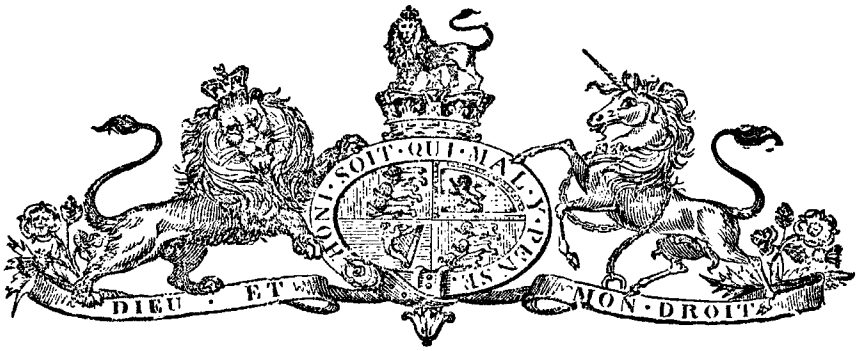



ANNO VICESIMO PRIMO

# VICTORIÆ REGINÆ.

***

Order and 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:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) 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 be subject 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 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.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, 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 notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the

the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm. Limitation as to Time.

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 to the Provisions for Trial and Punishment of Officers and Marines 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 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, Medals for Good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines 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. Provisions of this Act to extend to Jersey, &c.

IV. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, The ordinary Course of Law not to be interfered with.

shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

V. 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 Marine by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division, to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the 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 Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under

under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself 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 Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any 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 other Place where he may have come or 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.

VIII. A General Court-martial convened in *St. Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the

the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, or the Settlements on the Coast of *China*, 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 hereinbefore 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, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. 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 Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Divisional and Detachment Courts-martial.

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

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

XI. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer

Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

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

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces 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 Her Majesty's Royal Marine Forces are so serving by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIII. Where it is necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by

by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same; Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by the Authority convening such Courts, 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 where a Field Officer cannot be had, nor in any Case whatsoever 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 Divisional or Detachment Court-martial holden on the Line of March, or on board a 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.

Proceedings at Trial.

XVI. 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 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 be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President

and

and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate 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.

Swearing and summoning Witnesses.

XVII. 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, or the Person officiating as such, 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, attending upon, or returning from or attending upon 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 not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence 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, Sheriff or Stewart Courts in *Scotland*, or in the 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 had, after being duly summoned or subpœnaed, neglected to attend on 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 to be put in Evidence.

XVIII. 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, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may 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 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 Divisional or Company's Defaulters Book, 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 or any of them, 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 Division 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 provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, 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

stances 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; and 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 Courts-martial.

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; 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, but Revision allowed.

XX. No Officer or Marine 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 that 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.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any

any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall 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 any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or 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 Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person 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 Marine enlisted or in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

XXIII. When-

Commutation of Death for Penal Servitude or other Punishment.

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable by 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 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 by a 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 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 kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions, to the Officers commanding as aforesaid.

Embezzlement punishable by Penal Servitude, &c.

XXIV. Every Officer and other Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, 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 any of 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 kept in Penal Servitude 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 kept in Penal Servitude, when such Sentence shall be duly 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 Penal Servitude in the United Kingdom;

XXV. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be 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 Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of High Lord Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order

of

of Penal Servitude shall be made every Law and Statute 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, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of 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, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Also in the Colonies.

XXVI. Whenever any Sentence of 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 Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be 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 Penal Servitude or intermediate Custody of such Offender; 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

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, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or 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 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 Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively: Provided always, that in any Case where a Sentence of Penal Servitude 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 for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned with or without Hard Labour and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, for the same or such lesser Term as shall seem meet to Her Majesty, or if in the *East Indies* or out of Her Majesty's Dominions to the Officers commanding as aforesaid.

Disposal of Convict after Sentence of Penal Servitude.

XXVII. When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of

of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine 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.

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

Power to commute Corporal Punishment.

XXX. 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 the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the 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, 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, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXXI. Any General Court-martial may, in addition to any other Punishment which such Court may 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 any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former Good

Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment 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 Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for 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 tampering with his Eyes, with Intent thereby to render himself unfit for Service:

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 Marine Officer, or of any Marine 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, Marine, or Military:

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

**Forfeiture of Pay on Conviction of Desertion or Felony.**

XXXII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, 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 in *England*, amount to Felony, shall thereupon forfeit all

Advantage

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;

XXXIII. If any Non-commissioned Officer or Marine, 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 Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine 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 Marine 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 Marine 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 Marine who shall 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 Marine 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 Marine 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 Marine 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 Marine

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave not exceeding Five Days.

Marine 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 Marine 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 Marine shall be accordingly forfeited: Provided always, that such Marine 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 Marine 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 the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

**Forfeiture of Pay and Liquor for habitual Drunkenness.**

XXXIV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine 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 the said 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, that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a 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 in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

**Forfeiture of Pay for Drunkenness on Duty.**

XXXV. Any Court-martial may sentence any Marine 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

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.

Stoppages.

XXXVI. 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—

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

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

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

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or 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 or Decoration for Service or for general Good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, 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, Disposal of, or Destruction of, or Damage or Injury to, Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, 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 when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that after satisfying the Charges for his

messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXVII. Whenever any Marine 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 Marine, 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 the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or if in the *East Indies* for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to 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.

XXXVIII. 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 Armpit, 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.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine 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 Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine 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

Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Imprisonment of Offender already under Sentence for previous Offence.

XL. 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 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 or 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.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Penal Servitude, Transportation, or 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 Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. In the Case of a Prisoner undergoing or liable to Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, or elsewhere, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, 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

brought before a Court-martial either as a Witness or for Trial or otherwise; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, 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.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. 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 General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or 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 Marines 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 Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and 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 Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. 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 Marine 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 Marine during the Period of his Imprisonment Sixpence *per Diem* which

which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, 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 in Common Gaols.

XLV. 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 Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, previously direct that such Marine be delivered to some other Officer or Person, in which Case he shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine and the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of Two Shillings *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid,

shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.

XLVI. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

XLVII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be sentenced to be cashiered; provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead 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 Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

XLVIII. All

XLVIII. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk. Verifying of Muster Rolls.

XLIX. Every Marine 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 Marine shall be tried for deserting from the Corps to which he may of right belong, or 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. Trials for Desertion after subsequent Re-enlistment.

L. 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 Marine 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 Division 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) or Police Station legally provided as the 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 Marines 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 of the Apprehension of Deserters.

the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty 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 of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; 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 may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that 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 Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may deliver him into Custody at the nearest Military Post although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the 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 the Order of such Officer, and proceeded against according to Law.

**Penalty on Marines straggling or attempting to desert from Head Quarters.**

LI. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and

and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. 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 Marine 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 Admiralty, 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 the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIII. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer, or Sub-ordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, 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 Marine and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, 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 Session holden in the Seventh and Eighth Years of the Reign 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* 7 & 8 G. 4. c. 29. 9 G. 4. c. 55.

*Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty 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 Marine 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 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, 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 of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record 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 Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine 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.

LV. When

Extension of Furlough in case of Sickness.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an 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 immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, 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 Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l* and upwards;

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine 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 on account 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 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 Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever 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 Marine or Person might, if not in Her

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 in 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; 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 Marine 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 Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, 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 Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Marine Necessaries or Equipments of such Marine: 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, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, 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*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be

be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Enlisting and swearing of Recruits.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine 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 Hours, but not sooner than Twenty-four Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included,) after his having received the Enlisting 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 Marine 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, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have been enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, 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 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 several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such 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.

LX. 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 repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged 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 all such Money and Pay 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 of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been 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 to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. 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

six Hours be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the 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 the Secretary of the Admiralty, 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 shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, Militia, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, 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 Oath, Declaration, 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 any Bounty for entering into Her Majesty's Service, or any other Money,

shall

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 Session holden 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 or Declaration in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate 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 Evidence of such Recruit having represented the several Particulars as in the Oath sworn or Declaration made by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oath, Declaration, and Certificates, or either of them, before the Justice at the Time of the Attestation of the Person being prosecuted, 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 such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty 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, Ordnance, 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

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

upon Conviction thereof before any One 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, Ordnance, 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 who 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 of the United Kingdom, or before a Divisional or Naval Court-martial, 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 Forces, Army, Ordnance, or Marines, 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 of the Admiralty shall direct, or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for and during 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, be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces into which he has so enlisted or in the Navy into which he shall have entered: Provided also, that every such Person so enlisted shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted, and shall be subject to all the Provisions of this Act, or if he had entered the Navy, to the Law, Rules, Regulations, and Customs by which the Navy is governed, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines or from the Navy if he shall neglect or refuse to join and serve in the Marines or in the Navy as aforesaid.

Penalty on Officers offending as to Enlistment.

LXII. Every Marine 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 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.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship 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 Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be 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; nor 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 Years 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 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 shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any 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 shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven,

Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice 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.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXV. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and 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; 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 may deliver him to his Master.

Punishment of Apprentices enlisting.

Servants enlisting to be entitled to a Portion of their Wages.

LXVI. 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 if the same be not paid 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 Marines.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and

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 Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine 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 in the Twentieth Year of the Reign of Her Majesty for the Regulation of Her Majesty's Royal Marine Forces while on shore, 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 and sworn.

Admiralty may order Pay to be withheld.

LXVIII. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine 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 any One House;

House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* 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 Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made 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 Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in One and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines 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 a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines 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 Marines 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, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines 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 Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person or Persons having Stables and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper

Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or 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 Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, 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 Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

**Allowance to Innkeepers.**

LXX. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any 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 previously 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 Persons on whom Marines 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 Marines 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 such a Sum as the Lord High Admiral, or the Commissioners for executing the Office of

Lord

Lord High Admiral for the Time being, shall at any Time or Times direct, but not less than the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse, and in Ireland the Sum to be paid for Twelve Pounds of Hay and Eight Pounds of Straw to the Innholder or other Persons 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 in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days pay or cause to be paid the just Demands of all Victuallers or other Persons upon whom any Officers, Non-commissioned Officers, Marines, or Horses shall be billeted, or if they shall not remain so long as Four Days, or whenever they shall quit their Quarters, pay or cause to be paid to the Constable of the Parish or Place a Sum of Money sufficient to settle and discharge the just Demands in respect to Billet Money of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, together with a further Sum, at the Rate of One Shilling in the Pound, upon the Amount due to such Victuallers or other Persons for the Marines billeted upon them, as a Compensation to such Constable for his Trouble in the Matter, such further Sum to be repaid to the Officer or Non-commissioned Officer paying the same as aforesaid, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, shall at any Time or Times direct; and if any such Officer or Non-commissioned Officer 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 situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer; and any Constable who shall wilfully and without reasonable Cause omit to pay over to any such Victualler or other Person 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

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 of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Supply of Carriages.

LXXI. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (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 the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant 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 in case 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 residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages,

Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him 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, so far as the same can be done.

Rates for Carriages.

LXXII. 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 every 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 additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and 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, and 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 of the Admiralty 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 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 down the proper Sums into the Hands of the Constable 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 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 of Her Majesty's Service: Provided also, 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 that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines 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 Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting

acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors 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, Postchaises, 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 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, 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 Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

**Justices of Peace to direct Payment of Sums expended for Carriages, &c.**

LXXIV. 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 Moneys 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

such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act of the 2d and 3d Years of the Reign of Her present Majesty, Cap. 65.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXV. It shall be lawful for the said 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 Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LXXVI. All Officers and Marines being in proper Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, 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 employed in conveying any such Persons as aforesaid or their Baggage or returning from conveying the same, shall be exempted from the 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; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; 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 mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the

the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place 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, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave 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 such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine 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 Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine 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 demand more than the legal Rates for the same, 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 Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain*, and good and sufficient Hay and Straw in *Ireland*, for each Horse, in such Quantities and at such Rates as herein-before provided, 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 of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every 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 Marine or Marine 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.

Penalty upon Officers of Marines so offending.

LXXX. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, 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 *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any

any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, 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 Marine or Servant (except such as are sick) or any Woman to ride therein except in 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 shall be required, and can be done within a 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, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry.

LXXXI. Every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account

Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, 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 only, or 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 that 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 herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to 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.

Penalty on unlawful recruiting.

LXXXIII. 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 Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

LXXXIV. For

Penalty on Officers killing Game.

LXXXIV. For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, 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 within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

Limitations of Actions

LXXXV. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, 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

11 & 12 Vict. c. 43.

or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, 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 or Treble Value 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 other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; 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 Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

LXXXVII. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year 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 of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. It shall be lawful for any Two Justices of the Peace within their respective Jurisdictions, to grant or transfer any Licence for

for selling by Retail any Spirit, Beer, Wine, Cider, or Perry, to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any 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 grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required 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 so 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 as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice 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.

Administration of Oaths.

Perjury.

XC. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer

Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine 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.

Definition of Terms.

XCI. All Clauses 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 the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, 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, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines 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, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drunk in their Dwelling Houses or Premises, 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 Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of London admitted to their Freedom of that 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 Dealings shall be more in other Goods and Merchandise than

Marines not to be billeted in private Houses, &c.

than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Alterations in Forms of Attestations.

XCII. 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 10 & 11 *Victoria*, Ch. 63., intituled *An Act for limiting the Time of Service in the Royal Marine Forces*, and in the Schedule to the several Acts heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

Duration of Act.

XCIII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-nine inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man* and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-eight until the First Day of *May* One thousand eight hundred and fifty-nine inclusive; and within the Garrison of *Gibraltar* and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-nine inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-nine inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-nine inclusive.

## SCHEDULE referred to by this 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 Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, 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 a due Course of Law.

So help you GOD.

FORM of OATH of 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

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 Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday, Christmas Day, or Good Friday not being counted.

[*Date*] 185 .

you enlisted with at o'Clock* on the Day of 185 , for the Royal Marines, 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 Marine 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 separately put by the JUSTICE to a RECRUIT.

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 Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *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 Twelve Years*], 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?

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

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, Militia, or Navy, or in the Forces of the East India Company?
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?

* 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 Calendar Months, and to Fourteen Days Imprisonment if he is not attested; and if he belongs to the Naval Coast Volunteers he is liable, under the Act Sixteenth and Seventeenth Victoria, Chapter Seventy-three, to Imprisonment for Six Months, and his Enlistment will be null and void.

DECLARATION to be made by a RECRUIT on Attestation.

I _____ do declare, 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.

Declared before me, _____

_____ *Signature of Marine.*

_____ *Signature of Justice.*

OATH to be taken by a RECRUIT on ATTESTATION.

I do 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 the Recruit.*

_____ *Witness present.*

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

_____ *Signature of the Justice.*

CERTIFICATE

CERTIFICATE to be given by the JUSTICE.

Description of
Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
*Any Distinctive Mark.*

to wit. } I One of Her Majesty's Justices of the Peace at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, 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 [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate, signed with my Name.

*Signature of the Justice.*

---

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; 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, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], 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 Marine.*

*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 last 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 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.

---

*Marine Mutiny.*

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 Deserter from the Royal Marines.

| | |
|---|---|
| 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 of 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.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.