CAP. XII.

An Act to amend an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in* Ireland, *in certain Cases.* [21st *March* 1857.]

'WHEREAS by Sections LXVIII., LXIX., and LXX., respectively, of the Act 9 *George* IV. Chapter LXXXII., certain Penalties, Forfeitures, and Disqualifications are imposed on Persons acting as Commissioners under the said Act, or as Clerks or Treasurers to such Commissioners, in case they shall be interested in or hold any Employment in connexion with any Contract entered into with such Commissioners: And whereas it is expedient to exempt from the said Provisions of the said Act Persons becoming Shareholders in or holding Offices or Employments in any Joint Stock Company which may contract with the Commissioners of any Town for the Supply of Water or Gas thereto, or otherwise for the Improvement thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Provisions of Act 9 G. 4. c. 82. (Ireland) not to affect Proprietors in Joint Stock Companies having Contracts for lighting, &c. Towns subject to said Act.

I. Notwithstanding anything to the contrary in the said recited Act or any other Act contained, no Person being a Commissioner for the Execution of the said recited Act, or a Treasurer or Clerk of any Commissioners acting under the said recited Act, shall from and after the passing of this Act be subject or liable to any Forfeiture, Loss of Office, Disqualification, or Penalty, by reason of such Person being a Proprietor of a Share or Shares or a Holder of any Office or Employment in any Joint Stock Company which may have made or may make or enter into any Contract with the Commissioners of such Town acting under the said Act, and no Contract entered into between any such Company and such Commissioners shall be void or voidable by reason of any such Commissioner, Clerk, or Treasurer being interested in such Company as a Shareholder or Officer in the same.

No Commissioner, &c., holding Office to take part or vote in any Contract, &c.

II. Provided always, That no Commissioner interested as a Shareholder or holding any Office or Employment in any Company shall at any Meeting of the Commissioners take part in or vote upon any Arrangements or any Contract with such Company.

CAP. XIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [21st *March* 1857.]

'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 adjudged necessary by Her 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 Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and twenty-six thousand seven hundred and ninety-six Men, exclusive of the Officers and Men belonging to the Regiments and other Corps 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 Corps: 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 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 Her Majesty's Service, or be guilty of Crimes and

Numbers 126,796 Men.

'Offences to the Prejudice of good Order and Military Discipline, be brought to a more 'exemplary and speedy Punishment than the usual Forms of the Law will allow:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to be kept in Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to Transportation or Penal Servitude or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers or the Corps of Royal Sappers and Miners, or in the Corps of Royal Military Surveyors and Draftsmen, or in the Field Train or Medical Staff Corps, or serving as Army Schoolmasters, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Military Storekeepers and all Civil Officers who are or shall be employed by or act under the War Department at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as 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 Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

IV. All

Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

IV. All Officers and Soldiers of any Troops mustered and in pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia and Yeomanry Corps.

V. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

As to General Courts-martial convened in Saint Helena, &c.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian Colonies*, *Hong Kong*, or the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward* Islands, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope*, or other Settlements in Southern *Africa*, or in any Place out of the Queen's Dominions, excepting the *Ionian Islands* and the Places herein-before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and every such General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and every such District or Garrison Court-martial shall have the same Power as a General Court-martial to sentence any Soldier

to

to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Transportation or Penal Servitude.

Regimental or Detachment Courts-martial.

IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships, &c.

X. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

As to Courts-martial in special Cases out of the Queen's Dominions.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to 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.

As to Appointment of mixed Courts-martial in Cases of Trials of Marines and Soldiers of the East India Company.

XII. Where it is necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of such Act as shall be in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of such Act as shall be in force for the Amendment of the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

As to Presidents of Courts-martial.

XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, the Officer convening such Court may be the President thereof.

XIV. In

Proceedings at Trials.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so as aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; 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.

As to swearing and summoning of Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions may be put in Evidence before passing Sentence.

XVI. After any Person subject to this Act has been found guilty of any Charge or Charges, the Court before which any such Person shall have been tried may, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such

such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book, or the Defaulter Book of the Regimental Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment or other Corps by the Clerk of any such Court or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of Proceedings of General and District Courts-martial to be transmitted to Judge Advocate General.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence per Folio of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Six Months after the Trial, if the same took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial for the same Offence, but Revision may be allowed.

XVIII. No Officer or Soldier, who shall be 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; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her 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 hold Correspondence with or give Advice

or

or Intelligence to any Rebel or Enemy of Her 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 Her Majesty's Licence or Licence of the General or Chief Commander; 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 have been 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 desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her 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: Provided always, that any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment, Corps, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Corps, Troop, or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Judgment of Death may be commuted for Transportation or other Punishments.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or may sentence him to be kept in Penal Servitude for any Term not less than Four Years: Provided always, that in all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution to order the Offender to be transported as a Felon, either for Life or for any Term of Years, not less than Fourteen, or to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies* or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

Embezzlement punishable by Transportation or Penal Servitude.

XXII. Any Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any Term of Years not less than Fourteen, or to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage

sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered; and every Commissioned Officer sentenced to be transported as a Felon or to be kept in Penal Servitude, when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

As to Execution of Sentences of Transportation or Penal Servitude in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation or Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation or Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation or Penal Servitude of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported or to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Transportation or Penal Servitude; and from the Time when such Order of Transportation or Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape, or returning without Leave, of any such Offender; and the Judge who shall make any Order of Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Transportation or Penal Servitude was made; 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 or Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Transportation or Penal Servitude in the Colonies.

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Transportation or Penal Servitude, the same shall be notified by the Officer commanding

commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender, in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall undergo the Sentence of Transportation or Penal Servitude which shall have been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Transportation or Penal Servitude, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour, and Solitary Confinement not exceeding the Period herein-after prescribed.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods herein-after prescribed.

Power to commute Corporal Punishment for Imprisonment, &c.

XXVII. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods herein-after prescribed, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods herein-after prescribed, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes.

Court-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.

XXVIII. Any General Court-martial may, in addition to any other Punishment whatsoever which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, or to Forfeiture of the Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, according to the Nature of the Case; and any District or Garrison

Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,—

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service:

In tampering with his Eyes with Intent thereby to render himself unfit for the Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on being found guilty of Desertion, &c. or on Conviction for Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, or of tampering with his Eyes, with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence of Court-martial, or for Debt, &c.;

or during Absence on Commitment under a Charge, or whilst in Arrest for Debt; or when Prisoner of War until Inquiry shall be made;

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall

be

be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

or when convicted of Desertion or of Absence without Leave; or when absent without Leave, not exceeding Five Days.

Proviso.

XXXI. Any Court-martial may sentence any Soldier for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award.

Forfeiture of Pay for Drunkenness on Duty.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Stoppages.

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever occasioned by his wilful or negligent Misconduct:

Any

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal for Service in the Field or for general good Conduct which may have been granted him by Order of Her Majesty or by Order of the *East India* Company, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power to discharge Soldiers with Ignominy.

XXXIV. Whenever any Soldier shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for Her Majesty, or if in the *East Indies* for the Officer commanding in chief the Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Marking Deserters.

XXXV. On the first and on every subsequent Conviction for Desertion the Court-Martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than 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.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall exceed Three Months the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to such Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

As to Imprisonment of Offenders

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, or of Transportation, passed

passed upon him by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment, Penal Servitude, or Transportation for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment, Penal Servitude, or Transportation to which he shall have been so previously sentenced, although the Aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

already under Sentence for previous Offences.

XXXVIII. Save as herein-before specially provided, every Term of Penal Servitude, Transportation, or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Terms and Places of Imprisonment under Sentences of Courts-martial.

XXXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison, and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Regulations as to Military Prisons.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without

As to the Custody of Prisoners under Military Sentence in Common Gaols.

without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

XLII. The Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment of Soldiers in Common Gaols.

XLIII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters and Punishment for false Musters.

XLIV. Musters shall be taken of every Regiment, Corps, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Officer, or Soldier, or other Person liable to be mustered shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who 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, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Officers, Soldiers, or other Persons, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be sentenced to be cashiered; provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead

of

of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Trials for Desertion after subsequent Re-enlistment.

XLV. Every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps and be a Deserter therefrom, and whether such Soldier shall be tried for deserting from the Corps to which he may of right belong, or for deserting from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters in the United Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps or to the Party of his Regiment or Corps in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in the Colony, or if the Regiment or Corps be in the Colony, the Justice may deliver him into

In the Colonies.

Custody at the nearest Military Post, if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

As to the temporary Custody of Deserters in Gaols.

XLVII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority, on 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, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

XLVIII. Any Recruit who shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments or Corps, and all Infantry Recruits to Infantry Regiments or Corps; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Provision as to fraudulent Confession of Desertion.

XLIX. Any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland* of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England*, as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Furlough in case of Sickness.

L. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs

30*l.* and upwards.

of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and bonâ fide Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l*, or for not maintaining their Families, or for Breach of Contract.

Officers not liable to take Parish Apprentices.

LIII. No Officer of Her 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.

Officers not to be Sheriffs or Mayors.

LIV. No Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included) after his having received the Enlisting Money,

Money, Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Recruit shall have been enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. Any Recruit so appearing before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and upon his returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit after his Enlistment, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Recruit shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Period of Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary-at-War and Inspecting Field Officer of the District, shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive Enlisting Money (knowing it to be such) from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and to be a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished

punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter.

Further Offences connected with Enlistment.

LVIII. Any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Recruit shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought before them, and shall be proved upon Oath upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have concealed any such Infirmity, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Recruit, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, 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 Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and of the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

sufficient Evidence of such Recruit having represented the several Particulars as stated in the Oath sworn by him; and Proof upon Oath that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged without Production of any Roll or other Document to prove the same; and the Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, 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 Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted, or to the Navy into which he shall have entered: Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her 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, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse to join and serve in such Corps, or in the Navy as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LIX. Every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LX. 'And whereas it is expedient that Provision should be made for enlisting and attesting ' of Soldiers desirous of re-enlisting or of enlisting abroad:' Be it enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest,

attest, or for any Justice of the Peace or Magistrate acting for the Place of such Enlistment, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LXI. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of Apprenticeship.

LXII. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Service or in the *East India* Company's Service, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Forces; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if 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 *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of 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 in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been

Claims of Masters to Apprentices.

been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer, shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

LXIII. No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the 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: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Wages of Servants enlisting.

LXIV. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. 'And whereas certain Soldiers who have heretofore been duly enlisted, and who 'have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her 'Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices 'before whom the said Soldiers have been so sworn and attested were duly qualified to 'administer to such Soldiers the Oaths prescribed by the several Acts passed for punishing 'Mutiny and Desertion and for the better Payment of the Army and their Quarters:' In every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of any such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof,

thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-seven, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it until Her Majesty's Orders shall have been signified by the Secretary-at-War.

Suspending Operation of certain Acts herein recited.

LXVII. 'And whereas by 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 'burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of 'the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the 'Second, for granting a Supply to His Majesty of Two hundred and six thousand four 'hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and dis-'banding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other 'Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon 'any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, 'without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to 'quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas 'by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen 'Anne, Chapter Fourteen, Section Eight, 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 enacted, 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 or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant 'of any such Officer, should at any Time thereafter have received or be allowed any Quarters 'in any Part of *Ireland*, save only during such Time or Times as he or they should be on 'their March as in the same Act is before mentioned, or during such Time as he or they 'should be and remain in some Seaport Town or other Place in the Neighbourhood of a 'Seaport 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 One Part of *Ireland* to 'another:' But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

6 Anne, c. 14. s. 8. (I.)

Certain Requirements of 6 Anne, c. 14. (I.) as to billeting in Ireland, not now necessary.

LXVIII. 'And whereas by the Eleventh Section of the said Act of the Sixth Year of 'the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil 'Magistrate or Constable should be obliged to find Quarters for or give Billets to more or 'other Soldiers than those only whose true Christian and Surnames should be delivered to 'him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers 'at the Time such Quarters or Billets should be desired, and that all such Names should be 'written together and delivered in One Piece of Paper, signed as aforesaid, and that the 'Christian and Surnames of every Soldier to be quartered or billeted, together with the Name

'Name of the Person on whom he or they should be billeted or quartered, should be given 'in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be 'contained in the Billet given by such Civil Officer: And whereas it has been found incon- 'venient and difficult to comply with all the Requirements of the said Enactment:' It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

LXIX. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required to billet the Officers and Soldiers in Her Majesty's Service, and Out-Pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be madé out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no

Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses.

Billeting the Guards in and near Westminster.

LXX. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, 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; and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXXI. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXXII. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other

other Persons on whom Soldiers may be billeted in *Great Britain*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Penny Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain*, for Oats, Hay, and Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate 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*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, pay the Constable of the Parish or Place a Sum of Money sufficient to settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, together with a further Sum of One Shilling for every Pound or Part of a Pound due to such Victuallers or other Persons as a Compensation to such Constable for his Trouble in the Matter, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officers shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (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 Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and any Constable who shall wilfully and without reasonable Cause omit to pay over to such Victuallers or other Persons any Money paid to him for the Purpose of paying the same over as aforesaid, within the Space of Forty-eight Hours after the Receipt of the same by him as aforesaid, shall be liable, on Conviction thereof before any Justice of the Peace, to a Penalty not exceeding Five Pounds over and above the Amount so paid to him, and not paid over by him as aforesaid; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LXXIII. All the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed*, and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *Great Britain* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other

Powers and Regulations as to Billets.

other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Exemptions from Billets.

Supply of Carriages.

LXXIV. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny per Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile

Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to 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.

Supply of Carriages in Cases of Emergency.

LXXVI. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post-chaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River,

River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each 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 for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVII. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Second and Third Years of the Reign of Her present Majesty, Chapter Sixty-five.

Routes in Ireland.

LXXVIII. 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 in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXIX. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXXX. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only half the ordinary Rate for such Boat.

LXXXI. Every

Marching Money on Discharge.

LXXXI. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the Sunday next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXIII. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate of such Conviction containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXIV. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXV. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXVI. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVIII. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXIX. Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

XC. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Article not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without

without Hard Labour, for any Time not exceeding One Calendar Month, or if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentence; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons, so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

XCI. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

XCII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description

Penalty on purchasing Soldiers Necessaries, Stores, &c.

tion herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets;

XCIII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to 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; or shall neglect or refuse to 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, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Twelve Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, for themselves, or for their Horses or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any Enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier, or a Recruit,

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or Carriages;

Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings. and on Persons personating Soldiers, &c.

XCIV. If any Military Officer shall take upon himself 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 Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person any Money or Reward for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings. Penalties upon the Military so offending.

XCV. For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds. Penalty on killing Game without Leave.

XCVI. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything 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 anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court whatsoever. Form of Actions at Law.

XCVII. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice Recovery of Penalties.

Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria* intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XCVIII. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War.

5 & 6 W. 4. c 76.

Mode of recording a Soldier's Settlement.

XCIX. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any 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 Soldier shall not be obliged to take any other 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; provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Licences of Canteens.

C. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also

also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Excisable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

CI. All Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Commissaries to attest their Accounts.

CII. All Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army to which any such Commissary shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

CIII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Offences against former Mutiny Acts and Articles of War.

CIV. All Crimes and Offences which have been committed against any former 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, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or 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 Date of the 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.

Certain Soldiers to be deemed to have been duly attested.

CV. 'And whereas it may be doubtful whether certain Soldiers who have been enlisted 'for the Medical Staff Corps, the Land Transport Corps, the Army Works Corps, and the 'Military Train, and as Schoolmasters and Armourer Serjeants, and who have voluntarily 'taken the Oath of Allegiance and Fidelity, and are now receiving Military Pay, have been 'attested in entire Accordance with the Forms prescribed by the Statutes now in force 'relating to Enlistment:' It is hereby provided, That in every Case where any such Soldier having been duly enlisted shall not have claimed to be discharged on or before the Sixteenth Day of *March* One thousand eight hundred and fifty-seven, he shall not be entitled to his Discharge by reason of such Informality in his Attestation, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested.

CVI. 'And

Alterations in the Forms of Attestation.

CVI. 'And whereas it is expedient to make certain Alterations in the Forms of Attestation 'prescribed by the several Statutes now in force relating to Enlistment:' It is hereby provided, That the Question directed to be put on the Attestation of Recruits as to their Willingness to serve, as set forth in the Schedule annexed to the Statute Ten and Eleven *Victoria*, Chapter Thirty-seven, intituled *An Act for limiting the Time of Service in the Army*, and in the Schedule to the several Acts heretofore passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

10 & 11 Vict. c. 37.

Duration of this Act.

CVII. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-seven inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-eight; 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 *May* One thousand eight hundred and fifty-seven inclusive until the First Day of *May* One thousand eight hundred and fifty-eight; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-seven inclusive until the First Day of *August* One thousand eight hundred and fifty-eight; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-seven inclusive to the First Day of *September* One thousand eight hundred and fifty-eight; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-eight inclusive until the First Day of *January* One thousand eight hundred and fifty-nine; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-nine inclusive until the First Day of *February* One thousand eight hundred and sixty: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

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

YOU shall duly administer Justice according to the Rules and Articles for the better Government of Her 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 your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, 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 due Course of Law. So help you GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any Account 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; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.
So help me GOD.

NOTICE to be given to a RECRUIT, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but no sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ 185 .

you enlisted with at o'Clock* on the Day of for the Regiment [*instead of the Words* "for the Regiment," *any Words may be substituted which are applicable to the Case*], and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits? or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*instead of the Words* "in the Regiment of" *any Words may be substituted denoting the particular Corps or Service in which the Recruit is willing to serve; the Blank after the Words* "Term of" *to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?
13. Do you belong to any Regiment or Corps in Her Majesty's Army, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?

---

* A.M. or P.M., as the Case may be.

15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

NOTE.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Months if attested and to Fourteen Days Imprisonment if he is not attested, and if he belong to the Naval Coast Volunteers he is liable under the Act 16 & 17 Victoria, c. 73. to Imprisonment for Six Months, and his Enlistment will be null and void.

Enlisting for the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in the East India Company's* for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of Recruit.*

_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice _____

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said 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.

CERTIFICATE to be given by the JUSTICE.

to wit. } I of One of Her Majesty's Justices of the Peace do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite

* The Blank to be filled up with the Words Infantry, Cavalry, or Artillery, as the Case may be.

to

to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army; and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of Justice.*

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be,*) in Captain Company in the Regiment [*the foregoing Portion of this Declaration may be altered to suit each particular Case*]; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be,*] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

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

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her 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

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.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer 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.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies 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, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

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

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

No.

No. .

DESCRIPTION RETURN of who was apprehended [*or*, "surrendered himself," *as the Case may be*,] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

Age - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where -	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended -	
* Particulars in the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds - - - -	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

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

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

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

I certify, that I have inspected the Prisoner and consider him‡ for Military Service.

——— *Signature of Military Medical Officer, or of ‖ Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.