That the Sums to be paid into the Hands of such Constable or Petty Constable in *England*, *Wales*, and *Berwick-upon-Tweed*, shall be according to the following Rates; that is to say, The Sum of One Shilling for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or Four Oxen with Two Horses, shall travel; and the Sum of Nine-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and the Sum of Sixpence for every Mile any Waggon with narrow Wheels, or any Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; or any further Sum not exceeding Four-pence for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or with Four Oxen and Two Horses, shall travel; and not exceeding Three-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and not exceeding Two-pence for every Mile any Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; such further Sum of Four-pence, Three-pence, or Two-pence respectively, or such Proportion of those Rates as may be deemed fair and reasonable, to be fixed and ordered by the Justices of

of the Peace for any County or District, assembled at any General Sessions of the Peace for such County or District, the said Justices having regard to the Price of Hay and Oats, and specifying in their Order the Average Price thereof at the nearest Market Town at the Time of fixing such additional Rates: Provided always, that in Cases where the Day's March shall exceed Fifteen Miles, such further Compensation shall be made and paid in like Manner to the Owners of the said Carriages, for the Excess beyond the said Fifteen Miles, as shall be deemed reasonable by the Magistrates who granted the Warrant for impressing them, not exceeding the usual Rate and Hire of such Carriages; and every Order of the Justices assembled at any General Sessions of the Peace, fixing a further Sum to be paid for the Hire of Carriages as aforesaid, in addition to the customary Rates of One Shilling and Nine-pence and Sixpence *per* Mile respectively, shall specify the Period for which the same shall be in force, and which shall not in any Case exceed Ten Days beyond the General Sessions of the Peace for such County or District next ensuing the Date of such Order; and a Copy of every such Order, signed by the Chairman or presiding Magistrate and One other Justice of the Peace or Magistrate at the Quarter Sessions at which the same shall be made, shall within Three Days after the making thereof be transmitted to the Secretary of the Admiralty; and no such Order shall be valid or effectual unless a Copy thereof be so signed and transmitted as aforesaid: Provided also, that in every Case of any further Sum being allowed as aforesaid for the Hire of any Carriage, the Justice of the Peace granting or signing such Warrant shall insert in his own Hand the Amount of such further Sum for each Description of Carriage, as so authorized by the Justices at the Quarter Sessions as aforesaid, and the Date of the Order of the said Justices; and such Warrant shall be given to the Officer or Non-commissioned Officer commanding the Regiment, Corps, Company, Detachment, or Party requiring such Carriages, as his Voucher for the Payment of such further Sum; and no further Sum shall be demanded but such as shall be so inserted by the Justice in the Warrant.

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

XLVI. And whereas great Inconvenience often arises from there being no Justice of the Peace or Magistrate residing near to Places specified in Routes at which Royal Marines are to halt and be billetted and quartered on the March, to issue Warrants for providing of Carriages; for Remedy whereof be it enacted, That it shall be lawful for any Constable, Tithingman, or Headborough, duly authorized for that Purpose by Warrant under the Hand and Seal of any Justice or Justices of the Peace residing nearest to such Place or Places, to make and give Orders for the providing of Carriages for the Baggage of Royal Marines on March, and to appoint Persons having Carriages within their respective Liberties or Jurisdictions to provide and furnish such Carriages, without having any special or particular Warrant for that Purpose; and all such Orders and Appointments shall be and be deemed to be as valid and effectual in all Respects and to all Intents and Purposes as if the same had been made and given by the Justice or Justices of the Peace having such Authority: Provided always, that every such Justice of the Peace shall, at the Time of giving such Warrant and Authority, and thereafter

Lists to be made out of Persons liable

to furnish Carriages, and all Orders to be made therefrom in Rotation.

after Once in each Year, or oftener if necessary, cause a List or Lists to be made out of all Persons liable to furnish such Carriages under such Warrant, and of the Number and Description of Carriages belonging respectively to the Persons so liable to be required to furnish Carriages for Baggage or for Troops on the March; and such Lists shall, at all seasonable Hours, be open to the Inspection of all Persons whose Names shall be inserted therein; and all Orders and Appointments for such Carriages shall be made and taken from such Lists in regular Rotation as far as the same can be done, so as that the providing such Carriages shall be equally distributed among the several Persons liable to furnish the same under the Provisions of this Act.

Penalty on Constables, &c. for Neglect.

XLVII. And be it enacted, That if any High Constable or Petty Constable shall wilfully neglect or refuse to execute any such Warrant of the said Justice or Justices of the Peace as shall be directed unto such Constable or Petty Constable, for providing Carriages as aforesaid; or shall demand or receive for the Use of the Owners furnishing such Waggons, Wains, Carts, or Carriages, more than the accustomed Rates *per* Mile, of One Shilling, Nine-pence, or Sixpence, according to the Size of the respective Carriages as aforesaid, unless any further Sums, not exceeding the Amount hereinbefore specified, shall have been previously fixed and ordered by the Justices at any General Sessions of the Peace assembled as aforesaid; or if any Person or Persons appointed by such Constable or Petty Constable, to provide and furnish any Carriage and Man, shall refuse or neglect to provide the same; or any other Person or Persons whomsoever shall wilfully do any Act or Thing whereby the Execution of any such Warrant or Warrants shall be hindered or frustrated, every such Constable, or other Person or Persons so offending, shall for every such Offence forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to the Use of the Poor of such Parish or Parishes adjoining to the Parish where any such Offence shall be committed, as shall be fixed upon by the Justice or Justices by whom such Offence shall be inquired of, heard, and determined; and all and every such Offence and Offences shall be inquired of, heard, and fully determined by Two of His Majesty's Justices of the Peace dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner.

Officers and Marines, &c. and Carriages employed in His Majesty's Service, exempted from Payment of Toll.

XLVIII. And whereas in consequence of certain Exemptions from Tolls expressly allowed by several Acts for His Majesty's Forces on their March or on Duty, and for the Horses and Carriages attending them, Doubts have arisen whether in all Cases not so exempted the Officers and Marines, and the Carriages and Horses, Boats, Barges, and other Vessels belonging to His Majesty, or employed in His Service, and returning therefrom, may not be charged with the Payment of Tolls; therefore, for obviating such Doubts, it is hereby enacted and declared, That all His Majesty's Officers and Marines, being in proper Uniform, and their Horses, on Duty or on their March, and all Carriages and Horses belonging to His Majesty,

or employed in His Service, and returning therefrom, and also all Boats, Barges, and other Vessels, belonging to His Majesty, or employed in His Service, when conveying the Officers, Marines, Servants, Women, Children, or other Persons of or belonging to His Majesty's Royal Marine Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Royal Marine Forces on their March, or returning therefrom, were and are and shall be exempted from Payment of any Duties and Tolls otherwise demandable by virtue of any Act already made or hereafter to be made for Persons, Horses, Carriages, or Vessels passing Turnpike Roads, Bridges, Rivers, Canals, or Locks, unless by such Act it has been or shall be expressly provided that the said Officers, Royal Marines, Carriages, Horses, and Vessels are and shall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken.

Treasurer of the County to repay the Constables extraordinary Charge.

XLIX. And whereas the respective Sums of Money by this Act appointed to be paid to the Constables, by the Officers demanding such Carriages, may not in many Cases be sufficient to answer the Charge and Expence of providing the same, whereby the said Constables may be frequently at great Charges, over and above what is received by them of the said Officers, to the great Burthen of the Townships in which they are respectively Constables, or else the Persons furnishing such Carriages may be grievously oppressed; to prevent which, and that such Overplus Charge may be borne by each County or Riding at the general Charge of such County or Riding, be it further enacted, That the Treasurer or Treasurers of each respective County or Riding shall, without Fee or Reward, pay unto such Constable all and every such reasonable Sum or Sums of Money so by him paid or laid out for such Carriages, over and above what was or ought to have been paid by the Marine Officer requiring such Carriages, out of the Public Stock of such County or Riding, according to such Rates, Orders, Rules, and Directions as the said Justices of the Peace in their Quarter Sessions assembled, within their respective Jurisdictions, shall from Time to Time during the Continuance of this Act make, direct, and appoint, (which Orders shall be made without Fee or Reward); Regard being always had to the Season of the Year, and the Length and Condition of the Roads through which such Carriages are to travel.

The Money for that Purpose how to be raised.

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

No Waggon, &c. liable to carry above 20 Cwt.

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

LII. And

Carriages in Scotland how to be provided.

LII. And be it further enacted, That the Carriages for the Service of the Royal Marine Forces quartered or marched in *Scotland* shall be provided in like Manner and at the Rates, and the Furnisher of such Carriages shall be paid as was directed by the Laws in force in *Scotland* at the Time of the Union, with regard to furnishing Carriages for Land Forces: Provided always, that a Cart with One or more Horses, for which the Furnisher shall demand or receive Nine-pence *per* Mile, shall be required to carry Fifteen Hundred Weight at the least.

Carts to carry 15 Cwt. at 9*d*. per Mile.

Carriages in Ireland how to be provided.

LIII. And be it further enacted, That the Carriages for the Service of the Royal Marine Forces from Time to Time quartered or marching in *Ireland* shall be provided in like Manner, at the Rates, and the Furnisher of such Carriages shall be paid as was directed by the Laws in force in *Ireland* at the Time of its Union with *Great Britain*.

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

LIV. And be it further enacted, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall, at any Time during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants, of any Officer or Marine in any such Houses against the Consent of the Owners, the Party offending, if an Officer of the Royal Marines, shall, upon Complaint and Proof thereof made to the Commissioners for executing the Office of Lord High Admiral, or Judge Advocate, be *ipso facto* cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied by Warrant of such Justice by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges of taking the same.

Penalty.

Penalty on Officers destroying Game, &c.

LV. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That if from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, any Officer shall, without Leave first had and obtained from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Hare, Pheasant, Partridge, or any other Sort of Game, or any Fish, within the Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof, upon Oath of One or more credible Witness or Witnesses, shall be convicted before any Justice or Justices of the Peace, who is and are hereby empowered and authorized to hear and determine the same; every Officer so offending shall, for every such Offence, forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed.

Constables, &c. may apprehend Deserters, and carry them before a Justice, and transmit

LVI. And whereas several Marines, who being duly entered, may afterwards desert, and be found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place where any Person who may reasonably be suspected to be such a Deserter

Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, or if no such Constable, Headborough, or Tithingman can be immediately met with, then for any Marine Officer or Marine, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice of the Peace living in or near such Town or Place, and acting for the same or any adjoining County, who is hereby empowered and required to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or by Knowledge of such Justice of the Peace, it shall appear or be found that such suspected Person is a Marine duly entered, and ought to be with the Company to which he belongs, whether such Company shall be employed on board any of His Majesty's Ships or Vessels, or quartered on Shore, or employed on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, such Justice of the Peace shall, without Fee or Reward to himself or his Clerk, forthwith cause him to be conveyed to the Gaol or the House of Correction or other public Prison in such Town or Place where such Deserter shall be so brought before such Justice of the Peace, or if there be no Gaol, House of Correction, or other public Prison in such Town or Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient Gaol, House of Correction, or other public Prison in the same or any next adjoining County, and transmit an Account thereof to the Secretary of the Admiralty for the Time being, with a Description of the Person of such Deserter, and the Name of the Division to which he may belong, to the end that he may be proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, shall receive such Subsistence-money, for the Maintenance of such Deserter during the Time he shall continue in his Custody, as shall from Time to Time be directed in that Behalf by the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, but shall not be entitled to any Fee or Reward on account of the Imprisonment of any such Deserter; any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, if they should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Non-commissioned Officer or Private Marine, during or after the Expiration of his Period of Imprisonment in any Gaol or House of Correction or other public Prison.

an Account to the Secretary of the Admiralty, &c.

Gaol Keeper to receive the Subsistence of Deserters.

LVII. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserter, be it further enacted, That in the Case of every Deserter apprehended in *Great Britain* or *Ireland*, the Secretary of the Admiralty, upon receiving from the Justice of the Peace, or other Civil Magistrate by whom the Deserter shall have been committed, a Report stating the Name or Names of the Person or Persons by whom the Deserter was apprehended and secured, which Report such Magistrate is hereby required to give, shall transmit to such Magistrate an Order upon the

Reward for taking up Deserters.

the Paymaster of the Royal Marines for the Payment of the Sum of Twenty Shillings to the Person or Persons so reported by the Magistrate, the Amount of which Reward shall be paid by the said Paymaster and charged against the Pay and Subsistence of every such Deserter, and shall be stopped and retained out of his Pay and Subsistence accordingly; provided always, that this Reward shall only be given in Cases in which the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall be satisfied that such Person or Persons is or are justly entitled to the same, according to the true Intent and Meaning of this Act.

Persons confessing themselves to be Deserters, to be deemed duly enlisted.

LVIII. And be it further enacted, That any Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended for Desertion or any other Offence, shall, in the Presence of the Magistrate, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve, whether such Person shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall be serving at the Time in the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Penalty on Persons concealing Deserters, &c.

LIX. Provided always, and be it enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, the Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace, the said Penalty of Twenty Pounds shall be levied, by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, and shall be credited by such Paymaster in his Public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justices 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.

Reward for apprehending Marines attempting to desert.

LX. And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions, for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such

Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That, for and in respect of every Non-commissioned Officer or Private Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Non-commissioned Officer and Private Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped and retained out of the Pay and Subsistence of every Deserter; any thing herein contained to the contrary in anywise notwithstanding.

Recruits discharged before Expiration of 24 Hours after Enlistment, not to be proceeded against as Deserters.

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

Penalty on Persons receiving the Arms, Clothes, &c. of Deserters, &c.

LXII. And be it further enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, from any Marine, or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or any such Articles belonging to any Marine, or Marine Deserter, as are generally deemed Regimental Necessaries according to the Custom of the Royal Marine Corps (being provided for the Marine, and paid for by the Deductions out of his Pay), or cause the Colour of such Clothes to be changed, every such Person so offending shall forfeit for every such Offence the Sum of Ten Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses before any One or more of His Majesty's Justices of the Peace, the said Penalty shall be levied, by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety thereof to be paid to the Informer, if not a Soldier or Marine, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, who shall report the same to the Secretary of the Admiralty, and credit the same in his Public Accounts; and in every Case in which the Informer shall be a Soldier or a Marine, the Moiety of the said Penalties shall be paid to the Secretary of the Admiralty, and shall be applied as a Fund for the Payment of the Costs, Charges, and Expences of proceeding for the Recovery of such Penalties, in Cases in which no sufficient Goods and Chattels shall be found, whereby such Penalties and Costs can be levied by Distress and Sale as aforesaid; and a Report of such Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justices of the

the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be so convicted, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty recovered 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 or Justices of the Peace shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice or Justices.

False Oaths Perjury.

LXIII. And be it further enacted, That any Person taking a false Oath, in any Case wherein an Oath is required to be taken or authorized to be administered 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.

Furlough may be extended in case of Sickness, &c.

LXIV. And whereas Marines absent on Furlough granted them by their Commanding Officers are sometimes prevented by Sickness or other unavoidable Casualty from returning to their Duty before the Expiration of the Time limited by such Furlough; and Doubts have arisen whether in such Cases the Extension of a Marine's Furlough by a Justice of the Peace be sanctioned by legal Authority, and effectual for preventing such Marine from being apprehended upon Suspicion of his having deserted; be it further enacted, That any Inspecting Field Officer, stationed on the Recruiting Service, or any Officer of the Rank of Captain, or of superior Rank, or any Adjutant of Local Militia within the District; or in case there be no such Officer as aforesaid within a convenient Distance, then any Justice of the Peace may and he is hereby authorized to grant in Writing under his Hand an Extension of Furlough to any Non-commissioned Officer or Private Marine applying for the same, on account of Sickness or other Casualty which shall on due Inquiry appear to render such Extension necessary; and that every such Officer or Justice of the Peace, who shall grant to any Non-commissioned Officer or Private Marine an Extension of Furlough as aforesaid, shall immediately certify the same, with the Cause of its being so granted, to the Secretary of the Admiralty, and the Commandant of the Division to which the said Marine may belong; and that such Non-commissioned Officer or Private Marine, during the Period to which his Furlough shall have been so extended as aforesaid, shall not be liable to be apprehended or otherwise molested on the Ground of his having deserted, or of criminally absenting himself from his Division: Provided always, that nothing in this Act contained shall be construed to exempt any Non-commissioned Officer or Private Marine, whose Furlough shall have been so extended as aforesaid, from being proceeded against and punished according to the Provisions of this Act, should it thereafter appear that such Non-commissioned Officer or Private Marine had obtained the Extension of his Furlough by false Representation made to such Officer or Justice of the Peace as aforesaid, or, in applying for and obtaining the same, had committed any Offence to the

the Prejudice of good Order and Military Discipline: Provided also, that no such Furlough shall be extended by any such Officer or Justice of the Peace for any longer Period than One Month, unless with the Approbation of the General Officer commanding the District where such Marine shall be.

Order to be made for Pay due for the Period of the extended Furlough.

LXV. Provided always, and be it further enacted, That in all Cases in which any Extension of Furlough shall be granted as aforesaid in *England*, and upon the Request of any such Non-commissioned Officer or Private Marine to whom the same shall be granted, it shall be lawful for the Justice of the Peace granting the same, or where the same shall be granted by any such Officer as aforesaid, for any Justice of the Peace, upon the Production of a Certificate in Writing from such Officer, which he is hereby required to give, to make an Order in Writing, in the Form in the Schedule to this Act annexed, marked (D.), under his Hand, upon the Churchwardens and Overseers of the Poor of the Parish, Township, or Place wherein such Non-commissioned Officer or Private Marine shall reside, requiring them to pay to such Non-commissioned Officer or Private Marine any Sum of Money directed in such Order, not exceeding Two Thirds of his Daily Pay; such Justice of the Peace taking particular Care to state upon the Furlough, in Words, to the Amount so directed by him to be paid, and the Periods from and to which the same has been ordered to be issued, both inclusive, corroborating the Statement of his Signature, and further specifying upon the Order to the Parish Officer of the Date of the Furlough originally granted, and the Name of the Commanding Officer by whom signed; and the same so authorized shall be paid accordingly, upon Production and Delivery to him of such Order, by any such Parish Officer, out of any Money in his Hands applicable for the Relief of the Poor; and the same so advanced by such Parish Officer shall, upon the Production and Delivery of such Order to the Collector of Excise of the District within which such Parish, Township, or Place shall be situated, or any Person officiating for such Collector, be repaid to such Parish Officer, to be applied to the Relief of the Poor, by such Collector of Excise or other Person, out of any Public Monies in his Hands, and the same shall be allowed in his Accounts; and such Orders of Justices shall be taken as Cash in the Payment of Duties of Excise received by him; and all Sums of Money so advanced out of any Duties of Excise shall be repaid to the Account of the said Duties by the Paymaster of the Royal Marines to any Person or Persons authorized by the Commissioners of Excise in *England*, or any Three or more of them, to draw for and receive the same: Provided always, that if any Justice of the Peace shall not think fit to make such Order for paying any such Money as aforesaid, he shall state his Reasons for such Refusal in Writing at the Back of the Furlough.

His Majesty may make further Orders respecting such Payments.

LXVI. Provided also, and be it further enacted, That it shall be lawful for His Majesty to make any such further or other Regulations for the advancing of any such Sums of Money in all such Cases of Extension of Furlough, and for the Reimbursement thereof, as may be from Time to Time necessary for the carrying the same into Effect, and insuring the immediate Advance of such Money, where necessary,

in *Great Britain* or *Ireland*, and the due and regular Reimbursements thereof.

Penalty for persuading Marines to desert.

LXVII. And be it further enacted, That if any Person or Persons shall in any Part of His Majesty's Dominions directly or indirectly persuade, aid, assist, or procure any Marine in the Service of His Majesty, His Heirs or Successors, to desert or leave such Service, and being thereof lawfully convicted, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall judge.

Offences against former Acts may be inquired of and punished as under this Act;

LXVIII. And, in order to prevent all Doubts which may arise in relation to punishing Offences committed against former Acts made for the Regulation of the Royal Marine Forces while on Shore, be it enacted, That all Crimes and Offences which have been committed against any of the former Acts in that Behalf, shall and may, during the Continuance of this present Act, be inquired of, heard, tried, and determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this present Act may be inquired of, heard, tried, and determined, adjudged, and punished.

if committed within Three Years, except for Desertion.

LXIX. Provided always, That no Person shall be liable to be tried or punished for any Offence committed against any of the said former Acts, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial; only for the Offence of Desertion.

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

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

of such Courts, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties or otherwise, and by Warrant under his or their Hands and Seals to discharge such Marine 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 Marine so arrested was legally listed as a Marine in His Majesty's Service, and arrested contrary to the Intent of this Act; and also to award to the Party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendants in the said Action.

Plaintiff giving Notice may file a common Appearance, and proceed to Judgment and Execution.

LXXI. And to the end that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entered as Marines in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion a great Expence and Delay to themselves, may be enabled to proceed in a more speedy and cheap Method; be it further enacted, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so entered, or left at his or their Place of Residence before such Entry, 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 and against the Body or Bodies of him or them so entered as aforesaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

Marine while confined for Debt not to receive Pay.

LXXII. And be it further enacted, That from the passing of this Act no Marine, being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement until the Day of his Return to the Regiment or Company to which he shall belong.

Notice to be given to the Secretary of the Admiralty of the Expiration of the Imprisonment.

LXXIII. And be it further enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Marine, and liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice, or if there shall not be sufficient Time to give One Month's Notice, then a reasonable Notice, to the Secretary of the Admiralty before the Day on which the Imprisonment of such Person will expire, according to his Commitment or Sentence, of the Period of Expiration of such Imprisonment.

For Relief of Persons hastily enlisting themselves.

LXXIV. Provided always, and it is hereby enacted, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, when and as often as any Person or Persons shall be enlisted as a Marine or Marines in His Majesty's Service, he and they shall, within Four Days, but not sooner than Twenty-four Hours

Hours, after such Enlisting respectively, be carried or go with some Officer, Non-commissioned Officer or Private Marine belonging to the Recruiting Party by which he shall be enlisted, or with the Person employed on the Recruiting Service with whom he shall have enlisted, before some Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate, residing in or being next to or in the Vicinity of the Place where such Person or Persons shall have been enlisted, and not being an Officer of Royal Marines, and before such Justice or Chief Magistrate he or they shall be at liberty to declare his or their Dissent to such Enlisting; and upon such Declaration, and returning the Enlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, together with such full Rate allowed by Law for the Subsistence or Diet and Small Beer furnished to such Recruit subsequent to the Period of his having been enlisted, such Person or Persons so enlisted shall be forthwith discharged and set at liberty in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his or their Dissent, to return and pay such Money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; and if such Person or Persons shall declare his or their having voluntarily enlisted himself or themselves, then such Justice or Chief Magistrate shall, and he is hereby required forthwith to certify under his Hand that such Person or Persons is or are duly enlisted, setting forth the Place of the Birth, Age, and Calling of him or them respectively (if known), and that the Second and Third Sections of the Articles of War, for the better Government of His Majesty's Royal Marine Forces while on Shore, were read to him or them, and that he or they had taken the Oath of Fidelity mentioned in the Twelfth Section of the said Articles of War, and also the Oath mentioned in the Schedule to this Act annexed marked (A.), which Oaths respectively such Justice or Chief Magistrate is hereby authorized and required to administer; and if any such Person or Persons so to be certified as duly entered shall refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer from whom he has received such Money as aforesaid to detain or confine such Person or Persons until he or they shall take the Oath before required; and every Officer of Royal Marines that shall act contrary hereto, or offend herein, upon Proof on Oath made by Two Witnesses before a General Court-martial to be thereupon called, shall for such Offence be forthwith cashiered and displaced from such his Office, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service: Provided always, that every Non-commissioned Officer or Private Marine who shall enlist any Recruit shall, at the Time of such Enlisting, enquire the Christian and Surname and Place of Abode of such Recruit, and either take the same down in Writing, or give the same to the Non-commissioned Officer commanding the Recruiting Party, to be so taken down: Provided also, that it shall be lawful for any Justice of the Peace to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare

declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Marine belonging to the Recruiting Party, shall be with the Recruit, if it shall appear to such Magistrate, upon the Examination of such Recruit, or of any other Person, that the Recruiting Party have left the Place where such Recruit was enlisted, or that such Recruit could not procure any Non-commissioned Officer belonging to such Party to go with such Recruit before the Justice of the Peace; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice of the Peace, and paid when demanded to any Person belonging to the Recruiting Party entitled thereto demanding the same: Provided always, that in every Case wherein any Person shall have received Enlisting Money, and shall have absconded, or have absented himself from the Party aforesaid, so that it shall not be possible immediately to apprehend him, and bring him before a Magistrate, the Officer or Non-commissioned Officer commanding the Party shall produce to the Magistrate before whom the Recruit would regularly have been brought for Attestation, a Certificate of the Name and Place of Residence of such Person, and the Magistrate to whom the Certificate shall be produced shall, after satisfying himself that the Person who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Lords of the Admiralty or their Secretary, in order that in the Event of such Person being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded, may be ascertained before he be finally adjudged to be a Deserter as having duly enlisted.

Service to be to His Majesty's Heirs and Successors.

LXXV. And whereas it is highly expedient that no Doubt should remain as to the Service of Royal Marines by reason of any Omission of His Majesty's Heirs and Successors in any Oath of Attestation; be it therefore declared and enacted, That any Oath and Attestation of Service heretofore or hereafter taken and made to His Majesty is and shall be deemed and construed to be an Oath of Service to His Majesty's Heirs and Successors as the Sovereign of the Realm for the Time being, as fully and effectually, and to all Intents and Purposes whatsoever, as if the Words Heirs and Successors had been inserted in any such Oath or Attestation.

Persons receiving Enlisting Money absconding, or refusing to go before a Magistrate, shall be deemed enlisted.

LXXVI. And be it further enacted, That if any Person or Persons shall receive the Enlisting Money from any Officer (knowing it to be such), and shall abscond or refuse to go before such Justice or Chief Magistrate, or if any Person having received any such Enlisting Money as aforesaid shall thereafter absent himself from the Recruiting Party with which he enlisted, or Person with whom he enlisted, and shall not voluntarily return to such Recruiting Party or Person enlisting him, to go before some Justice of the Peace or Magistrate under the Provisions of this Act, within such Period of Four Days as aforesaid, such Person shall be deemed to be enlisted, and a Marine in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under

any Articles of War made for Punishment of Mutiny and Desertion; nor shall any such Person who shall not have remained with, or who shall not have returned to such Recruiting Party or Person enlisting him as aforesaid, be entitled to be discharged, or be discharged by any Justice of the Peace or Magistrate after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice of the Peace that the true Name and Residence of the Person enlisted was disclosed and known to the Recruiting Party, and that no Notice was given to the Person enlisted, or left at his last usual Place of Abode, of his having so enlisted.

Concealing Infirmity.

LXXVII. And be it further enacted, That if any Person who shall enlist into His Majesty's Royal Marine 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 Regular Forces, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by His Majesty, by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted; any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers or Marines, to the contrary notwithstanding.

Persons making false Representations in taking the Oath marked (A.) and obtaining Bounty, shall be deemed guilty of obtaining Money under false Pretences. 7 & 8 G. 4. c. 29. 26 G. 3. (I.)

LXXVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Form of Oath marked (A.) in the Schedule annexed to this Act, before the Justice of the Peace at the Time of his Attestation, for the Purpose of obtaining, and shall thereupon obtain any Enlisting Money, or any Bounty or Part of the Bounty, for enlisting into His Majesty's Royal Marines, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the last Session of Parliament, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny, and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of Money or Goods by false Pretences or Threats*; and the Production of such Oath, and Proof of the Justices Hand-writing thereto, shall, in any Prosecutions to be instituted against the enlisting Person or Recruit therein named, be sufficient Evidence of such Person having represented the several Particulars contained in such Oath at the Time of his being attested; and that Proof by the Oath of One or more credible Witness or Witnesses, that the Person so prosecuted hath freely and voluntarily declared or acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Corps or Regiment in His Majesty's Service, or to His Majesty's Royal Navy or Royal Marines, or that he was an Apprentice, shall be deemed and taken as sufficient Evidence of the Fact so by him declared or acknowledged,

without Production of any Roll or other Document to prove the same; and in case such Person shall be an Apprentice, or shall belong to the Militia, he shall, immediately after the Expiration of his Apprenticeship, or other sooner Determination of it, or at the Expiration of the Period of his Service in the Militia, whether he shall have been convicted and punished or not, be deemed duly enlisted, and be liable from thenceforth to serve as a Marine; and if, on the Expiration or other sooner Determination of his Apprenticeship, or at the Expiration of the Period of his Service in the Militia, he shall not deliver himself up to some Officer at the Head Quarters of one of the Divisions of His Majesty's Royal Marine Forces, or to some Royal Marine Officer authorized to receive Recruits, he shall be liable to be apprehended and dealt with as a Deserter from His Majesty's said Royal Marine Forces: Provided always, that every such Person belonging to the Militia shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in the Division of the Royal Marine Forces in which he shall have enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Division into which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Division.

Apprentices and Militia Men so obtaining Money shall be deemed to be enlisted as Marines.

Such Militia Men to serve in the Marines in the United Kingdom during the Time the Militia is disembodied.

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

Penalty for Concealment of Infirmity.

LXXX. And be it further enacted, That no Master shall be entitled to claim any Apprentice who shall, after the passing of this Act, enlist as a Royal Marine in His Majesty's Service, unless such Apprentice shall have been bound to him in *England* for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace or Magistrate, and before such Justice of the Peace or Magistrate take the Oath mentioned in the Schedule to this Act annexed, marked (B.), and produce the Certificate of such Justice of the Peace or Magistrate, of his having taken such Oath, which Certificate such Justice of the Peace or Magistrate is hereby required to give in the Form in the Schedule to this Act annexed, marked (C.)

Master claiming Apprentices to take the Oath mentioned in Schedule (B.), &c.

LXXXI. And

Apprentices in Scotland, &c.

LXXXI. And be it further enacted, That no Master in *Scotland* shall be entitled to claim any Apprentice who shall after the passing of this Act enlist as a Marine, unless such Apprentice shall have been bound to him for the full Term of at least Four Years by a regular Contract or Indenture of Apprenticeship duly executed, signed, and attested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age, and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace, and before such Justice of the Peace take the Oath mentioned in the Schedule to this Act annexed, marked (B.), and produce the Certificate of such Justice of the Peace of his having taken such Oath, which Certificate such Justice of the Peace is hereby required to give in the Form in the Schedule to this Act annexed, marked (C.): Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover any such Apprentice in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven Years in *England*, Five Years in *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or Four Years in *Scotland*.

Persons hired by the Year enlisting to be entitled to a Proportion of their Wages.

LXXXII. Provided always, and be it further enacted, That if any Person who shall have been hired to serve any Master for a Year or otherwise, shall before the Expiration of his Time of Service under such Hiring enlist into His Majesty's Royal Marine Forces, such Person shall be entitled to such Proportion of Wages as the Magistrate shall think proper from his Master for the Time he has actually served under such Hiring, notwithstanding he shall have failed, in consequence of such Enlisting, in completing the full Term of Service agreed for under such Hiring; and the Magistrate shall give an Order, and take such other Steps as shall be necessary to enforce the Payment of such Proportion, within Five Days after the Amount shall have been declared by such Magistrate.

Officers not liable to have Parish Children apprenticed to them.

LXXXIII. And be it further enacted, That no Officer of His Majesty's Royal Marine Forces, residing in Barracks or elsewhere, under Military Law, shall be deemed liable to have any Parish poor Child bound Apprentice to him, but that every such Officer shall be wholly exempt from taking or receiving, or from having bound to him any such Apprentice; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

LXXXIV. And

Officers of the Marine and Land Forces may sit in Conjunction upon Courts-martial.

LXXXIV. And whereas it may be expedient in certain Cases, particularly where a sufficient Number of Marine Officers cannot be conveniently assembled, or in Matters wherein any of His Majesty's Land Forces may be interested, that Officers of the Land Forces should be associated with the Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it shall be necessary, it shall and may be lawful for Officers of Royal Marines and Land Forces to sit in Conjunction upon all Courts-martial, and to proceed in the Trial of any Marine Officer or Private Man, in like Manner to all Intents and Purposes as if such Courts-martial were composed of Marine Officers only, and whether the Commanding Officer by whose Order such Court-martial is assembled belong to the Land or to the Marine Forces; and the Officers of Marine and Land Forces are in such Cases to take Rank according to the Seniority of their Commissions in either Service.

Marines borne as Part of the Complement of any Ship liable to be governed by the Rules established by 22 G. 2.

LXXXV. Provided always, and it is hereby declared and enacted, That all His Majesty's Royal Marine Forces, as well Officers as Private Men, shall from Time to Time, during their being respectively borne as a Part of the Complement of any of His Majesty's Ships or Vessels, or as Supernumeraries on board the same, be subject or liable, in like Manner in all respects as any Officers or Seamen employed in His Majesty's Sea Service are subject and liable, to be governed and proceeded against and punished for Offences committed by them during the Time they shall be borne as Part of the Complement of such Ships or Vessels, or as Supernumeraries on board the same, according to the Purport, Tenor, Effect, and true Intent and Meaning of an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, explaining, and reducing into One Act, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea*; this present Act, or any thing herein contained, notwithstanding.

Persons employed in the Commissariat Department, embezzling Stores, may be tried by Court-martial, &c.

LXXXVI. And be it further enacted, That every Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person employed in the Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Royal Marine Forces, or for their Use, that 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, Clothes, Ammunition, or other Military or Royal Marine Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such 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 from His Majesty's Service, and be incapable of serving His Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the Nature and Degree of the Offence, or that such Person shall forfeit Two hundred Pounds; and that such Person shall, in addition to any other Punishment, make

good,

good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to seize the Goods and Chattels of the Person so offending, and sell them for the Payment of the said Two hundred Pounds, and such Damage; and if sufficient Goods and Chattels cannot be found and seized, then the Person so offending shall be committed to the Prison or the Common Gaol, there to remain (in addition to any other Punishment or Imprisonment) for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

Continuance of this Act.

LXXXVII. And be it further enacted, That this Act and every Thing herein contained shall be and continue in force within *Great Britain* from the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine; and shall be and continue in force within *Ireland* from the First Day of *April* One thousand eight hundred and twenty-eight, until the First Day of *April* One thousand eight hundred and twenty-nine inclusive; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *May* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *May* One thousand eight hundred and twenty-nine inclusive; and it shall be and continue in force in all other Parts of *Europe* where Royal Marine Forces may be serving, and in the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *July* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *July* One thousand eight hundred and twenty-nine inclusive; and shall be and continue in force in all other Places from the Twenty-fifth Day of *September* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *September* One thousand eight hundred and twenty-nine inclusive.

Act in Part may be altered this Session.

LXXXVIII. And be it further enacted, That this Act, so far as relates to the Allowances to be made for the quartering of Royal Marines, and providing for their Horses, may be altered, varied, or repealed by any Act or Acts to be made in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am by Trade a and to the best of my Knowledge and Belief was born in the Parish of in the County of ; and that I have no Rupture, nor ever was troubled with Fits, and am no ways disabled by Lameness or otherwise, but have the perfect Use of my Limbs; and that I am not an Apprentice, and that I do not belong to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Royal Marines. As witness my Hand at the Day of One thousand eight hundred and

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

Witness present.

SCHEDULE (B.)

FORM OF MASTER'S OATH.

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

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

SCHEDULE (D.)

FORM OF JUSTICE'S CERTIFICATE.

To wit. } I *A. B.* one of His Majesty's Justices of the Peace of certify, That of came before me at on the Day of One thousand eight hundred and and made Oath that he was by Trade a and that was bound to serve as an Apprentice to him in the said Trade by Indenture dated the Day of for the Term of Seven Years; and that the said Apprentice did, on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

A.B.

SCHEDULE (C.)

To the [Churchwardens or Overseers] of the [Parish, Township, or Place.]

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

Witness my Hand the Day of
Justice of the Peace for .

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.