

ANNO NONO

GEORGII IV. REGIS.

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CAP. IV.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [21st *March* 1828.]

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

Number of Forces 91,075.

Parliament

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

Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs, or Tokens in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

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

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

Soldiers enlisted in any other Regiment, &c. to be deemed Deserters.

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

Deserters who shall enlist in another Regiment, &c. may be punished by a Court-martial in such Regiment, &c.

III. And whereas Doubts have arisen, whether Soldiers who of Right belong to Corps from which they have deserted may be proceeded against and tried for deserting any other Corps in which they may afterwards have enlisted, or from His Majesty's Service, if they shall not after such subsequent enlisting have been placed in any Corps, or for any Crime committed by them whilst serving therein; be it therefore enacted, That every such Soldier shall be liable to be tried by a Court-martial, and punished in like Manner as if he had originally enlisted in and of Right belonged to the Regiment, Corps, Troop, Company, Detachment, or Party in which he shall be at the Time of any subsequent Desertion or committing any Offence, notwithstanding

ing it shall have been discovered or known that he had previously belonged to some other Regiment, Corps, Troop, or Company, Detachment or Party, and had not been discharged therefrom: Provided always, that if such Person shall be claimed by such other Regiment, Corps, Troop, or Company, Detachment or Party, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any one or more Corps in which he may have unwarrantably enlisted may (unless he shall already have been tried for the same) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to such Deserter of the Fact or Facts intended to be produced in Evidence upon his Trial.

Deserter may be transported;

IV. And be it further enacted, That in case of any Non-commissioned Officer or Soldier tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, according to the Nature of the Offence, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years; and if such Non-commissioned Officer or Soldier, having been adjudged to be transported as a Felon, shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence, and shall be convicted thereof in the ordinary Course of Law, every such Person shall be deemed and adjudged guilty of Felony, and shall suffer Death as a Felon.

and returning before Expiration of the Term limited, he shall suffer Death.

His Majesty, where Courts-martial award a Capital Punishment, may order Offenders to be transported.

V. Provided 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 into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of *Great Britain* or *Ireland*, or in any of His Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Order, and shall be duly convicted thereof, he shall suffer Death.

Deserter may be sentenced to serve as a Soldier in any Corps.

VI. And be it further enacted, That it shall be lawful for any General or General Regimental Court-martial to sentence any Non-commissioned Officer or Soldier convicted of Desertion by such Court, to general Service as a Soldier, and that His Majesty may thereupon direct that such Service shall be in any Regiment or Regiments or Corps, and in any Country or Place or Places, abroad or otherwise, as He may think fit.

VII. Pro-

Deserter enlisted for a limited Term may be sentenced to serve for Life, &c. and be adjudged to other Forfeitures.

VII. Provided always, and be it further enacted, That if any Non-commissioned Officer or Soldier in any Regiment or Corps of His Majesty's Regular Forces, so convicted of Desertion, shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Soldier so enlisted in any Regiment or Corps of His Majesty's Regular Forces to serve for Life as a Soldier, or for any Number of Years beyond the Period for which such Non-commissioned Officer or Soldier shall have enlisted, in the Regiment in which he so enlisted, or generally in any Regiment or Corps which His Majesty shall please to direct; and any Non-commissioned Officer or Soldier may, in case of Desertion, be adjudged to forfeit all Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise have accrued to such Non-commissioned Officer or Soldier from the Length of his previous Service, and such Forfeiture may in such Cases of Desertion be adjudged in addition to any other Punishment, if the Court should think fit.

A Mark to be affixed on the Body of Deserters.

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

Sentence of Transportation, &c. shall be notified by the Commander in Chief or the Adjutant General to any Justice of the King's Bench, &c. who shall make an Order for the Transportation of such Offenders.

IX. And be it further enacted, That whenever His Majesty shall intend any Sentence of a Court-martial of Transportation to be carried into Execution, or shall be graciously pleased to extend His Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Commander in Chief for the Time being of His Majesty's Forces in *Great Britain* and *Ireland*, or by the General Officer commanding in Chief for the Time being His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Commander in Chief, or such General Officer, then by the Adjutant General for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif in *England*, or to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer in *Ireland*; 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

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 Provision and Provisions made by Law, and now in force, concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

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

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

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

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

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

XII. And be it further enacted, That whenever any Sentence of Transportation passed by any Court-martial holden in the *East Indies*, or in *Saint Helena*, or in His Majesty's Settlements of the *Cape of Good Hope* or *Ceylon*, or in any Settlement occupied by His Majesty's Forces beyond the *Cape of Good Hope*, is to be carried into Execution, or Mercy shall be extended to any Offender liable to the Punishment of Death by the Sentence of any such Court-martial, upon Condition of Transportation, the same shall be notified in Writing by the Officer commanding in Chief His Majesty's Forces in *India*, or in *Saint Helena*, or at the *Cape of Good Hope*, or in the Island of *Ceylon*, or at any other Foreign Settlement, Island, Territory, or Country belonging to His Majesty within the Limits of the Charter of the United Company of Merchants of *England* trading to the *East Indies*, or in the Absence of the Officer commanding in

Chief, then by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Chief Justice or other Judge at the Island of *Ceylon* or the *Cape of Good Hope*, or any such other Settlement, Island, Territory, or Country respectively as aforesaid, and thereupon such Judge shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification; and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Judge is authorized to make or do with respect to Offenders ordered to be transported by Sentence of the Criminal Courts in *India;* and the Governor and Council of such Presidency, or Governor of such Settlement, Island, Territory, or Country respectively, shall and they are hereby required to take Order for the Transportation of all such Offenders accordingly.

Offenders under Sentence of Death, obtaining His Majesty's conditional Pardon, shall be subject to the Laws touching the Escape of Felons, &c.

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

The King may grant a Commission for holding Courts-martial, &c.

XIV. And be it further enacted, That His Majesty may from Time to Time grant a Commission under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that His Majesty may likewise from Time to Time, by His Royal Commission, empower the Chief Governor or Governors of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, the Governor of *Gibraltar*, and the Governor of any of His Majesty's Dominions beyond the Seas respectively, or the Person or Persons there commanding in Chief His Majesty's Forces for the Time being, and may also from Time to Time extend His Royal Warrant to the Commander of the Forces in that Part of the said United Kingdom called *Ireland*, and to any General or other Officer having the Command of a Body of His Majesty's Forces within the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Dominions, or elsewhere beyond the Seas, or to the General or other Officer commanding such Body of Forces for the Time being, empowering them respectively to appoint General Courts-martial, as well as to authorize any Officer under their respective Command, not below the Degree of a Field Officer, to convene General Courts-martial as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Command, whether the same shall have been so committed before or after such General Officer shall have taken upon himself such Command; all which Courts-martial shall be constituted, and shall regulate their Proceedings, according to the several Provisions herein-after specified.

None to be tried a Second Time for the same Offence, except in Cases of Appeal.

XV. Provided always, and it is hereby declared and enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once.

Act not to exempt Soldiers from ordinary Proceedings.

XVI. Provided also, That nothing in this Act contained shall extend or be construed to exempt any Officer or Soldier whomsoever from being proceeded against by the ordinary Course of Law.

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

XVII. And be it further enacted, That if any Officer, Non-commissioned Officer or Soldier, shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his and their utmost Endeavours to deliver over such accused Person to the Civil Magistrate; and shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding or assisting to the Officers of Justice in apprehending such Offenders, every such Officer so offending, and being thereof convicted, upon any Information or Indictment in any of His Majesty's Courts of Record at *Westminster*, or in any of His Majesty's Courts in *Scotland*, or in *Dublin*, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*.

Persons acquitted, &c. by the Civil Magistrate.

XVIII. Provided always, 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 imprisoned for Criminal Offences not to receive Pay till they return to their Regiment, &c.

XIX. And be it further enacted, That no Officer, Non-commissioned Officer or Soldier, who shall be arrested and committed to Prison upon a Charge of any Criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join; provided that if he shall be acquitted of the Offence for which he was committed, he shall upon the Return to his Corps be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment during the Time of his Confinement, as well under the original Commitment as under any Commitment consequent upon such Conviction, and until the Day of

Secretary at War empowered to order such Payment.

of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the Secretary at War for the Time being to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Soldier, during any such Commitment or Imprisonment, or either of them, or any Part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Soldier, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Imprisonment, or after the Discharge of such Officer, Non-commissioned Officer, or Soldier, after Conviction, or otherwise, as shall appear to the Secretary at War to be proper; and the Order of the Secretary at War, for the Payment of such Pay or Arrears, shall be a sufficient Discharge for such Payment.

General Courts-martial to consist of 13 or 9 Commissioned Officers, except in certain Places.

XX. And be it further enacted, That all General Courts-martial held under the Authority of this Act shall consist of Thirteen or Nine Commissioned Officers, as the Case may require; except the same shall be holden upon any Officer, Non-commissioned Officer, or Private Soldier of His Majesty's Forces, which shall be serving in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*; in which Cases any General Court-martial may consist of any Number not less than Seven; and except the same shall be holden in *Africa*, or in *New South Wales*, in which Places such General Courts-martial may consist of any Number not less than Five; of whom none shall be under the Degree of a Commissioned Officer; nor shall the President of any General Court-martial be the Officer commanding in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor in any Case whatsoever under the Degree of a Captain.

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

XXI. Provided always, and be it further enacted, That it shall be lawful for any General or other Officer commanding any Station, or commanding any Division, Brigade, Detachment, or distinct Party belonging to any Army of His Majesty, which may at any Time be serving in any Place beyond the Seas out of His Majesty's Dominions, upon Complaint made to him of any Crime or Crimes, Offence or Offences, done or committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Non-commissioned Officer, Soldier, or other Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any such General or other Officer, to summon and cause to assemble a General Court-martial, which shall consist of not less than Three Officers at the least, for the Purpose of trying any such Person or Persons accused or suspected of having committed any such Crime or Crimes, Offence or Offences as aforesaid, notwithstanding any such General or other Officer shall not have received from His Majesty, or from any Person having his Majesty's Authority in that Behalf, any Warrant or Warrants empowering such General or other Officer to summon or assemble Courts-martial; and every such Court-martial shall have Power

Power to try any such Person or Persons so accused or suspected as aforesaid, and to adjudge any such Person or Persons to suffer any such Punishment as shall be prescribed for any Crime or Crimes, Offence or Offences, with which any such Person or Persons shall be charged before such Court-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding in Chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same: Provided also, that every such Court-martial shall have such and the same Powers for summoning and examining Witnesses, and that Witnesses guilty of Perjury on Examination before them shall be subject and liable to the same Penalties and Punishments, as are or shall be by any Law or Usage in force in relation to any other Court-martial, or to any Witnesses examined before any other Court-martial.

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

XXII. Provided also, and be it further enacted, That no General Court-martial for the Trial of any Officer (except the same shall be holden in any Place beyond the Seas out of His Majesty's Dominions, and out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa* or *New South Wales*,) shall consist of less than Thirteen Members.

No General Court-martial of less than 13, except in certain Places, shall sentence any Soldier to Loss of Life, &c.

XXIII. Provided also, and be it further enacted, That no General Court-martial, consisting of any less Number than Thirteen Commissioned Officers, unless holden in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa* or *New South Wales* as aforesaid, shall sentence any Non-commissioned Officer or Soldier to Loss of Life or Limb, or Transportation.

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

XXIV. And be it further enacted, That it shall be lawful for any such General Court-martial, by their Sentence or Judgment, to inflict Imprisonment, solitary or otherwise, or Corporal Punishment, not extending to Life or Limb, as such Court shall think fit, on any Non-commissioned Officer or Soldier, for Immorality, Misbehaviour, or Neglect of Duty, or to adjudge a Forfeiture of all Benefit or Advantage as to Increase of Pay, or as to Pension, which might otherwise have accrued to such Non-commissioned Officer or Soldier from the Length or Nature of his Service: Provided always, that it shall not be lawful for any General Regimental Court-martial to award such Forfeiture of Benefit or Advantage as to Increase of Pay or as to Pensions as aforesaid, except in Cases of Desertion as before provided for.

General or other Courts-martial may sentence Non-commissioned Officers or Soldiers to

XXV. Provided also, and be it further enacted, That it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Soldier to Imprisonment with or without hard Labour, as the Court shall think fit, 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

Imprisonment in any House of Correction or Gaol, &c.

and Keepers of Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged, any Non-commissioned Officer or Soldier who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Soldier, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the District within which such General Court-martial shall have been held, or from the Commanding Officer of any Regiment or Corps to which such Non-commissioned Officer or Soldier so tried by any Regimental Court-martial as aforesaid shall belong; and every such Gaoler or Keeper of any such House of Correction shall, upon receiving an Order in Writing from any such Commanding Officer as aforesaid, deliver any such Non-commissioned Officer or Soldier to any Person, on producing such Order, although the Period for which he was originally sent to such Gaol or House of Correction shall not have expired; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in Manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information for the Use of His Majesty.

Penalty on Gaolers refusing to receive them.

Such Non-commissioned Officers and Soldiers to forfeit their Pay.

XXVI. And be it further enacted, That every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General or other Court-martial shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also, that during the Continuance of any Imprisonment in any Prison, Gaol, or House of Correction, the Gaoler or Keeper of such Prison, Gaol, or House of Correction in *Great Britain*, and *Ireland* the Inspector under whose immediate Inspection such House of Correction, Gaol, or Prison shall be, shall receive and apply in the Maintenance of such Non-commissioned Officer or Soldier the Sum of Sixpence *per Diem* out of the Subsistence of such Non-commissioned Officer or Soldier during the Time that such Non-commissioned Officer or Soldier shall continue in Custody; which said Sum the Secretary at War is hereby authorized and required to cause to be paid to the said Gaoler or Keeper, or Inspector respectively as aforesaid, upon receiving an Application in Writing signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said Non-commissioned Officer or Soldier was confined: Provided always, that it shall be lawful for the Secretary at War, if he shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Soldier, during or after the Expiration of the Period of his Imprisonment in any Prison, Gaol, House of Correction, or Place of Military Confinement.

Allowance to Gaolers, &c.

Courts-martial may administer

XXVII. And be it further enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby

required

required to administer an Oath to every Witness, in order to his Examination on the Trial of any of the Offences that shall come before them. Oath to Witnesses.

XXVIII. And be it further enacted, That in all Trials by General Courts-martial to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Judge Advocate or his Deputy (who are hereby authorized to administer the same); that is to say, Officers to be sworn.

'YOU shall well and truly try and determine, according to your Evidence, in the Matter now before you. Oaths to be taken by all Members of a General Court-martial.

'So help you GOD.'

'I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be approved by His Majesty, or by some Person duly authorized by Him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness, by a Court of Justice or a Court-martial, in a due Course of Law. So help me GOD.'

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

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

And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, unless Nine Officers present shall concur therein, (except such General Court-martial shall be holden in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa*, or in *New South Wales* as aforesaid); and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in the said Colony of the *Bermuda Isles*, or in *Africa* and in *New South Wales* as aforesaid, when the same shall consist of a less Number of Officers, then such Judgment shall In Sentences of Death, what Number of Officers shall concur, &c.

Hours of Trial.

shall pass by the Concurrence of Two Thirds at the least of the Officers present; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, in like Manner as Witnesses attending any of His Majesty's Courts of Law are privileged; and that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or Court of Session 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 so duly summoned as aforesaid, who shall not attend on such Courts, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Session or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made to the said Court of King's Bench, or Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies*, or elsewhere respectively, in like Manner as if such Witness had neglected to attend in a Trial in any Criminal Proceeding in that Court.

Witnesses attending Courts-martial to be privileged from Arrest.

Witnesses not attending liable to be attached.

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

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

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

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

'I do swear, That I will duly administer Justice according to 'the Rules and Articles for the better Government of His 'Majesty's Forces, and according to an Act now in force for the 'Punishment of Mutiny and Desertion, and other Crimes therein 'mentioned, without Partiality, Favour, or Affection; and if any 'Doubt shall arise which is not explained by the said Articles or 'Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases.

'So help me GOD.'

And

And the President of every such Court-martial (not being under the Rank of a Captain) shall be appointed by the Commanding Officer of the Regiment, Detachment, or Brigade, or the Governor or Commander of the Garrison, Fort, Castle, or Barrack, directing such Court-martial. Appointment of President.

XXX. And whereas it may be expedient in certain Cases, and particularly in such Matters wherein any of His Majesty's Royal Marine Forces may be interested, that Officers of the Royal Marines should be associated with Officers of the Land Forces, for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Royal Marine Forces to sit in conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of the Land Forces only, and whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Royal Marine Forces; and the Officers of the Land and Royal Marine Forces are in such Cases to take Rank according to the Seniority of their Commissions in either Service. When necessary, Officers of the Land and Royal Marine Forces may sit in conjunction upon Courts-martial, taking Rank according to the Seniority of their Commissions.

XXXI. And whereas it may also be expedient that Officers of His Majesty's Land Forces, when employed in conjunction with Officers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, should in certain Cases be associated for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as there may be occasion, it shall and may be lawful for Officers of His Majesty's Land Forces, and of the Forces in the Service of the United Company of Merchants of *England* trading to the *East Indies*, to sit in conjunction at Courts-martial, and to proceed in the Trial of any Officer or Soldier in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of His Majesty's Land Forces, or of Officers in the Service of the said United Company only; with this Distinction, that upon the Trial of any Officer or Soldier of His Majesty's Land Forces, Regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Courts-martial shall be in the Terms by this Act prescribed; and upon the Trial of any Officer or Soldier in the Service of the said United Company, Regard shall be had to the Regulations and Provisions made by or in pursuance of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage*; notwithstanding any Officer in the Service of the said United Company may have a Commission from His Majesty; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act. Officers of the King's Forces and Officers in the East India Company's Service may sit in conjunction at Courts-martial, &c. 4 G. 4. c. 81.

XXXII. And be it further enacted, That the Party tried by any General Court-martial within *Europe* (except in the Garrison of *Gibraltar*) The Party tried entitled to a Copy of

the Sentence and Proceedings of the Court-martial.

Gibraltar) shall be entitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself or by any other Person or Persons on his Behalf (he or they paying reasonably for the same), at any Time not sooner than Three Months after such Sentence; and in case of Trial by any General Court-martial at *Gibraltar*, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in case of Trial by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentence be approved or not; any thing in this Act to the contrary notwithstanding.

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

XXXIII. Provided always, and be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial, do and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial to the Judge Advocate General in *London*; and the said original Proceedings and Sentence are to be carefully kept and preserved in the Office of the said Judge Advocate General, to the end that the Persons entitled thereto may be enabled, upon Application to such Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

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

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

His Majesty empowered to make Articles of War.

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

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

XXXVI. And for the more effectual Notification thereof to the several Judges and Persons herein-after mentioned, be it further enacted, That Copies of all such Articles of War, printed by the King's Printer, shall from Time to Time, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War for the Time being, signed with his own Hand and Name, to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Colonies, Plantations, and Territories abroad.

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

XXXVII. And be it further enacted, That for bringing Offenders against such Articles of War to Justice, it shall be lawful for His Majesty to erect and constitute Courts-martial, as well as to grant His Royal Commissions or Warrants to the Persons and in the Manner herein mentioned and expressed for convening and authorizing others to convene Courts-martial, with Power to try, hear, and determine any

any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgment of the same, as well within the United Kingdom of *Great Britain* and *Ireland*, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, and the Islands thereto belonging, as in His Majesty's Garrison of *Gibraltar*, and in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas.

None to be adjudged of Life or Limb but for Crimes expressed to be so punishable.

XXXVIII. Provided always, and be it further enacted, That no Person, shall, by such Articles of War, be subject to any Punishment extending to Life or Limb, within the United Kingdom of *Great Britain* and *Ireland*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or any of the Isles thereto belonging, for any Crime which is not expressed to be so punishable by this Act; nor for such Crimes as are expressed to be so punishable, in any Manner, or under any Regulations, which shall not accord with the Provisions of this Act.

Offenders beyond Sea, &c. may be tried here, &c.

XXXIX. Provided also, and be it further enacted, That if any Officer or Soldier, or any other Persons subject to the Provisions of this Act, shall in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall after the Commission of any such Offence go or be sent to any other Station or Part of His Majesty's Dominions in the Course of Service abroad, or come or be brought into this Realm, or into *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence, such Officer or Soldier or other Person shall be tried and punished for the same at such other Station or Part of His Majesty's Dominions, or within the Realm, or any such Island as aforesaid, as if the Offence had been committed where such Trial shall take place.

Musters to be made Twice a Year.

XL. And whereas it is of essential Importance, as well to the due Observance of public Economy as to the Discipline of His Majesty's Forces, that they should be regularly mustered, and that the Musters should be taken with the strictest Accuracy and Exactness; be it therefore enacted, That Musters shall be made, had, or taken of every Regiment, Troop, or Company in His Majesty's Service Twice at the least in every Year, at such Times as shall be appointed.

No Muster in Westminster, &c. but in the Presence of Two or more Justices.

XLI. And be it further enacted, That no Officer shall muster any Regiment, Troop, or Company within the City of *Westminster*, and Borough of *Southwark* and Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being discharged from his Office, unless such Justices, upon Forty-eight Hours Notice being given to Six of His Majesty's Justices of the Peace residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Officer may proceed to muster such Regiment, Troop, or Company; provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty-eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace as aforesaid; which Justices so attending are hereby empowered to sign the said Muster Rolls, and to take

take Recognizance of such Muster, and to examine the Truth thereof before they sign the same.

Muster Rolls and Pay Lists to be verified on Oath, and attested by a Magistrate without Fee.

XLII. Provided always, and be it further enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath, shall be sworn before and be attested by any Justice of the Peace or Magistrate, who are hereby authorized and required to administer such Oath, and attest the same, without Payment of any Fee or Reward whatever in respect thereof, either to such Justice or Magistrate, or the Clerk of any such Justice or Magistrate.

Penalty on giving false Certificates to excuse Soldiers from Musters.

XLIII. And for preventing of Fraud and Deceit in the mustering of Soldiers, be it further enacted, That if any Person shall make or give, or procure to be made or given, any false or untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster, or any other Service which he ought to attend or perform, upon Pretence of such Soldier being employed on some other Duty of the Regiment, or being Sick, in Prison, or on Furlough; then every such Person so making, giving, or procuring such Certificate, shall for every such Offence forfeit the Sum of Fifty Pounds, and shall be forthwith cashiered and displaced from his Office, and shall be thereby utterly disabled to have or hold any Military Office or Employment within this Realm, or in His Majesty's Service; and no Certificate shall excuse the Absence of any Soldier, but for the Reasons above mentioned, or one of them.

Penalty on Officers making false Musters, &c.

XLIV. And be it further enacted, That every Officer that shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof; and also every Officer who shall directly or indirectly take or cause to be taken any Sum or Sums of Money, or any other Gratuity, on or for the mustering any Regiment, Troop, or Company, or on or for the signing of any Muster Rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial to be thereupon called (which is hereby authorized and required to administer such Oath), shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service.

Penalty on Officers mustering Persons by wrong Names.

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

Penalty on Persons offering themselves to be falsely mustered.

XLVI. And be it further enacted, That if any Person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses before any Justice of the Peace for the County residing near the Place where such Muster shall be made, and upon Certificate thereof in Writing,

under the Hand of the Officer appointed to take the Muster, made to such Justice of the Peace, the said Justice is hereby authorized and required to commit such Offender to the House of Correction, there to remain for the Space of Ten Days: And if any Person shall wittingly or willingly lend or furnish any Horse to be mustered which shall not truly belong to the Trooper or Troop so mustered, the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse, or otherwise the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses, before some Justice of the Peace residing near to the Place where such Muster shall be made; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus (if any be) to the Owner; and in case such Offender shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly whipped, at the Discretion of such Justice; and the said Forfeiture shall be given or paid to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

Horses falsely mustered to be forfeited, &c.

Forfeiture how to be levied.

Soldiers giving Information of false Musters entitled to Discharge.

XLVII. And be it further enacted, That in *Great Britain*, the Officer who shall be appointed to take the Half-yearly Muster of any Regiment, Troop, or Company in His Majesty's Service at any Place Ten Miles distant from *London*, shall close the Muster Rolls of the said Regiment, Troop, or Company within Twenty-four Hours after such Muster shall have been made, and shall return the Rolls so taken by the Post or other safe Conveyance, within Seven Days after their being closed, to the Secretary at War, and shall also, if required so to do, send One Copy thereof to the Paymaster General of His Majesty's Land Forces, and One Copy thereof to the Comptrollers of the Accounts of the Army, on or before the First Day of *May* and Twenty-ninth Day of *September* respectively following such Half-yearly Muster: And no Alterations or Indorsements shall be made in or upon the said Muster Rolls, other than in the Case of Orders of Leave or Dates of Commissions, and other than involuntary Errors or literal Mistakes in Writing or transcribing the said Muster Rolls, upon Pain of forfeiting the Employment of such Officer, as also the Sum of Twenty Pounds for every such Offence to any Person who shall sue for the same.

Muster Rolls Ten Miles distant from London, to be closed within 24 Hours after the Muster, and returned within Seven Days to the Secretary at War.

XLVIII. And whereas by *The Petition of Right*, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the *British* Parliament, made in the Thirty-first Year of the Reign of King

Recital of the Petition of Right, 3 Car. 1. &c.

Charles the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty-two Pounds Seventeen Shillings and Three-pence for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should from thenceforth presume to place, quarter, or billet any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billetting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*; be it further enacted, That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within *England*, *Wales*, and the Town of *Berwick-upon-Tweed*, and in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others; and such Constables, and other Chief Magistrates as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service, and Persons receiving Pay in His Majesty's Army, in Inns, Livery Stables, Alehouses, Victualling Houses, and the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, other than and except Canteens held and occupied under the Authority of the Commissioners for the Affairs of Barracks, or of the Department of the Ordnance, and other than and except Persons who keep Taverns only, being Freemen of the Company of Vintners of the City of *London*, who were admitted to their Freedom before the Fifth Day of *July* One thousand seven hundred and fifty-seven, or who since have or shall hereafter be admitted to their Freedom of the said Company, in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; and all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin by Retail to be drank in Houses, other than and except the House or Houses of any Distillers, who keep Houses or Places for distilling Brandy and Strong Waters, and the House of any Shopkeeper whose principal Dealing 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; nor shall any more Billets at any Time be ordered than there are effective Soldiers present to be quartered; all which Billets, when made out by such Chief Magistrates or Constables, shall be delivered into the Hands of the Commanding Officer present: And if any Constable, Tithingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any such private House, without the Consent of the Owner or Occupier, in such Case such Owner or Occupier shall have his or their Remedy at Law against such Magistrate or Officer for the Damage that such

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

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

Remedy against Constables, &c. quartering Soldiers in private Houses, &c.

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

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

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

XLIX. And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers and providing Carriages for the Baggage of Soldiers on their March*, it was amongst other things enacted and declared, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard of Battle Axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have, receive, or be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Sea-port Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army or any considerable Part thereof should be commanded to march from any Part of *Ireland* to another, or during such Time or Times as he or they should be on their March as aforesaid: And whereas the Barracks of *Ireland* are not at present sufficient to lodge all the Forces upon its Military Establishment: And whereas it may be necessary to station Part of the Troops in Places where there are not Barracks, or not sufficient Barracks, to hold them; be it enacted, and it is hereby declared and agreed, That it shall and may be lawful, notwithstanding the said recited Act, to and for the Constables and other Chief Officers and Magistrates

Regulations for quartering Soldiers in Ireland.

Magistrates of Cities, Towns, Villages, and other Places in *Ireland*, and in their Default or Absence for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others, and such Constables and other Chief Magistrates as aforesaid, or in their Default, such Justice of the Peace as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service in Inns, Livery Stables, Alehouses, 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; and where there shall not be found sufficient Room in such Houses, then in such Manner as has been heretofore customary, taking care not to billet less than Two Men in any One House, except only in case of billetting Horse or Dragoons in manner herein-after mentioned; nor shall any Billets at any Time be ordered for more than the Number of effective Soldiers present to be quartered; all which Billets, when made out by such Chief Magistrates or Constables, or Justice of the Peace, as the Case may be, shall be delivered into the Hands of the Staff Officer employed, or of the Commanding Officer present: And if any Constable or other Chief Officer or Magistrate as aforesaid shall presume to quarter or billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof, then such Owner or Occupier shall have his or their Remedy in Law against such Magistrate or Officer for the Damage that such Owner or Occupier shall sustain thereby; and such Constable, Chief Officer, or Magistrate, being duly convicted of such Offence by Indictment, shall be imprisoned for the Space of One Calendar Month: And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Chief Officer before mentioned, tending to deter or discourage any of them from performing any Part of their Duty hereby required or appointed, or to induce any of them to do any thing contrary to their said Duty, such Military Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the Peace of the County, by Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment whatsoever; provided the said Conviction be affirmed at the next Assizes or Quarter Sessions of the Peace for the said County, or County of a City or Town, and a Certificate thereof be transmitted to the Secretary at War: And in case any Person shall find himself aggrieved in that such Constable, Chief Officer, or Magistrate, not being a Justice of the Peace, has quartered or billetted in his House a greater Number of Soldiers than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Soldiers are quartered, or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justice or Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed and quartered upon such other

other Person or Persons as he or they shall see Cause, and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

Soldiers not to be billeted above One Mile from the Places mentioned in the Route.

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

For the more equal billetting of Soldiers on the Borders of Counties.

LI. And whereas Soldiers are often billetted and quartered on the March unequally, and to the Prejudice of some of His Majesty's Subjects, by reason that the Places mentioned in the Route are on the Borders of Counties, and that the Keepers of Houses in which Soldiers may be quartered, being out of the Parish or Place mentioned in the Route, although in the immediate Vicinity thereof, refuse to receive such Soldiers upon Billets granted by the Constables, Tithingmen, Headboroughs, or other Persons of such Places to whom the quartering of Soldiers belongs; for Remedy whereof, be it enacted, That in any such Case it shall be lawful for the Constable, Tithingman, Headborough, or other Person to whom the quartering of Soldiers in any Place mentioned in any Route on the Border of any County shall belong, and he and they is and are hereby required to quarter and billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in any such Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; and all Powers, Authorities, Clauses, Penalties, Forfeitures, and Provisions in this Act contained, in relation to the billetting and quartering of Soldiers, shall extend and be applied to all Billets so granted, as fully and effectually to all Intents and Purposes, and in like Manner in every respect, as if such Houses were locally situate within the Place mentioned in the Route: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower any Constable, Tithingman, Headborough, or other Person, to billet or quarter Soldiers out of the County to which they belong, in any Case in which any Constable, Tithingman, or Headborough, or other Person of the adjoining County, shall be present, and undertake to billet and quarter the due Proportion of Men in such adjoining County.

Lord Lieutenant to appoint a Person to sign Routes.

LII. And be it further enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

No Justice having any Military Office to be concerned in billetting his Soldiers.

LIII. And be it further enacted, That no Justice or Justices of the Peace having or executing any Military Office or Commission in any Part of the United Kingdom shall and may, during the Continuance of this Act, directly or indirectly be concerned in the quartering, billetting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company under the immediate Command or Commands of such Justice or Justices, according to the Dispositions made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things executed or appointed by such Justice or Justices of the Peace for or concerning the same, shall be void; any thing in this Act contained to the contrary notwithstanding.

High Constable, &c. may issue Precepts for billetting Foot Guards in Westminster, &c.

LIV. And be it further enacted and declared, That whenever any Order shall issue for the quartering or billetting the Officers or Soldiers of His Majesty's Regiments of Foot Guards within the Cities and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex*, and in the County of *Surrey*, and in the Borough of *Southwark* in the said County of *Surrey*, the High Constables shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tithingmen of each Parish, Ward, Hamlet, and District within their respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot Guards on such Houses only as by this Act is limited within their respective Parishes, Hamlets, or Districts; and such Petty Constables, Headboroughs, and Tithingmen shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act equally and proportionally, according to the Number of such Officers and Soldiers so to be billetted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot Guards shall be quartered within the said City and Liberties of *Westminster*, and Places adjacent, lying in the said County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act.

Constables, &c. in Westminster and Surrey to deliver at Quarter Sessions, Lists of Houses subject to receive Soldiers, &c. in their respective Divisions;

LV. And for the better preventing Abuses in billetting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, be it enacted, That the Petty Constables, Headboroughs, and Tithingmen of their respective Parishes, Wards, Hamlets, and Districts within the same, shall at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, in the said County of *Middlesex*, and in the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, make and deliver to the Justices then in open Sessions assembled, upon Oath, which Oath they the said Justices are hereby authorized and required to administer, true Lists signed by them respectively of all such Houses, together with the Number of all such Persons respectively inhabiting

the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, to the Intent that all and every Person and Persons may be at liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith from Time to Time make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copy so taken, each Sheet to be computed at and contain One hundred and fifty Words; and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tithingman, of any such Parish, Ward, Hamlet, or District, in the delivering such Lists to the Justices at their Quarter Sessions as aforesaid; or if he or they shall so deliver or cause to be delivered in any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; such Petty Constable, Headborough, and Tithingman, or any of them so offending therein, shall for every such Offence forfeit the Sum of Five Pounds, to the Use of the Poor of such respective Parishes, Wards, Hamlets, and Districts; to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of His Majesty's Justice or Justices of the Peace for the City and Liberties of *Westminster*, for the said County of *Middlesex*, and for the said County of *Surrey*, and for the said Borough of *Southwark* in the said County of *Surrey*, respectively, (which Warrant or Warrants the said Justice or Justices is and are hereby empowered and required to make and issue); and for Want of sufficient Distress to be found for that Purpose, the said Justice or Justices is and are hereby empowered and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit the Person or Persons so offending to the Common Gaol of the said City of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, or the said Borough of *Southwark* in the said County of *Surrey*, there to remain for any Time to be limited by such Justice or Justices, not exceeding Three Calendar Months nor less than One Calendar Month, without Bail or Mainprize.

to be inspected without Fee.

Copies of such Lists to be written by the Clerk at 2*d.* per Sheet containing 150 Words.

Penalty on Default.

Penalty on giving defective Lists.

How to be levied.

LVI. And be it further enacted, That the Officers, Men, and Horses belonging to His Majesty's Horse or Dragoons, and also all Bât and Baggage Horses belonging to any of His Majesty's other Forces, and also the Horses belonging to Staff and Field Officers in His Majesty's Forces when upon actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, shall and may be quartered and billetted in the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which Officers and Soldiers are by this Act allowed to be quartered

Officers, Men, and Horses, belonging to the Horse or Dragoons, and also Bât and Baggage Horses, &c. how to be quartered, &c.

quartered and billetted, and that they shall be received and furnished by the Owners or Occupiers of such Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are so allowed to be quartered and billetted, with Diet and Small Beer, and with Stables, and Hay and Straw for such Horses, paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

Horses belonging to the Horse or Dragoons, Artillery or Commissariat, and also Bât and Baggage Horses, &c. how to be quartered in Ireland.

LVII. And be it further enacted, That all Horses of Officers and Men belonging to His Majesty's Horse, Dragoons, Artillery, or Commissariat, and also all Bât and Baggage Horses belonging to any of His Majesty's other Forces, and also the Horses belonging to Staff and Field Officers in His Majesty's Forces when upon actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, shall and may be quartered and billetted in *Ireland* in the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which Officers and Soldiers are by this Act allowed to be quartered and billetted; and that they shall be received and furnished by the Owners or Occupiers of such Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are allowed to be so quartered and billetted, with Stables, and also with Hay and Straw for such Horses, at the Rate of Eighteen Pounds of Hay and Six Pounds of Straw each Horse *per* Night, in Cases in which Hay and Straw shall not be supplied by Contract for such Horses, such Owners or Occupiers being paid for the same the several Rates that are or shall be established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*.

When Horses are provided with Hay and Straw by Contract, an Allowance shall be paid to the Innkeeper.

LVIII. And whereas Innkeepers or others on whom such Horses as before recited may have been billetted, have heretofore received an Allowance of Four-pence *per* Week for each such Horse for the Use of the Stable, when the Forage has been furnished by Contract; be it enacted, That from and after the passing of this Act, the said Allowance of Four-pence *per* Week shall continue to be paid only during the Time when such Horses shall be provided with Hay and Straw by Contract, and not by such Innkeepers or other Owners or Occupiers as aforesaid.

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

LIX. Provided always, and be it further enacted, That when any of His Majesty's Horse or Dragoons, or any other Horses as aforesaid, shall be quartered or billetted upon the Owner or Owners, Occupier or Occupiers of any Alehouse, Victualling House, or other House in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables; then and in such Case, and upon Complaint made by the Person or Persons having no Stables to Two or more Justices of the Peace of the Division, City, or Liberty where such Horse or Dragoons or other Horses shall be so quartered and billetted, and upon his or their making such Allowance, in lieu of his or their quartering such Horse or Dragoons or other Horses, as such Justices shall think reasonable, it shall and may be lawful for such Justices to order the Men and their Horses, or such Horses only, as the Case may be, to be removed and quartered upon some other Person or Persons who by

by this Act are liable to have Officers and Soldiers quartered and billetted upon them, who have Stables, and to order and settle a proper Allowance to be made by the Person or Persons having no Stables, in lieu of his or their quartering such Horse or Dragoons or other Horses so to be removed as aforesaid; and also to order and direct that such Allowance shall be paid by the Person or Persons from whom such Men and Horses shall be removed, to or amongst the Person or Persons to whom such Men and Horses shall be so removed as aforesaid, or be applied in the furnishing of Quarters for the Reception of such Men and Horses, as the Case may require, and as such Justices shall think fit.

Dragoons, &c. and their Horses, to be billetted in the same Houses.

LX. And whereas great Inconveniences have arisen and may arise in such Places where Horse or Dragoons are or may be quartered, by the billetting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act; be it therefore enacted, That in all Places where Horse or Dragoons shall be quartered or billetted in pursuance of this Act, for the future, the Men and their Horses shall be billetted in one and the same House (except in case of Necessity); and that in no other Case whatsoever there be less than one Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in such Case each Man shall be billetted as near his Horse as possible.

Manner of changing Men and Horses.

LXI. And whereas some Doubts have arisen whether Commanding Officers of any Regiment, Troop, or Company may exchange any Men or Horses quartered in any Town or Place, with another Man or Horse quartered in the same Place, for the Benefit of the Service; be it declared and enacted, That such Exchange as above mentioned may be made by such Commanding Officer respectively, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such House or Houses; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

Penalty on Officers taking Money to excuse any Person from quartering.

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

Penalty on Constables, &c. taking Money to excuse any Person from quartering;

LXIII. And be it further enacted, That if any High Constable, Constable, Beadle, or other Officer or Person whomsoever, who by virtue or colour of this Act shall quarter or billet, or be employed in quartering or billetting any Officers or Soldiers in any Part of the United Kingdom, shall neglect or refuse to quarter or billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the

Arrival of such Troops; or shall receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse any Person or Persons whomsoever from quartering or receiving into his, her, or their House or Houses any such Officer or Soldier; or in case any Victualler, or any other Person liable by this Act to have any Officer or Soldier billetted or quartered on him or her, shall refuse to receive or to afford proper Accommodation to, or to victual any such Officer or Soldier so quartered or billetted upon him or her as aforesaid, or shall refuse to furnish or allow according to the Directions of this Act the several Things respectively directed to be furnished or allowed to Non-commissioned Officers or Soldiers so quartered or billetted on him or her as aforesaid; or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse so quartered or billetted on him or her as aforesaid, at the Rate that is or shall be established by any Act or Acts in force in that respect, and shall be thereof convicted before One or more Justice or Justices of the Peace of the County, City, or Liberty within which such Offence shall be committed, either by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered to administer), every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit for every such Offence the Sum of Five Pounds, or any Sum of Money not exceeding Five Pounds nor less than Forty Shillings, (as the Justice or Justices before whom the Matter shall be heard shall in his or their Discretion think fit); to be levied by Distress and Sale of the Goods of the Person so offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within the County, or City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; which said Sum of Five Pounds, or the said Sum not exceeding Five Pounds nor less than Forty Shillings, when levied, shall be applied in the first Place in making such Satisfaction to any Soldier for the Expence he may have been put to by reason of his not being billetted or quartered as aforesaid, as such Justice or Justices shall order and direct, and the Remainder shall be paid to the Overseers of the Poor of the Parish if in *England*, and to the Churchwardens of the Parish if in *Ireland*, wherein the Offence shall be committed, or to some one of them, for the Use of the Poor of the said Parish.

and on Victuallers refusing to quarter Soldiers.

Penalty how to be levied and applied.

Justices may order Constables to give an Account of the Number of Soldiers quartered, &c.

LXIV. And for the better preventing Abuses in quartering or billetting the Soldiers in pursuance of this Act, be it further enacted, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace within their respective Counties, Cities, or Liberties, in any Part of the United Kingdom, by Warrant or Order under his or their Hand and Seal or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officer who shall quarter or billet any Soldier in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices requiring the same,

of the Number of Officers and Soldiers who shall be quartered or billetted by them, and also the Names of the Housekeepers or Persons upon whom every such Officer or Soldier shall be quartered or billetted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses; to the end that it may appear to the said Justice or Justices where such Officers and Soldiers are quartered or billetted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billetting of them.

Justices may extend Routes and enlarge Quarters.

LXV. Provided always, and be it further enacted, That it shall be lawful for any Justice of the Peace, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Quarters or Billets, in any Case in which it shall appear to such Officer or Justice that better Accommodation can be given to the Troops by extending any Route or enlarging the District within which Quarters and Billets shall be required, to enlarge such Route, and extend such Quarters and Billets, in such Manner as shall be most convenient to the Troops to be quartered and billetted; any thing in this Act or any other Act, or any Law or Custom to the contrary notwithstanding.

Officers and Soldiers to pay Rates for their Diet.

LXVI. Provided also, and it is hereby enacted, That the Officers and Soldiers so quartered and billetted as aforesaid, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

If Innholders furnish the Men quartered on them with Candles, Salt, &c. gratis, the Men (except when on a March, &c.) shall provide their own Victuals and Small Beer.

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

LXVIII. And

Officers receiving the Pay to settle the Demands of Innkeepers.

LXVIII. And that the Quarters both of Officers and Soldiers may hereafter be duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, every Officer to whom it belongs to receive or that does actually receive the Pay or Subsistence Money, either for a whole Regiment, or particular Troops and Companies, or otherwise, shall every Four Days, or before the Troop shall quit their Quarters, if they shall not remain so long as Four Days, settle the just Demands of all Persons keeping Inns or other Places where Officers or Soldiers are quartered by virtue of this Act, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to either of them respectively: And if any Officer or Officers as aforesaid shall not satisfy, content, and pay the same, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters were, (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer,) the Secretary at War is hereby required and authorized (upon Certificate of the Justices before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to give Orders to the Agent of the Troop or Company to pay and satisfy the said Sums, and to charge the same against such Officer or Officers.

Penalty on Officers not satisfying Accounts which shall be charged against them by the Agent.

If Quarters are not paid for before the marching of the Troops, Certificate of the Amount to be transmitted to the Agent.

LXIX. And be it further enacted, That in case any Troop or Company being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodgings of the Men and Stabling for the Horses, every such Officer shall before his Departure make up the Account with every Person with whom such Troop or Company may have been quartered, and sign a Certificate thereof, which Account and Certificate shall be transmitted to the Agent of the Regiment, that immediate Payment may be made, which he is hereby required to make accordingly, and to charge the same to the Account of such Officer.

Soldiers Wives, &c. not to be quartered without Consent.

Penalty.

LXX. And be it further enacted, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall at any Time during the Continuance of this Act quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any such Houses, against the Consent of the Owners, the Party offending, if any Officer of the Army, shall, upon being convicted thereof before a General Court-martial, be cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied by Warrant of such Justice by Distress and Sale of such Offender's Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same.

Licences may be granted for keeping Canteens.

LXXI. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, or any Two Magistrates within their respective Jurisdictions, to grant or transfer any Licence for selling Ale by Retail, or Cider or Perry, to be drank or consumed in any House or Houses,

Houses, or Premises where more Houses or Premises than one shall be held together by the same Person or Persons as a Canteen, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquor by Retail, to any Person or Persons applying for the same, who shall hold any Canteen under any Lease thereof, or any Agreement or other Authority from any Two of the principal Officers of the Board of Ordnance, or from any Two of the late Commissioners for the Affairs of Barracks, or from the Comptroller or other proper Officer of the Barrack Department, without regard to the Time of Year, or any Notices or Certificates specified or required in relation to the applying for or granting any such Licences, any thing in any Act or Acts to the contrary notwithstanding; and it shall also be lawful for His Majesty's Commissioners of Excise in *England*, *Ireland*, and *Scotland* respectively, or any Person appointed or employed by the said Commissioners in *England* or *Ireland* respectively in that Behalf, or for any Collectors or Supervisors of Excise, within their respective Districts, and they are hereby required to grant Licences for selling Beer or Ale by Retail, or 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 Licence 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.

For ascertaining the last legal Settlement of Soldiers having Wives or Children.

LXXII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace or Magistrate for the County, Town, or Place where any Non-commissioned Officer or Soldier shall be quartered in any Part of the United Kingdom, in case such Non-commissioned Officer or Private Soldier have either Wife or Child or Children, to cause such Non-commissioned Officer or Soldier to be summoned before him, in the Town or Place where such Non-commissioned Officer or Soldier shall be quartered, in order to make Oath of the Place of his last legal Settlement, if such Non-commissioned Officer or Soldier shall belong to any Parish or Place in that Part of *Great Britain* called *England*, (which Oath such Justice or Magistrate is hereby empowered to administer); and such Non-commissioned Officer or Private Soldier as aforesaid is hereby directed to obey such Summons, and to make Oath accordingly; and such Justice or Magistrate is hereby required to take the Examination of such Non-commissioned Officer or Soldier 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 Soldier be dead or absent from the Kingdom: Provided always, that in case any Non-commissioned Officer or Private Soldier shall be again summoned to make Oath as aforesaid, then on such Examination or such attested Copy thereof being produced by him, or by any other Person on his Behalf, such Non-commissioned Officer or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

For the providing Carriages for the Forces marching in England and Ireland.

LXXIII. And be it further enacted, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Clothes, or Accoutrements, in *England*, *Ireland*, and *Wales*, and the Town of *Berwick-upon-Tweed*, all Justices of the Peace, within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, *Wales*, or *Berwick-upon-Tweed*, or by an Order from the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or from the Officer commanding His Majesty's Forces in *Ireland*, or other Person duly authorized in that Behalf, shall, as often as such Order is brought and shewn unto One or more of such Justices by the Quartermaster, Adjutant, or other Officer or Non-commissioned Officer of the Regiment, Detachment, Troop, or Company so ordered to march, issue out his or their Warrant or Warrants to the Constables or Petty Constables of, or to any Constable or Constables acting or having Authority to act in the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be ordered to march, for each of which Warrants the Fee of One Shilling only shall be paid; requiring them to make such Provision of Carriages and Horses, or Oxen, with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen; and specifying in such Warrants the Place or Places from and to which the said Carriages shall, by virtue of such Orders as aforesaid, be required to travel, also specifying the Number of Miles between the Places, for which Number of Miles only so specified Constables or Petty Constables are authorized to demand Payment, which shall not exceed the Day's March of the Troops, as prescribed in the Order produced to the Magistrates, unless in case of pressing Emergency or Necessity, and shall in no case whatever exceed Twenty-five Miles from the Place at which the March shall commence; and in case sufficient Carriages cannot be provided within any such Liberty, Division, or Precinct, then the Justice or Justices of the Peace of the next adjoining County, Riding, or Division shall, upon such Order as aforesaid being brought or shewn to One or more of them by any of the Officers aforesaid, issue his or their Warrant to the Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct,

Warrants to specify the Places to which the Carriages shall travel, and the Number of Miles, &c.

cinct, as shall be most convenient for the Purposes aforesaid, according to their respective Jurisdictions, to make up such Deficiency: And the aforesaid Officer or Officers, who by virtue of the aforesaid Warrant from the Justices of the Peace are to demand the Carriage or Carriages therein mentioned of the Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the Sums herein-after mentioned respectively, for which respective Sums so received the said Constable or Petty Constable is hereby required to give a Receipt in Writing (which Receipt need not be stamped) to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having Carriages within their respective Liberties, as they shall think proper, to provide and furnish such Carriages and Horses and Oxen and Men, according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly; and no Person owning or driving or causing to be driven any such Waggon, Wain, Cart, or other Carriage, shall be subject to any Penalty or Forfeiture, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained, by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner of 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 Military Officer or Officers, for the Use of whose Regiment, Detachment, Troop, or Company the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage to travel beyond the Distance specified in the Magistrate's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, or shall suffer any Soldier or Servant (except such as are sick), or any Woman, to ride in the Waggon, Wain, Cart, or Carriage as aforesaid; or shall force any Constable or Petty Constable, by threatening or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners, by themselves, Servants, or Soldiers, every such Officer for every such Offence shall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Secretary at War, who is hereby authorized and required to give Orders for the Payment of the aforesaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County or Riding, and for deducting the same out of such Officer's Pay.

Penalty on Officers forcing Waggons to travel more than Magistrate's Warrant specifies, &c.

LXXIV. And be it further enacted, That the Sums to be paid into the Hands of such Constable or Petty Constable in *England*, *Wales*, and *Berwick-upon-Tweed*, shall be according to the following Rates; that is to say, the Sum of One Shilling for every Mile any Waggon with Four or more Horses shall travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses,

Rates to be paid for Carriages in England.

Horses, shall travel; and the Sum of Nine-pence for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses respectively, or carrying not less than Fifteen Hundred Weight, shall travel; and the Sum of Sixpence for every Mile every Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; or any further Sum not exceeding Four-pence for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or with Four Oxen and Two Horses, shall travel; and not exceeding Three-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and not exceeding Two-pence for every Mile any Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; 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 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 as shall be deemed reasonable by the Magistrate who granted the Warrant for impressing them, not exceeding the usual Rate and Hire of such Carriages: Provided always, that every Order of the Justices assembled at any General Sessions of the Peace, fixing a further Sum to be paid for the Hire of Carriages as aforesaid, in addition to the customary Rates of One Shilling, and 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 of such County or District next ensuing the Date of such Order; and a Copy of every such Order, signed by the Chairman or presiding Magistrate and One other Justice of the Peace or Magistrate at the Quarter Sessions at which the same shall be made, shall within Three Days after the making thereof be transmitted to the Secretary at War; and no such Order shall be valid or effectual unless a Copy thereof be so signed and transmitted as aforesaid: Provided also, that in every Case of any further Sum being allowed as aforesaid for the Hire of any Carriage, the Justice of the Peace granting or signing the Warrant shall insert, in his own Hand, the Amount of such 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 at a Distance.

LXXV. And whereas great Inconvenience often arises from there being no Justice of the Peace or Magistrate residing near to Places specified in Routes at which Soldiers are to halt, and be billetted and quartered

quartered on the March, to issue Warrants for the providing of Carriages; for Remedy whereof be it enacted, That it shall be lawful for any Constable, 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 Soldiers on March, and to appoint Persons having Carriages within their respective Liberties or Jurisdictions to provide and furnish such Carriages, without having any special or particular Warrant for that Purpose; and all such Orders and Appointments shall be, and be deemed to be as valid and effectual in all respects, and to all Intents and Purposes, as if the same had been made and given by the Justice or Justices of the Peace having such Authority: Provided always, that every such Justice of the Peace shall, at the Time of giving such Warrant and Authority, and thereafter once in each Year, or oftener if necessary, cause a List or Lists to be made out, of all Persons liable to furnish such Carriages, under such Warrant, and of the Number and Description of Carriages belonging respectively to the Persons so liable to be required to furnish Carriages for Baggage, or for Troops on the March; and such Lists shall, at all seasonable 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.

from the Residence of any Justice of the Peace.

LXXVI. And whereas, from various local Circumstances, the Rates of Carriage in *Ireland* cannot be regulated in the same Manner as the Rates in *England;* be it therefore enacted, That the Sums to be paid in that Behalf in *Ireland* shall be as follows; (that is to say), for every Hundred Weight which the Owner or Owners of any Wheel Carriage shall take as Loading on such Wheel Carriage, the Sum of One Halfpenny for every Mile or reputed Mile he or they shall therewith march; or if the Price of Hay and Oats shall render a further Allowance necessary, then such further Sum as shall be fixed by the Justices of the Peace for any County or District, not exceeding One Halfpenny a Mile for every Three Hundred Weight which such Carriage shall take, but such further Allowance shall not continue in force longer than until the next succeeding General Quarter Sessions of the Peace, unless it be then continued by the Justices at such Sessions; and that the said Sums respectively shall be paid to such Owner or Owners respectively, or to their Carmen or Draymen respectively; and that every such Payment shall, if required, be made in the Presence of a Justice of the Peace, Constable, or Petty Constable.

Rates of Carriage in Ireland.

LXXVII. And whereas it may sometimes become necessary, in Cases of Emergency, to provide proper and speedy Means for the Carriage and Conveyance not only of the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of and belonging to His Majesty's Forces in their Marches, but also to the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to such Forces: And

In Cases of Emergency Justices may be required to issue Warrants for providing Saddle Horses and

Four-wheeled Carriages let to Hire, and also Vessels.

And whereas it is expedient that Provision should be made for enforcing prompt Obedience to such Orders as His Majesty or the Lord Lieutenant or other Chief Governor in *Ireland* may in such Cases think fit to issue in pursuance of the Powers by Law vested in him for the Advancement of the general Good and public Welfare of the Realm; be it therefore further enacted, That it shall be lawful for His Majesty, or such Lord Lieutenant or Chief Governor or Governors in *Ireland*, by His or their Order, distinctly stating that such Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary, or in his Absence by the Under Secretary for the Civil Department, or the First Clerk in the Military Department for the Time being, to any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Agent for the Supply of Stores and Provisions at Home, or Person acting in that Capacity, to authorize such General or Field Officers or Agent as aforesaid, or Person aforesaid, by Writing under his Hand, reciting such Order of His said Majesty, or Lord Lieutenant or Chief Governor aforesaid, to require all Justices of the Peace within their several Counties, Ridings, Divisions, Cities, Liberties, and Precincts in *England*, *Ireland*, *Wales*, and the Town of *Berwick-upon-Tweed*, to issue his or their Warrant or Warrants for any of the Purposes herein-after mentioned; and such Justice or Justices shall, when and as often as such Requisition in Writing as last mentioned shall be brought and shewn unto any One or more of such Justices, by the Quartermaster, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company so ordered to be conveyed, or by any Officer in the Commissariat Department, to issue out his or their Warrant or Warrants to the Constable or Petty Constables of the County, Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be so ordered to be conveyed, requiring them to make such Provision, not only of Waggons, Wains, Carts, and Cars, kept by or belonging to any Person or Persons, and for any Use or Purpose whatsoever, but also of Saddle Horses, Coaches, Chaises, and other Four-wheeled Carriages usually let to Hire, or kept for that Purpose; and also of Boats, Barges, and other Vessels used for the Carriage of Coals, Stone, Lime, Manure, or of Goods, Wares, or Merchandizes, or any other Articles or Commodity whatsoever, upon any Canal or navigable River, with able Men and Horses to drive, navigate, and draw the same, as shall be mentioned in the said Warrant or Warrants, therein specifying the Place or Distance to which such Horses, Carriages, Boats, Barges, or other Vessels, and Men, shall go and be conveyed, and allowing such Constables sufficient Time to make such Provisions, that the neighbouring Parts may not always bear the Burthen; and in case such sufficient Carriages, Horses, Boats, Barges, or other Vessels, and Men, cannot be provided within any such County, Riding, Division, Hundred, City, Liberty, or Precinct, then the next Justice or Justices of the Peace of the next County, Riding, Division, City, Liberty, or Precinct shall, upon such Requisition in Writing as last aforesaid being brought or shewn to any One or more of them by any of the Officers aforesaid, issue his or their Warrant or Warrants to the Constables or Petty Constables of such next County, Riding, City, Liberty, Division, Hundred, or Precinct, for the Purposes last aforesaid, to make up such Deficiency; and the aforesaid Officer or Officers,

who by virtue of the aforesaid Warrant or Warrants from the Justice or Justices of the Peace, are to demand the Carriages, Horses, Boats, Barges, or other Vessels therein mentioned, of the Constable or Petty Constable to whom the said Warrant or Warrants shall be directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person or Persons who shall provide such Carriages, Horses, Boats, Barges, or other Vessels, and Men, such reasonable Sum and Sums of Money as the said Justice or Justices shall in and by his or their said Warrant or Warrants order and direct, not exceeding the usual Rate and Hire of such and the like Carriages, Horses, Boats, Barges, or other Vessels, and Men, according to the Length of the Journey or Voyage in each particular Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, (which Duty or Tolls are hereby declared not to be demandable or payable in such and the like Cases, for any such Carriages, Horses, Boats, Barges, and other Vessels, whilst employed in such Service, or returning therefrom;) for which said respective Sum and Sums so received, the said Constable or Petty Constable is hereby required to give a Receipt in Writing (but without any Stamp) to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having such Horses, Carriages, Boats, Barges, or other Vessels, and Men, within their respective Liberties, as they shall think proper, to provide and furnish such Horses, Carriages, Boats, Barges, or other Vessels, and Men, according to the Warrant or Warrants aforesaid, who are hereby required to provide and furnish the same accordingly; and it shall and may be lawful in such Cases to and for all and every Military Officer and Officers, for the Use of whom, or of whose Regiment, Detachment, Troop, or Company, such Horses, Carriages, Boats, Barges, or other Vessels shall be provided, in such Cases to carry and convey, and permit to be carried and conveyed, on the same respectively, not only the Arms, Clothes, Accoutrements, Baggage, Tents, and other Equipage of such Regiment, Detachment, Troop, or Company, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same, any thing herein contained to the contrary thereof notwithstanding; but if any such Officer or Officers shall force and constrain any Horse, Carriage, Boat, Barge, or other Vessel to travel or proceed beyond the Distance or Place to be allowed and specified in such Warrant or Warrants, without the special Licence or Order of One or more other such Justice or Justices of the Peace in that Behalf, and which Licence or Order One or more of such Justices is and are hereby authorized and required to give and make at his and their reasonable Discretion, every such Officer for every such Offence shall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, Division, City, Liberty, or Precinct, who are to certify the same to the Secretary at War, who is hereby authorized and required to give Order for Payment of the aforesaid Sum of Five Pounds according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County, Riding, Division, City, Liberty, or Precinct, and for deducting the same out of such Officer's Pay.

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

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

Horses to convey Arms, Clothes, Accoutrements, Baggage, Equipage, Officers, Soldiers, Women, &c.

Penalty on Officers forcing Horses, &c. to travel beyond the Distance specified in Warrant without Licence.

LXXVIII. Pro-

No Waggon or Carriage to carry above 30 Cwt.

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

Owners of Carriages in Ireland not obliged to take Loading till it is weighed.

LXXIX. Provided also, and be it further enacted, That no Owner of any such Carriage in *Ireland* shall be compelled or obliged to take any Loading until the same shall be first duly weighed at the Expence of the Owner or Owners of such Carriage, if he or they shall think fit, and if the same can be done in a reasonable Time without Let or Hindrance of His Majesty's Service; and if any Officer requiring such Carriage shall force or compel the Owner to take any Loading until the same shall be first duly weighed, if the same can be done in a reasonable Time as aforesaid, or shall, contrary to the Will of the Owner of such Carriage, or his Servant, put or permit any Person whatsoever to put any greater Load upon any Carriage than is herein-after directed, either at the Time of Loading or on the March, every such Officer shall for every such Offence forfeit the Sum of Twenty Shillings to the Party injured, upon such Proof and in such Manner as is herein-before appointed.

Limiting the Weight which Carriages impressed in Ireland shall be obliged to carry.

LXXX. And be it further enacted, That no Car impressed by Authority of this Act in *Ireland* shall be liable or obliged to carry above Six Hundred Weight, and that no Dray so impressed shall be liable or obliged to carry more than Twelve Hundred Weight, and *if* the Owner shall consent to carry above Six Hundred Weight, or Twelve Hundred Weight respectively, on any Carriage, he shall be allowed and paid at the Rate aforesaid for every Hundred above the Weight of Six Hundred Pounds, or Twelve Hundred Pounds, put on his Carriage, according to the Nature and Description thereof; and the Owner or Owners of such Carriage or Carriages shall not be compelled or obliged to proceed with such Carriage or Carriages, under the Sum of Three-pence for each Mile or reputed Mile for each Car, or Sixpence a Mile for each Dray, at the least, in case he or they shall be required to carry a less Weight on such Carriage or Carriages than the Weights herein-before appointed for the same respectively.

Notice to be given to the Lord Mayor of Dublin, before the March of Troops out of that City, to provide Carriages.

LXXXI. And be it further enacted, That whenever any Troops or Companies of Soldiers shall receive Orders to march from *Dublin*, and that it shall be necessary to impress Carriages for that Purpose, Notice shall be given to the Lord Mayor of the City of *Dublin* at least Twenty-four Hours before the March of such Troops or Companies of Soldiers out of the said City, or, in case of Emergency, as long before such March as the Nature of the Case shall permit, of the Number of Troops, Companies, or Soldiers appointed to march; whereupon the Lord Mayor for the Time being shall summon a proportionable Number of Cars or Drays, or either of them, at his Discretion, out of the Licensed Cars, Drays, and other Cars and Drays, within the County of the said City, and so from Time to Time the said Cars and Drays are by Turns to be employed in carrying the Baggage of such Troops or Companies, at the Prices and under the Regulations herein-before mentioned; and it is hereby directed that no Country Cars,

Cars, Drays, or other Carriages coming to any of the Markets in *Ireland*, shall be detained or employed against the Will of the Owners, in carrying the Baggage of the Army, on any Pretence whatsoever.

Penalty on Constable, &c. for Neglect.

LXXXII. And be it further enacted, That if any High Constable or Petty Constable shall wilfully neglect or refuse to execute such Warrant or Warrants of the Justices of the Peace as shall be directed unto them for providing Carriages, Horses, Boats, Barges, and other Vessels as aforesaid; or shall demand or receive, for the Use of the Owners furnishing such Waggons, Wains, Carts, Cars, or Carriages, more than the Rates herein-before allowed respectively; or if any Person or Persons appointed by such Constable or Petty Constable to provide or furnish any Carriage, Man, Horse, Boat, Barge, or other Vessel, shall refuse or neglect to provide the same; or if such Person or Persons, or any other Person or Persons whomsoever, shall wilfully do any Act or Thing whereby the Execution of any such Warrant shall be hindered or frustrated, every such Constable, or other Person or Persons so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to the Use of the Poor of such Parish or Parishes adjoining to the Parish where such Offence shall be committed, as shall be fixed upon by the Justice or Justices by whom such Offence shall be inquired of, heard, and determined: And all and every such Offence and Offences shall and may be inquired of, heard, and finally determined by any One of His Majesty's Justices of the Peace dwelling in or near the Place where any such Offence shall be committed, who has hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owners.

One Third of Rate to be paid before Carriages proceed on the March.

LXXXIII. And be it further enacted, That the Officer commanding the Party for whose Use any such Carriage or Horse shall be impressed in *Ireland* is hereby required, before the Owner of any Carriage or Horse in *Ireland* shall be compelled to take any Loading, or be forced to proceed on the March with his Carriage, to pay or cause to be paid down in Hand to the Owner of such Carriage or Horse, or to his Servant, One Third Part of the full Sum to which the Owner of such Carriage or Horse would be entitled for the March in the said Warrant directed to be made, according to the Rate so fixed for the same as aforesaid; and every such Payment shall be made, if required, in the Presence of a Justice of the Peace, Constable, or Petty Constable.

Officers and Soldiers, &c. on Duty, and Carriages, &c. employed in His Majesty's Service, exempted from Payment of Tolls;

LXXXIV. And whereas in consequence of certain Exemptions from Toll 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 Horses and Soldiers, and the Carriages and Horses belonging to His Majesty, or employed in His Majesty's Service, and returning therefrom, may not be charged with the Payment of Tolls; therefore, for obviating such Doubts, it is hereby enacted and declared, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental 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, or employed in His Service, when conveying the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Forces on their Marches, or any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning therefrom, were and are and shall be exempted from Payment of any Duties and Tolls otherwise demandable by virtue of any Act already made, or hereafter to be made, for Persons, Horses, or Carriages, or any Baggage of any Troops embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, unless by such Act it has been or shall be expressly provided that the said Officers, Soldiers, Carriages, and Horses are and shall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken: Provided always, that nothing herein contained shall exempt from the Payment of Tolls any Boats, Barges, or other Vessels employed in conveying the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Forces, or any Military Stores, along any Canal; but the same shall be liable to Toll in like Manner as other Boats, Barges, and Vessels are liable thereto.

unless where it is provided that they are liable with others.

Treasurer of the County to repay the Constables extraordinary Charges.

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

The Money for that Purpose how to be raised.

LXXXVI. And in case the public Stock of the County or Riding be not sufficient, over and above the other Purposes for which it was raised,

raised, to satisfy the extraordinary Charge of Carriages, Horses, Boats, Barges, and other Vessels before mentioned, it is hereby further enacted, That the said Justices of the Peace in the General Quarter Sessions shall have Power from Time to Time to raise Monies upon the respective Counties or Ridings, in such Manner as they now raise Monies for County Gaols and Bridges, to satisfy such extraordinary Charges of Carriages, Horses, Boats, Barges, and other Vessels.

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

LXXXVII. And be it further enacted, That it shall and may be lawful to quarter Officers and Soldiers in *Scotland* in such and the like Places and Houses as they might have been quartered in by the Laws in force in *Scotland* at the Time of its Union with *England*; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there as by the said Laws in force at the Time of the said Union was provided; and that no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

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

LXXXVIII. 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 Soldier upon or in the House or Residence of any Foreign Consul duly accredited as such; any thing in this or any other Act or Acts, or Law or Custom, to the contrary notwithstanding.

Carriages in Scotland how to be provided.

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

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

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

Penalty on Officers destroying Game or Fish.

XCI. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it further enacted, That if any Officer shall, without Leave first had and obtained in Writing from the Person or Persons entitled to grant such Leave,

Leave, take, kill, or destroy any Hare, Pheasant, Partridge, or any other Sort of Game, or any Fish, within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be upon Oath of One or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace, who is and are hereby 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.

Persons receiving Enlisting Money deemed to be enlisted.

XCII. And be it further enacted, That every Person who shall receive Enlisting Money from any Officer employed on the Recruiting Service, or from any Non-commissioned Officer or Private Soldier belonging to the Recruiting Party under the Command of such Officer, or from any Person employed on the Recruiting Service, he being an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and shall, while he shall remain with the Recruiting Party, be entitled to be billetted and quartered as a Soldier in His Majesty's Service; provided always, that every such Person so enlisted shall be entitled to all the Benefits herein contained for the Relief of Persons hastily enlisting themselves.

Oath and Attestation of Service to His Majesty to be taken to His Heirs and Successors.

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

Clause for Relief of Persons hastily enlisting themselves.

XCIV. Provided always, and it is hereby enacted and declared, That from and after the said 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 Soldier or Soldiers in His Majesty's Land Service, he or they shall within Four Days, but not sooner than Twenty-four Hours, after such Enlisting respectively, be carried or go with some Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party by which he shall be enlisted, or with the Person employed on the Recruiting Service with whom he shall have enlisted, before some Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate, residing or being next to or in the Vicinity of the Place, and acting for the Division or District where such Person or Persons shall have been enlisted, and not being an Officer in the Army, and before such Justice or Chief Magistrate he or they shall be at liberty to declare his or their Dissent to such Enlisting; and upon such Declaration, and returning the Enlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, together with such full Rate allowed by Law for the Subsistence or Diet and Small Beer furnished to such Recruit subsequent to the Period of his having been

Such Persons not paying the Enlisting and Subsistence Money within the limited Time to be deemed

been enlisted, such Person or Persons so enlisting shall be forthwith discharged and set at Liberty in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours 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 read over, or in his own Presence cause to be read over, to such Person or Persons, the Third and Fourth Articles of the Second Section, and the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and to tender and administer to such Person or Persons respectively, not only the Oath of Fidelity mentioned in the said Articles of War, but also the Oath mentioned in the Schedule to this Act annexed marked (A.), or if the Person shall be desirous of enlisting without any Limitation of Period of Service, the Oath in the Schedule to this Act annexed marked (B.); and if such Person or Persons shall take the said Oaths, then such Justice or Chief Magistrate shall and he is hereby required forthwith to certify under his Hand the Enlisting and Swearing, together with the Place of Birth, Age, and Calling, if known, of such Person or Persons, in the Form mentioned in the Schedule to this Act annexed marked (C.) if the Oath in the Form marked (A.) shall have been taken, and in the Form marked (D.) if the Oath in the Form marked (B.) shall have been taken; except in the Case of Recruits enlisting to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, in pursuance of an Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better recruiting the Forces of the* East India *Company*, in which Case every such Recruit shall, instead of the said Oath of Fidelity, and of the Oath contained in the Schedule (A.) or (B.) to this Act annexed, take the Oath of Allegiance directed by the said Act of the Thirty-ninth Year of His said late Majesty, and contained in the Schedule to this Act annexed marked (E.); and the Justice or Chief Magistrate shall certify such Enlistment and Swearing accordingly in the Form mentioned in the Schedule to this Act annexed marked (F.); and except also in the Case of Recruits enlisted for the special Purpose of serving in the *East Indies*, in the Forces of the *East India* Company only, in pursuance of an Act passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to amend Two Acts relating to the raising Men for the Service of the* East India *Company and the quartering and billetting such Men, and to Trials by Regimental Courts-martial*, in which Case every such Recruit shall, instead of the said Oath of Fidelity, take the Oath directed to be taken by the said Act of the Fiftieth Year of His said late Majesty, and contained in the Schedule to this Act annexed marked (G.), and instead of the Oath of Service contained in the Schedule (A.) or (B.) to this Act annexed, shall take the Oath directed to be taken by the said recited Act of the Fiftieth Year aforesaid, and contained in the Schedule to this Act annexed marked (H.), and the Justice or Magistrate shall certify such Enlistment and Swearing accordingly, in the Form in the Schedule to

to be enlisted; in which Case, or if they enlist, the Justices to read over to them certain Sections of the Articles of War, and administer certain Oaths.

Recruits enlisted under 39 G. 3. c. 109. for the East India Company's Service, &c. shall take the Oath of Allegiance.

Recruits enlisted under 50 G. 3. c. 87. shall take the Oaths in Schedules (G.) and (H.)

to this Act annexed marked (I.); and if any such Person or Persons so to be certified shall wilfully refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer, from whom he received such Money as aforesaid, to detain and confine such Person or Persons, until he or they shall take the said Oath of Fidelity; and every Military Officer that shall act contrary hereto, or offend herein, shall incur the like Penalty and Forfeiture as is by this Act inflicted upon any Officer for making a false and untrue Muster; and the Penalty and Forfeiture shall be levied and recovered in the same Manner as any Penalties or Forfeitures are by this Act to be levied or recovered: Provided always, that every Non-commissioned Officer or Private Soldier, who shall enlist any Recruit, shall at the Time of such Enlisting enquire the Christian and Surname and Place of Abode of such Recruit, and either take the same down in Writing, or give the same to the Non-commissioned Officer commanding the Recruiting Party, to be so taken down: Provided also, that it shall be lawful for any Justice of the Peace to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Magistrate, upon the Examination of such Recruit or of any other Person, that the Recruiting Party has left the Place where such Recruit was enlisted, or that such Recruit could not procure any Non-commissioned Officer belonging to such Party to go with such Recruit before the Justice of the Peace; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice of the Peace, and paid when demanded to any Person belonging to the Recruiting Party entitled thereto demanding the same: Provided always, that in every Case wherein any Person shall have received Enlisting Money, and shall have absconded or have absented himself from the Party as aforesaid, so that it shall not be possible immediately to apprehend him and bring him before a Magistrate, the Officer or Non-commissioned Officer commanding the Party shall produce to the Magistrate, before whom the Recruit would regularly have been brought for Attestation, a Certificate of the Name and Place of Residence of such Person; and the Magistrate to whom the Certificate shall be produced shall, after satisfying himself that the Person who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, or, if in *Ireland*, to the Chief Secretary or Under Secretary for the Civil Department, or First Clerk in the Military Department, in order that, in the Event of such Person being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money and having absconded may be ascertained before he be finally adjudged to be a Deserter as having been duly enlisted.

Name and Residence of Recruits to be taken down.

Justices may discharge Persons hastily enlisting themselves, on paying the Enlisting Money.

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

Persons receiving Enlisting Money and absconding, &c. deemed duly enlisted.

XCV. And be it further enacted, That if any Person or Persons shall receive the Enlisting Money from any such Officer, Non-commissioned Officer, Private Soldier, or other Person employed on the Recruiting Service (knowing it to be such), and shall abscond, or refuse to go before such Justice or Chief Magistrate; or if any Person having

having received any such Enlisting Money as aforesaid shall thereafter absent himself from the Recruiting Party with which he enlisted, or Person with whom he enlisted, and shall not voluntarily return to such Recruiting Party or Person enlisting him, to go before some Justice of the Peace or Magistrate, under the Provisions of this Act, within such Period of Four Days aforesaid; such Person shall be deemed to be enlisted, and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; nor shall any such Person, who shall not have remained with or shall not have returned to such Recruiting Party or Person enlisting him as aforesaid, be entitled to be discharged or be discharged by any Justice of the Peace or Magistrate after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice of the Peace that the true Name and Residence of the Person enlisted was disclosed and known to the Recruiting Party, and that no Notice was given to the Person enlisted, or left at his last usual Place of Abode, of his having so enlisted.

Recruits discharged previous to March 25, 1828, before the Expiration of 24 Hours after Enlistment, not to be proceeded against.

XCVI. 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.

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

XCVII. And be it further enacted, That any Person who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service, by reason of any Infirmity which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by His Majesty by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted; any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding.

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

XCVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Oaths respectively marked (A.) and (B.) and Certificates marked (C.) and (D.) in the Schedule to this Act respectively contained and annexed, before the Justice of the Peace or Magistrate at the Time of his Attestation, for the Purposes of obtaining and shall obtain any Enlisting Money or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed

deemed guilty of obtaining Money under false Pretence, 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 Certificate, and Proof of the Handwriting of the Justice of the Peace giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice, at the Time of his being attested; 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 Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him declared or acknowledged, without Production of any Roll or other Document to prove the same.

7 & 8 G. 4. c. 29.

26 G. 3. (I.)

Enlistment of a Militia Man into the Regulars or East India Company's Forces void.

Persons offering to enlist.

Before Recruits are attested, Justice shall read the Notice in Schedule (O.) &c.

Penalty on Militia Man denying that he belongs to the Militia.

XCIX. And be it further enacted, That if any Officer, Serjeant, Soldier, or other Person shall at any Time wilfully and knowingly enlist any Man to serve in His Majesty's Regular Forces, or in the Forces of the *East India* Company, who at the Time of such enlisting shall be enrolled or engaged to serve in the Militia, every such Enlisting shall be deemed null and void; and every Officer, Serjeant, Soldier, or other Person to whom any Person shall offer himself to enlist in His Majesty's Regular Forces, or in the Forces of the *East India* Company, shall ask such Person whether he does or does not belong to the Militia; and every Justice of the Peace or Magistrate, before whom any Person shall be taken for the Purpose of being attested under the Provisions of this Act, shall, before he shall attest or swear the Recruit, read or cause to be read to him the Notice contained in the Schedule to this Act annexed marked (O.), and shall examine him, as to whether he does or does not belong to the Militia, and shall require the Recruit to sign a Declaration in the Form in the said Schedule; and in case any Militia Man, at the Time of offering to enlist as aforesaid, shall deny to the Officer, Serjeant, or other Person recruiting for Men to enlist and serve in His Majesty's Regular Forces, or in the Forces of the *East India* Company, that he is, at the Time of his offering so to enlist, a Militia Man then actually enrolled and engaged to serve, or in case any Militia Man shall deny to the Justice of the Peace or Magistrate by or before whom he shall be taken to be sworn and attested, that he belongs to the Militia, every Militia Man so offending shall on Conviction thereof before any One Justice of the Peace of the County where the Offence was committed, or elsewhere in the United Kingdom, either upon Oath of One Witness, or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Declaration of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which

which such Person so offending is or shall be otherwise liable; and every Person so offending shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in the Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so 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 liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Such Militia Man to serve in the Regular Forces in the United Kingdom during the Time the Militia is disembodied.

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

Punishing Persons enlisting for wilfully concealing any Infirmity.

CI. And be it further enacted, That the Service of every Soldier, whether he shall have been or shall be enlisted for limited Service or for Life, shall, as to the reckoning Years of Service, for the Purpose of estimating any Increase of Pay or any Pension by reason of any Length of Service, under any Act or Acts, or under any Regulations made by His Majesty in relation to any such Increase of Pay or Pension, be deemed and construed to commence and be reckoned from the Quarter Days, that is to say, from the Twenty-fifth Day of *March*, the Twenty-fifth Day of *June*, the Twenty-fifth Day of *September*, and the Twenty-fifth Day of *December* respectively, immediately antecedent to the Day of enlisting, and not from the Day of Attestation; any thing in any Act or Acts, or Law or Regulation to the contrary notwithstanding: Provided always, that no Soldier shall be entitled to receive any Pay for any Period preceding the Day of his actual enlisting.

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

CII. And whereas various Persons are in the Habit of advertising for Recruits for Regiments of the Line, the Embodied Militia, or for the Service of the Honourable the *East India* Company, and also under the Pretence of procuring Substitutes for the same, to the great Detriment of the Service; be it therefore further enacted, That all Persons whomsoever who shall advertise, post, or disperse, or cause to be advertised, posted, or dispersed, Bills for the Purpose of procuring Recruits or Substitutes, or shall open or keep any Houses or Place of Rendezvous purporting in any Manner whatever to be connected with

Penalty on Persons advertising for Recruits without Authority.

with the Recruiting Service or Department, for the Line, Embodied Militia, or *East India* Company, or shall interfere or be concerned directly or indirectly in any Manner or Way therewith (except such Recruiting Parties as may be stationed under the Command and Direction of the respective Field Officers of Districts, without the express Permission in Writing of the Adjutant General, if for the Line or Embodied Militia, or of the Court of Directors if for the Honourable *East India* Company's Service), or shall receive any Person or Persons as aforesaid at his House or Office under any such Bill or Advertisement on any Pretence whatever, shall forfeit the Sum of Twenty Pounds for every such Offence; to be recovered on Conviction before a Magistrate, One Moiety to the Informer, and the other to the Poor of the Parish where such Information shall be laid; and on Default of Payment thereof shall be committed to the Common Gaol or other Public Prison, at the Discretion of the Magistrate, for any Period not exceeding Three Calendar Months, and not less than One Calendar Month, for each and every such Offence.

Penalty on Apprentices enlisting themselves.

CIII. And be it further enacted, That if any Person duly bound as an Apprentice shall enlist as a Soldier in His Majesty's Land Service, and shall state to the Justice of the Peace or Magistrate before whom he shall be carried that he is not an Apprentice, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to be imprisoned in any Gaol or House of Correction, and kept to Hard Labour for Two Years, may be indicted and punished for obtaining Money under false Pretences under the Provisions of the said recited Act of the last Session of Parliament, and shall after the Expiration of his Apprenticeship, whether such Person shall have been so convicted and punished or not, be liable to serve as a Soldier in any Regiment of His Majesty's Regular Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Forces.

In England Masters not entitled to claim Apprentices unless bound for a certain Period, and the Master shall take the Oath herein mentioned.

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

How Masters in Scotland shall proceed

CV. And be it further enacted, That no Master in *Scotland* shall be entitled to claim any Apprentice who shall enlist as a Soldier

 in

in His Majesty's Land Service, unless such Apprentice shall have been bound to him for the full Term of at least Four Years by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace, and before such Justice of the Peace take the Oath mentioned in the Schedule to this Act annexed, marked (K.), and produce the Certificate of such Justice of the Peace of his having taken such Oath, which Certificate such Justice of the Peace is hereby required to give in the Form of the Schedule to this Act annexed, marked (L.): Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover any such Apprentice in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven Years in *England*, or Four Years in *Scotland*.

to recover Apprentices.

CVI. Provided always, and be it further enacted, That no Master in *Scotland* shall be precluded from claiming any Apprentice who shall hereafter enlist, by reason of the Contract or Indenture not having been produced to a Justice of the Peace in the Manner directed by the Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, within the Time therein limited, provided the same shall be produced to any Justice of the Peace of the County wherein the Parties reside, and be indorsed as therein directed, at any Time within Three Calendar Months after the passing of this Act.

Masters in Scotland not precluded from claiming Apprentices, if the Indenture be produced to a Justice within 3 Months.

CVII. And be it further enacted, That any Master of any Apprentice who shall have enlisted as a Soldier in His Majesty's Land Forces shall, upon his consenting to give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice as a Soldier, be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas, which shall be preserved in order to provide the said Recruit with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Masters of enlisted Apprentices consenting, entitled to receive a Part of the Bounty.

CVIII. And be it further enacted, That no Apprentice who shall be claimed by his Master shall be taken from the Regiment, Troop, or Recruiting Party with which he shall be, but under a Warrant granted by some Justice of the Peace or Magistrate of the County, Stewartry, Riding,

Apprentices claimed by their Masters shall be carried before a Justice and committed.

Riding, Division, City, Liberty, or Place, and residing near to the Place where such Apprentice shall happen to be when so claimed; and it shall be lawful for such Justice of the Peace or Magistrate, and such Justice of the Peace or Magistrate is hereby required, on Proof on Oath of Notice having been given to the Officer commanding the Regiment, or Troop or Company, or the Recruiting Party with which such Apprentice shall then be, or some Non-commissioned Officer of such Recruiting Party, of such Warrant, and that a Copy thereof has been left with such Officer or Non-commissioned Officer, and of such Person being an Apprentice, and having enlisted and declared that he was no Apprentice, and on Production and Proof of the Indenture of Apprenticeship, to commit such Person so offending as aforesaid, if required so to do by such Officer or Non-commissioned Officer as aforesaid, to the Common Gaol of the County, Stewartry, Riding, Division, City, Liberty, or Place where such Person shall be at the Time when he shall be so claimed by his said Master, there to remain until he shall be discharged by due Course of Law, or, if not so required, to deliver such Apprentice to his Master.

Justices to examine upon Oath, and to keep the Indenture, to be produced on the Trial.

CIX. And be it further enacted, That it shall be lawful for the Justice of the Peace or Magistrate so residing near to the Place where the Apprentice shall be claimed as aforesaid, except in *Scotland* as herein-after mentioned, before whom such Person so offending shall be so taken as aforesaid, to examine into the Matters alleged against such Person upon Oath, and which Oath the said Magistrate is hereby empowered to administer; and also to keep in his Custody the Indenture of Apprenticeship, to be produced as Occasion shall require; and to bind over the Master claiming such Person, and any other Persons he may think proper, to give Evidence at the General or Quarter Sessions of the Peace, or Session of Oyer and Terminer, at which the Trial of such Person is herein-after directed to be had, against such Person so offending; and the Production of such Indenture of Apprenticeship, with the Certificate of the Justice of the Peace or Magistrate, that the same was proved before him, shall be sufficient Evidence of such Indenture of Apprenticeship.

Offenders shall be tried at the next Quarter Sessions;

CX. And be it further enacted, That every such Offender, except in *Scotland*, as herein-after mentioned, may and shall be tried at the General or Quarter Sessions of the Peace, or Sessions of Oyer and Terminer for the County, Riding, Division, City, Liberty, or Place wherein the Offence charged shall have been committed, next after such Offender's being brought before such Justice of the Peace or Magistrate as aforesaid, or the Sessions immediately succeeding such next Sessions, unless the Court shall think fit to put off the Trial on just Cause.

and in Scotland by the Judge Ordinary.

CXI. And be it enacted, That every such Offender in *Scotland* shall and may be tried by the Judge Ordinary in such County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment.

Gaoler to give previous Notice to the Secretary at

CXII. And be it further enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his

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 at War, or if in *Ireland* to the Chief Secretary, or in his Absence to the Under Secretary for the Civil Department, or the First Clerk in the Military Department, before the Day on which the Imprisonment of such Person will expire, according to his Commitment or Sentence, of the Period of Expiration of such Imprisonment.

War, &c. of the Expiration of the Imprisonment of Soldiers in his Custody.

CXIII. And be it further enacted, That no Person whatever, except an Apprentice, who has enlisted or shall enlist himself into His Majesty's Service as a Soldier as aforesaid, shall be liable to be arrested or taken out of His Majesty's Service by reason of the Warrant of any Magistrate or Magistrates, on account of any Breach of Contract or Engagement to serve or work for any Master or Employer whatsoever.

No Person, except an Apprentice, liable to be taken out of the Service for Breach of Contract.

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

Servants in certain Cases shall be entitled to Wages up to the Time of enlisting.

CXV. And be it further enacted, That no Officer of His Majesty's 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 Child as an Apprentice, any Law, Statute, or Usage to the contrary notwithstanding.

Officers not liable to have Parish Poor apprenticed to them.

CXVI. And be it further enacted, That when and as often as any Regiment or Company shall be relieved at any Station or Place beyond the Seas, in order to return to *Great Britain* or *Ireland*, it shall and may be lawful for any Officer or Officers thereunto authorized by the Officer commanding in Chief at such Station or Place respectively, to enlist as many of the Soldiers belonging to such Regiment or Company, returning to *Great Britain* or *Ireland*, as shall be willing, and who shall appear to be fit for Service, and to incorporate them into any Regiment or Company which shall be appointed to remain; and every Soldier so enlisted shall be and is hereby deemed to be discharged from the Regiment or Company in which he before served; and the Occasion of his quitting such former Corps shall be recited in the Enlisting Certificate, a Duplicate or an attested Copy whereof shall be delivered to such Soldier, to protect him from being anyways molested upon Suspicion of his having deserted.

Where any Corps beyond Seas shall be relieved in order to return Home, such of the Men as shall choose may be enlisted, &c.

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

CXVII. And whereas it is expedient that Provisions should be made for the enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting abroad; be it therefore enacted, That it shall be lawful for any Person duly authorized and appointed by His Majesty, by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest out of *Great Britain* or *Ireland* any Soldiers desirous of enlisting or re-enlisting into His Majesty's Service, and to administer such Oaths as are directed and required to be administered in that Behalf by Justices of the Peace in the United Kingdom in relation to the enlisting or re-enlisting of Soldiers; and any Person so authorized and appointed shall have all such Powers and Authorities in that Behalf as are given to any Justices of the Peace in the United Kingdom in relation to the enlisting or re-enlisting of Soldiers, and shall for all such Purposes as aforesaid be deemed and taken to be Justices of the Peace; any Person so enlisted or re-enlisted shall be deemed and taken to be so enlisted or re-enlisted under the Provision of any Act in force in relation to enlisting of Soldiers, and to the Punishment of Mutiny and Desertion, in like Manner in every respect, and as fully and effectually to all Intents and Purposes, as if such Oath had been administered, and such Attestation had been made, and enlisting or re-enlisting taken place, before a Justice of the Peace in the United Kingdom.

Soldiers entitled to Discharge to be sent Home free of Expence, and have Conduct and Marching Money Home.

CXVIII. And be it further enacted, That every Soldier entitled to his Discharge under any Orders or Regulations made by His Majesty, or upon the Expiration of any Period for which he shall have engaged to serve, shall, if then serving abroad, be sent to *Great Britain* or *Ireland* free of Expence, and on his Return shall be entitled to and have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, at the Rate *per Diem* fixed for victualling Soldiers on the March in *Great Britain* and *Ireland* respectively, reckoning Ten Miles for each Day's March; and every Soldier so entitled to his Discharge, who shall be discharged at any Place in the United Kingdom other than that in which he shall have been attested, shall be entitled to the like Marching Money, from the Place of his Discharge to the Place of his Attestation as aforesaid.

Justices may commit Deserters.

CXIX. And whereas several Soldiers, being duly enlisted, do afterwards desert, and are found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place where any Person who may be reasonably suspected to be such a Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, if no such Constable, Headborough, or Tithingman can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice of the Peace living in or near such Town or Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or

the Testimony of One or more Witness or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear to be found that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall, without Fee or Reward to himself or 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, when 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; or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin*, or Places adjacent; and transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act marked (N.), to the Secretary at War for the Time being in *London*; or if the Deserter be apprehended in *Ireland*, to the Chief Secretary to the Chief Governor or Governors thereof; to the end that such Person may be removed by an Order from the Office of the said Secretary at War, or Chief Governor or Governors, and proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, in which such Deserter shall at any Time be confined, shall receive such Subsistence for the Maintenance of such Deserter during the Time that he shall continue in his Custody, as by His Majesty's Regulations is or shall from Time to Time be directed in that Behalf; and the Keeper of every Gaol, House of Correction, or other Public Prison of the City, Town, or Place, at or in which the Party or Person conveying such Deserter shall halt on the March, shall and he is hereby required to receive and confine every such Deserter who shall be delivered into his Charge and Custody by any Non-commissioned Officer or Soldier who shall be conveying such Deserter under any lawful Order, Warrant, or Authority, while on the Road from the Place where he was apprehended to the Place to which he is to be conveyed, without any other Warrant or Authority for so doing than the Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, or of the Chief Governor or Governors of *Ireland*, and shall be entitled to One Shilling for the safe Custody of the said Deserter while the Party or Person conveying him shall halt on the March; any Law, Usage, or Custom to the contrary notwithstanding.

Reward for taking up Deserters.

CXX. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters from His Majesty's Service, be it further enacted, That in case of every Deserter apprehended in *Great Britain* or *Ireland*, the Secretary at War, 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 some Regimental or District Paymaster, or Paymasters of a Depôt, for the Payment of the Sum of Twenty Shillings to the Person

Person or Persons so reported by the Magistrate: Provided always, that this Reward shall only be given in Cases in which the Secretary at War 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: Provided also, that no Fee or Reward shall be taken by any Justice of the Peace, or his Clerk, for or in respect of any Information, Examination, Commitment, or any such Report as aforesaid in relation to any Deserter.

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

CXXI. And be it further enacted, That any Person who shall voluntarily surrender or deliver himself up as a Deserter from any Regiment or Corps of His Majesty's Regular Forces, or of the Embodied Militia, or of the Forces of the United Company of Merchants of *England* trading to the *East Indies*, or who, upon being apprehended for Desertion or any other Offence, shall in the Presence of the Magistrates confess himself to be a Deserter from any such Regiment or Corps, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Regiment or Battalion or Corps of His Majesty's Forces as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not, and if the Person so confessing himself to be a Deserter shall be serving at the Time in any Regiment, Battalion, or Corps of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Persons persuading Soldiers to desert, to be punished by Fine or Imprisonment, or both.

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

Penalty on Persons concealing Deserters.

CXXIII. Provided always, and be it enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, 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 Agent of the Regiment or Corps to which any such Deserter did belong, and shall be credited by such Agent in his public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary at War by the 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

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 Calendar Months.

Penalty on Officer breaking open any House without Warrant.

CXXIV. Provided also, and be it enacted, That no Commissioned Officer shall break open any House to search for Deserters without Warrant from a Justice of the Peace; and that every Commissioned Officer who shall without Warrant from One or more of His Majesty's Justices of the Peace (which Warrant the said Justice or Justices is or are hereby empowered to grant) forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall upon due Proof thereof forfeit the Sum of Twenty Pounds.

Penalty on Persons receiving any Arms, Clothes, &c. of Soldiers or Deserters, &c.

CXXV. And be it enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any Meat, Drink, Beer, or other Provisions, or any Sheets, or other Articles used in Barracks, provided under any Regulations relating thereto, or any such Articles belonging to any Soldier or Deserter as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cause the Colour of any such Clothes to be changed, the Person so offending shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of the Arms, Ammunition, Clothes, Caps, or other Furniture or Provision, Sheet, or other Article so detained, bought, exchanged, or otherwise received; or if any Person shall buy or receive any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of the Oats, Hay, Straw, or other Forage so bought, received, sold, or otherwise disposed of; and upon Conviction, by the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Ten Pounds, and Ten Pounds, shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender, one Moiety of the said first-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and one Moiety of the said last-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and the Residue of the said respective Penalties to be paid to the Agent of the Regiment or Corps to which any such Deserter or Soldier did belong, who shall report the same to the Secretary at War, and credit the same in his public Accounts; and in every Case in which the Informer shall be a Soldier, the Moiety of the said Penalties shall be

and on Persons buying Oats, Hay, or Forage provided for His Majesty's Service.

paid to the Secretary at War, 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 the said respective Penalties being adjudged shall be made to the Secretary at War 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 having knowingly received any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any such Meat, Drink, Beer, or other Provisions, or Sheets, or other Articles used in Barracks, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties upon such Conviction, or give sufficient Security for Payment thereof within the Space of Four Days from such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice.

Certain Officers and Justices may grant an Extension of Furlough to any Non-commissioned Officer or Soldier applying for the same on account of Sickness, &c.

CXXVI. And whereas Soldiers absent from their Regiments on Furlough granted to them by their Commanding Officers are sometimes prevented by Sickness or other unavoidable Casualty from returning to their Duty before the Expiration of the Time limited by such Furlough, and Doubts have arisen whether in such Cases the Extension of a Soldier's Furlough by a Justice of the Peace be sanctioned by legal Authority, and effectual for preventing such Soldier from being apprehended upon Suspicion of his having deserted his Regiment; be it further enacted, That any Inspecting Field Officer stationed on the Recruiting Service, or any Officer of the Rank of Captain, or of superior Rank, or any Adjutant of the Regular Militia stationed within the District, or in case there be no such Officer as aforesaid within a convenient Distance, any Justice of the Peace, may and is hereby authorized to grant, in Writing under his Hand, an Extension of Furlough to any Non-commissioned Officer or Soldier applying for the same on account of Sickness or other Casualty, which shall on due 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 Soldier an Extension of Furlough as aforesaid, shall immediately certify the same, with the Cause of its being so granted, to the Officer commanding the Corps, Depôt, or Detachment to which the Man belongs, if known, if not, then to the Agent

of the Regiment, in order that the Proportion of Pay, to which the Man shall be entitled, may be remitted to him according to the Rules established in that respect.

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

CXXVII. And be it further enacted, That such Non-commissioned Officer or Soldier, during the Period to which his Furlough shall have been so extended as aforesaid, shall not be liable to be apprehended or otherwise molested on the Ground of his having deserted the Regiment to which he shall appear by his Furlough to belong, or of criminally absenting himself from the same: Provided always, that nothing in this Act contained shall be construed to exempt any Non-commissioned Officer or Soldier, whose Furlough shall have been so extended as aforesaid, from being proceeded against and punished according to the Provisions of this Act, should it thereafter appear that such Non-commissioned Officer or Soldier had obtained the Extension of his Furlough by false Representation made to such Officer or Justice of the Peace as aforesaid, or in applying for and obtaining the same, had committed any Offence to the Prejudice of good Order and Military Discipline: Provided also, that no such Furlough shall be extended by any such Officer or Justice of the Peace as aforesaid for any longer Period than One Month, unless with the Approbation of the General or other Officer commanding in the District where such Soldier shall be, or of the Officer commanding the Corps, Depôt, or Detachment to which the Non-commissioned Officer or Soldier shall belong.

Subsistence of Men on Furlough.

CXXVIII. Provided always, and be it further enacted, That the Subsistence of Men on Furlough shall be issued according to the Rates which have been or shall be prescribed by His Majesty's Regulations.

No Volunteer liable to Process unless for some criminal Matter,

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

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

Oath of the Debt to be made before a Judge;

and a Memorandum thereof

marked on the Back of the Process.

Fee shall be taken: And if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or Judges of such Court, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties or otherwise, and by Warrant under his or their Hand and Seal or Hands and Seals to discharge such Soldier so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them that such Soldier so arrested was legally enlisted as a Soldier in His Majesty's Service, and arrested contrary to the Intent of this Act; and also to award to the Party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendant in the said Action.

Plaintiff may file a common Appearance.

CXXX. And to the end that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entering into and listing in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion great Expence and Delay to themselves, may be enabled to proceed in a more easy and cheap Method; be it further enacted, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so entered, or left at his or their last Place of Residence before such listing, to file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, so as to entitle such Plaintiff to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so listed as aforesaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

Soldiers while confined for Debt not to receive Pay.

CXXXI. And be it further enacted, That no Soldier being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement until the Day of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or shall be ordered to join.

Soldiers taken Prisoners to forfeit Pay; but shall be entitled on being adjudged by a Court-martial to have acted properly.

CXXXII. And be it further enacted, That every Soldier who shall be taken Prisoner by the Enemy shall forfeit all Right and Claim to Pay during the Period of his remaining a Prisoner, and until he shall again return to His Majesty's Service: Provided always, that upon the Return of every Soldier to His Majesty's Service, due Inquiry shall be made as to the Conduct of such Soldier in relation to his being made Prisoner, and during the Period of his so remaining a Prisoner, and before Return to Service, by some General or Regimental or Garrison or other Court-martial which shall be constituted under any Articles of War made by His Majesty for the Purpose of investigating

investigating such Cases; and every Soldier who shall prove to the Satisfaction of the Court, by Oath of himself or others, or in such Manner as such Court shall require, and which Oath every such Court is hereby authorized to administer, that he was fairly and unavoidably taken Prisoner in the Course of Service, without any wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided or assisted the Enemy, and that he hath returned as soon as possible to His Majesty's Service, shall thereupon be entitled to receive, either the Whole of any such Arrears of Pay, or a Proportion thereof, as shall be adjudged by any such Court: Provided also, that it shall be lawful for the Secretary at War for the Time being, to order the Issue of such Arrears or of any Proportion thereof, or of any such Pay or of any Proportion thereof, as shall under all the Circumstances appear to be proper, notwithstanding any such Forfeiture, and before any such Investigation, and from Time to Time to stop the Continuance of any such Issue of Pay, as the Case and Conduct of any such Soldier, in relation to his being captured by the Enemy, and not returning to His Majesty's Service when enabled so to do, may require; and the Orders of the Secretary at War, for the Payment of any such Arrears of Pay, shall be a good and sufficient Discharge for such Payment.

Secretary at War may advance Pay if necessary, before Investigation.

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

Commissaries, upon making up their Accounts, or returning from Foreign Service, to take an Oath.

CXXXIV. And be it further enacted, That every Paymaster, or other Commissioned Officer of His Majesty's Forces, or any Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person employed in the Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Forces, or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such Paymaster or other Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person, to be transported as a Felon for Life, or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the Nature and Degree of the Offence; and every such Officer or Person shall, in addition to any other Punishment,

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

Penalty on such Offenders.

ment, make good, at his own Expence, the Loss and Damage sustained which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained aforesaid may be recovered in any of His Majesty's Courts of Record at *Westminster*, or in any other Courts of Law having Jurisdiction where any Person adjudged by a Court-martial to have incurred any such Penalties, or to make good any such Losses or Damages, shall be resident after the said Judgment shall be confirmed and made known; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

Application of the Forfeitures.

Non-commissioned Officers embezzling Soldiers Pay, &c. to be reduced, &c.

CXXXV. And be it further enacted, That every Non-commissioned Officer who shall be convicted, at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been entrusted for the Payment of the Men under his Command or for enlisting Men into His Majesty's Service, shall be reduced to serve in the Ranks as a Private Soldier, and be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not exceeding to Life or Limb) as the Court-martial shall think fit.

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

CXXXVI. And be it further enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, no Paymaster General or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, Muster-master, Paymaster of a Corps or District, or any other Officer whatsoever, or their Under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, other than the usual Deductions allowed by His Majesty's Regulations, and such other necessary Deductions as shall from Time to Time be required to be made under any Act now in force or hereafter to be made, or directed by His Majesty under His Royal Sign Manual.

Exceptions.

Money due for Clothing may be issued every Six Months.

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

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

CXXXVIII. And be it further enacted, That if any Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, shall unlawfully detain or withhold, for the Space of One Month, the Pay of any Officer or Soldier (Clothes and all other just Allowances being deducted), after such Pay shall be by him or them received;

or

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

Penalty on Agents disobeying Orders.

CXXXIX. And for enforcing a prompt Observance of the Rules and Orders established or to be established for the due Appropriation of the Public Funds applicable to the Army Services, and that a true and regular Account may be kept and rendered by the Agents of the several Garrisons, Regiments, Battalions, Corps, and Independent Troops and Companies, be it further enacted, That the said Agents are hereby required and directed to observe such Orders and Directions as shall from Time to Time be given by His Majesty under His Sign Manual, or by the Secretary at War for the Time being, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury for the Time being; and if any Person being or having been Agent shall refuse or neglect to observe and comply with such Orders and Directions, in relation to his Duty as Agent, he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Use of His Majesty; and if still an Agent, for the Second Offence be discharged from his Employment as Agent of the Garrison, Regiment, Battalion, Corps, Independent Troop or Company, in relation to which he shall have been guilty of such Offence, and be utterly disabled to have or hold such Employment thereafter; or if he shall have ceased to be such Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds, to be recovered as aforesaid.

Penalty on Persons acting as Army Agents without Authority.

CXL. And whereas great Inconvenience has arisen to His Majesty's Service from Persons, not being authorized Agents of Regiments, Troops, or Companies, negotiating for the Purchase, Sale, and Exchange of Commissions in His Majesty's Forces, and much larger Sums than are allowed by His Majesty's Regulations are often given and received for Commissions, and great Frauds committed; be it therefore enacted, That every Person not being an authorized Agent to some Regiment, Troop, or Company of His Majesty's Forces, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as Agent to some

some Regiment, Troop, or Company, who shall take, accept, or receive any Commission, Sum of Money, or Reward for any Negotiation relative to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, or who shall negotiate, bargain for, or receive for his own Use, or for the Use of any other Person or Persons, any Sum of Money or other Consideration above the Amount of the Price allowed by His Majesty's Regulations for the Purchase, Sale, or Exchange of any such Commission, or any Sum of Money or other Consideration where no Price shall be allowed by His Majesty's Regulations, shall for every such Offence forfeit the Sum of One hundred Pounds, and Treble the Value of such Sum of Money or other Consideration as he shall negotiate, bargain for, or receive above the Amount of the Price allowed by His Majesty's Regulations for such Commissions, in such Cases where any Price shall be allowed by His Majesty's Regulations, or Treble the Value of the Sum or other Consideration negotiated, bargained for, or taken and received, in such Cases in which no Price shall be allowed by His Majesty's Regulations.

Paymasters, &c. to account with Executors.

CXLI. Provided always, and be it enacted, That every Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors or Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier by him or them received, shall, on reasonable Demand made by any such Executor or Administrator, deliver a just and true Account to such Executor or Administrator of such Sum or Sums of Money as he or they shall have so respectively received for such Officer or Soldier, and for which they ought so to account as aforesaid, such Executor or Administrator paying for the same, and shall account with such Executor or Administrator for the same; and that every such Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company offending herein, shall forfeit the like Penalties, to be recovered in like Manner as is appointed by this Act for such Colonels or Agents not giving due Accounts of or for the Pay of the said Officers or Soldiers to and for such Officers and Soldiers themselves.

Officers, &c. of the Trains of Artillery, &c. subject to this Act.

CXLII. And whereas it may be doubted whether the Officers and Persons serving in the Royal Artillery, and the Persons hired to be employed in the Trains of Artillery, or the Officers serving in the Corps of Royal Engineers, or the Persons hired to be employed in the Department of the said Engineers, of the Officers and Persons serving in the Corps of Royal Military Surveyors and Draftsmen, or the Corps of Royal Sappers and Miners, or the Master Gunners, and Gunners under the Ordnance, be within the Intent and Meaning of this Act; it is hereby enacted, That the Officers and Persons serving and hired to be employed, or who shall serve and be hired to be employed in the Royal Artillery, and in the several Trains of Artillery, and in the Department of the Royal Engineers, and all Officers serving or who shall serve in the Corps of Royal Engineers, and all Officers and Persons serving or who shall serve in the Corps of Royal Military Surveyors and Draftsmen, or in the Corps of Royal Sappers and Miners, and all Master Gunners, and Gunners who now

are or shall be under the Ordnance, shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act during the Continuance of the same, and shall be quartered and billetted, together with the Horses employed for the Service of the said Corps, in the same Manner and under the same Penalties and Regulations as are directed by this Act to be observed in quartering and billetting the Officers, Soldiers, and Horses of His Majesty's other Forces; and all Innkeepers and others on whom the Officers and Persons serving in the said Corps, and the Horses employed therein, shall be legally quartered, refusing to receive and provide for them as is directed for the Officers, Soldiers, and Horses in His Majesty's other Forces, shall be subject to the same Penalties as in the Case of His Majesty's other Forces.

Persons employed in the Commissariat, &c. liable to the Provisions of this Act while serving with the Forces.

CXLIII. And whereas Doubts have arisen whether Officers and Persons commissioned or employed in the Commissariat Department, or in the Office of Storekeeper to His Majesty's Regular Forces, be within the Intent and Meaning of this Act; be it enacted, That all Officers and Persons who are or shall be commissioned or employed in the Commissariat Department, or as Storekeeper, or under the Storekeeper General, who are or shall be serving with any Part of His Majesty's Forces at Home or Abroad, and are or shall be placed under the Command of any General or other Officer having Commission from His Majesty, shall be, to all Intents and Purposes, liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the Case of His Majesty's other Forces.

Storekeepers and other Civil Officers liable to the Provisions of this Act.

CXLIV. And whereas it is expedient that the Provisions of this Act should be extended to the Storekeepers and other Civil Officers acting under the Ordnance at Foreign Stations; be it therefore enacted, That all Storekeepers, and other Civil Officers, who are, shall be employed by, or act under the Ordnance, at any of His Majesty's Ordnance Establishments at Foreign Stations, shall be to all Intents and Purposes liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the Case of the other Officers and Persons acting under the Ordnance herein-before made liable to this Act.

Securities entered into by such Storekeepers, &c. not to be affected.

CXLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be any ways construed to extend to affect or make void any Bond or other Security which has been or shall be given or entered into by such Storekeepers or other Officers and their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Troops raised or serving in His Majesty's

CXLVI. And whereas great Mischief and Inconvenience may arise if it should be doubted whether Troops in Pay, raised or serving in any

Provinces, &c. acting in conjunction with His Majesty's other Forces, liable to the same Martial Laws.

any of His Majesty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Possession of or occupied by His Majesty's Subjects, or any Forces of His Majesty, are, while under the Command of any Officer having any Commission immediately from His Majesty, liable to the same Rules and Articles of War, and the same Penalties and Punishments, as His Majesty's other Forces are subject to: To prevent such Mischief, and remove all Doubts, be it declared and enacted, That all Officers and Soldiers of any Troops being mustered and in Pay, which have been or are or shall be raised or serving as aforesaid, shall at all Times and in all Places be liable to Martial Law and Discipline, in like Manner to all Intents and Purposes as His Majesty's other Forces are, and shall be subject to the same Trial, Penalties, and Punishments.

Officers and Soldiers of such Troops sent over to Great Britain or Ireland, to be quartered and billetted as His Majesty's other Forces.

CXLVII. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, are frequently sent over to *Great Britain* or *Ireland* in a very distressed Condition: And whereas their Pay is not sufficient to provide them with necessary Lodgings and Accommodations; be it therefore enacted, That it shall be lawful for the Constables and other Civil Magistrates within *England*, *Ireland*, *Wales*, and Town of *Berwick-upon-Tweed*, to quarter and billet the Officers and Soldiers of such Troops in all such Houses as are liable by this Act to receive the Officers and Soldiers of His Majesty's other Forces; and the said Constables and other Civil Magistrates are hereby required to quarter and billet the Officers and Soldiers of such Troops in the same Manner and under the same Regulations and Penalties as are directed by this Act to be observed in quartering and billetting the Officers and Soldiers of His Majesty's other Forces; and all Persons on whom the Officers and Soldiers of the said Troops shall be legally quartered, refusing to receive and provide for them as is directed for the Officers and Soldiers of His Majesty's other Forces, shall be subject to the same Penalties as in the Case of His Majesty's other Forces.

Negroes purchased, and serving in the Forces, shall be deemed free.

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

Certain Provisions of this Act not to extend to Negroes purchased by or on account of His Majesty.

CXLIX. Provided always, and be it further enacted, That nothing in this Act contained as to enlisting for any limited Periods of Service, or contained in any other Act as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged after certain Periods of Service, shall extend or be deemed or construed in any Manner to extend to any Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces.

CL. And be it further enacted, That this Act shall extend to all Serjeants and Non-commissioned Officers or Persons employed on the Recruiting Service, receiving any regular Pay in respect of such Service; and all such Serjeants and Non-commissioned Officers and Persons employed on the Recruiting Service, receiving any regular Pay in respect of such Service, shall be liable to Martial Law and Discipline, in like Manner to all Intents and Purposes as His Majesty's other Forces, and be subject to the same Trial, Penalties, and Punishments.

Persons employed on Recruiting Service, and receiving regular Pay, subject to the Provisions of this Act.

CLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be in anywise construed to extend to concern any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, excepting only in such Case wherein by any Act or Acts for regulating any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, the Provisions contained in this Act, or in any Act for punishing Mutiny and Desertion which shall be then in force, are extended and meant to take place in respect to the Officers and Soldiers of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* and *Ireland*; and also except so far as relates to the Mustering of the said Militia Forces, according to the Provisions herein-after mentioned.

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

Exceptions.

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

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

CLIII. And be it further enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial; and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

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

CLIV. And

Persons taking a false Oath guilty of Perjury.

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

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

CLV. And be it further enacted (except in *Scotland*, as herein-after provided), That if any Action, Bill, Plaint, or Suit shall be brought against any Person or Persons, for any Act, Matter, or Thing to be acted or done in pursuance of this Act, it shall and may be lawful to and for all and every Person and Persons sued as aforesaid, to plead thereunto the General Issue, that he or they are Not Guilty, and to give such Special Matter in Evidence to the Jury which shall try the Issue, which Special Matter being pleaded had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants or the Trespass or other Matter laid to his or their Charge; and if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof, that in every such Case the Justice or Justices, or such other Judge before whom the said Matter shall be tried, shall by force and virtue of this Act allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit; for which the said Defendant or Defendants shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to the Defendants.

Treble Costs.

In what Courts Suits shall be brought.

CLVI. And be it further enacted, That every Bill, Plaint, Action, or Suit, against any Person or Persons for any Act, Matter, or Thing to be acted or done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

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

CLVII. And be it further enacted, That if any Action shall be raised or Complaint shall be preferred against any Person or Persons in *Scotland*, for any Act, Matter, or Thing to be acted or done in pursuance of this Act, such Action shall be raised and Complaint preferred in the Court of Session; and if such Court shall see fit to assoilzie the Defendant, or dismiss the Complaint, the Defendant or Defendants shall have Treble Costs awarded to him or them by the said Court.

Limitation of Actions.

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

CLIX. And

Offences against former Mutiny Acts punishable by this Act.

CLIX. And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts made in *Great Britain* and *Ireland* respectively for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, be it further enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, shall and may, during the Continuance of this Act, be inquired of, heard, tried, determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this Act may be inquired of, heard, tried, determined, adjudged, and punished; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same, but it shall be lawful to proceed to Judgment upon any such Trial, and to carry such Judgment into Execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act.

Limiting the Liability of Trial, &c. for Offences against former Acts.

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

Form of Conviction.

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

'County of } 'BE it remembered, That on the Day of in the Year of our Lord at
'in the County aforesaid, *A.B.* came before me [*or* us]
'One [*or* Two] of His Majesty's Justices of the Peace
'in and for the said County, and informed me [*or* us]
'that *G.H.* of on the Day
'of now last past, at
'in the said County, did [*here set forth the Fact in the*
'*Manner described in the Statute*]; whereupon the said
'*G.H.*, after being duly summoned to answer the said
'Charge, appeared before me [*or* us] the said Justice
'[*or* Justices] on the Day of
'at in the said County, and having heard

'the Charge contained in the said Information, declared 'that he was not guilty of the said Offence; but the 'same being fully proved upon the Oath of *I.K.* a cre- 'dible Witness, it manifestly appeared to me [*or* us] the 'said Justice [*or* Justices] that he the said *G.H.* is guilty 'of the said Offence charged upon him in the said In- 'formation: ~~It is therefore con~~sidered and adjudged by 'me [*or* us] the said Justice [*or* Justices] that he the 'said *G.H.* be convicted, and I [*or* we] do hereby con- 'vict him of the Offence aforesaid; and I [*or* we] do 'hereby declare and adjudge that the said *G.H.* hath 'forfeited the Sum of for 'the Offence aforesaid, to be distributed as the Law 'directs, according to the Statute in that Case made and 'provided.

'Given, *et cetera*.'

Continuance of Act.

CLXII. And be it further enacted, That this Act 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*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, 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; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *June* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *June* One thousand eight hundred and twenty-nine; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, 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; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* and *Bourbon*, and Islands thereto belonging, *Saint Helena*, and the Western Coast of *Africa*, from the Twenty-fifth Day of *October* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *October* One thousand eight hundred and twenty-nine; and shall be and continue in force in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and twenty-nine, to the Twenty-fifth Day of *November* One thousand eight hundred and thirty.

Act may be altered this Session.

CLXIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

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SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am *or* have been (*as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, et cetera*], and that I am of the Age of Years; that I do not belong to the Militia, or to any other Regiment, or to His Majesty's Navy or Marines; and that I will serve His Majesty, His Heirs and Successors, for the Period of [*This Blank to be filled up by the Magistrate, with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years of Age, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require my Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty: Provided always, that in the latter Case the said additional Period shall determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any Definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be*] Years.

SCHEDULE (B.)

FORM OF OATH.

I do make Oath, That I am *or* have been (*as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, et cetera*], and that I am of the Age of Years; that I do not belong to the Militia, or any other Regiment, or to His Majesty's Navy or Marines; and that I will serve His Majesty, His Heirs and Successors, until I shall be legally discharged.

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SCHEDULE (C.)

FORM OF JUSTICE'S CERTIFICATE.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice; and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve His Majesty King *George* the Fourth, His Heirs and Successors, in the Regiment of commanded by and did engage to serve for the Period of [*This Blank to be filled up by the Magistrate with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require his Services, and also for such further Period as His Majesty shall please to direct, not to exceed in any Case Three Years, and to determine whenever Six Months shall have elapsed of continued Peace subsequent to the Expiration of the Term of [Seven, *or* Ten, *or* Twelve] Years: And I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and that he took the Oath of Fidelity mentioned in the said Articles of War, and also the Oath above set forth, and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHE-

SCHEDULE (D.)

FORM OF JUSTICE'S CERTIFICATE.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve His Majesty King *George* the Fourth, His Heirs and Successors, in the Regiment of commanded by until he should be legally discharged: And I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and that he took the Oath of Fidelity mentioned in the said Articles of War, and also the Oath to the Effect above set forth, and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHEDULE (E.)

OATH OF ALLEGIANCE, 39 *Geo.* III. Cap. 109.

I being enlisted to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in my Duty bound, defend Him in His Person, Crown, and Dignity, against all His Enemies; and that so long as I shall remain in His Majesty's Service I will duly observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty; and that if His Majesty shall please to appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

SCHEDULE (F.)

to wit. } I One of His Majesty's Justices of the Peace of certify, That , aged Years, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and , and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve either in His Majesty's Army or in the Forces of the *East India* Company, according as His Majesty shall think fit to order: And I further certify, That in my Presence, the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him; and that he took the Oath of Allegiance prescribed by the Act of the 39 *Geo.* III. *c.*109. to be taken instead of the Oath of Fidelity mentioned in the said Articles of War, and also the Oath above set forth; and that he received the Sum of on being attested.

SCHEDULE (G.)

I being enlisted to serve in the [Infantry *or* Artillery, *as the Case may be*] of the *East India* Company, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in Duty bound, defend him in His Person, Crown, and Dignity, against all His Enemies; and I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

SCHEDULE (H.)

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

SCHEDULE (I.)

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appeared to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice legally bound so as to prevent his enlisting, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve the United Company of Merchants of *England* trading to the *East Indies*, and did engage to serve for the Period of [*This Blank to be filled up by the Magistrate either until discharged or for Years, as in the preceding Form of Enlistment*] ; and I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and he took the Oath of Fidelity mentioned in the Act of the Fiftieth Year of His late Majesty King *George* the Third, and also the Oath above set forth ; and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHEDULE (K.)

FORM OF MASTER'S OATH.

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

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

SCHE-

SCHEDULE (L.)

FORM OF JUSTICE'S CERTIFICATE.

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

SCHEDULE (M.)

FORM OF OATH.

I do hereby make Oath, That I have not applied any Money or Stores, or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person, by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, and according to the Duty of my Office.

Sworn before me by the within-named }
this Day of }

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

SCHE-

SCHEDULE (N.)

DESCRIPTION RETURN of committed to Confinement at on the Day of
as a Deserter from the Battalion of the Regiment of

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

_____ *Signature and Address of Magistrate.*

_____ *Signature of Prisoner.*

_____ *Signature of Informer.*

* Insert "is" or "is not," as the Case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active Service.

_____ *Signature of Surgeon.*

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

SCHEDULE (O.)

NOTICE.

ANY Man who is enrolled in the Militia, and who, upon offering to enlist into the Army denies that he belongs to the Militia, is liable upon Conviction before a Magistrate to be committed to Prison for Six Months, over and above any other Penalty or Punishment which he may thereby incur for obtaining Money on false Pretences.

DECLARATION OF THE RECRUIT.

I do hereby acknowledge, That the above Notice has been read over to me, and that I was strictly questioned by † whether I did or did not belong to the Militia, and that I answered that I did not. I also hereby declare, that I did not then and do not now belong to the Militia.

_____ { *Signature of Recruit.*

Signed in my Presence_____

Justice of the Peace.

† This Blank to be filled up by the Name of the Non-commissioned Officer or Man who actually enlisted the Recruit.

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