ANNO TRICESIMO NONO

GEORGII III. REGIS.

CAP. CIX.

An Act for better Recruiting the Forces of the *East India* Company. [12th *July* 1799.]

WHEREAS the United Company of Merchants of *England* trading to the *East Indies* are by Law entitled to maintain and keep up, and at their own Costs and Charges do maintain and keep up, a Military Force in their Settlements Abroad, for the Defence and Protection of the Territorial Acquisitions and Revenues of which they are in Possession, and for the Defence and Protection of their Trade; and by an Act of Parliament made in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for establishing an Agreement with the United Company of Merchants of* England *trading to the* East Indies, *for the Payment of the Sum of Four hundred thousand Pounds, for the Use of the Publick, in full Discharge and Satisfaction of all Claims and Demands of the Publick, from the Time the Bond Debt of the said Company was reduced to One million five hundred thousand Pounds, until the First Day of* March *One thousand seven hundred and eighty-one, in respect of the Territorial Acquisitions and Revenues lately obtained in the* East Indies; *and also for securing to the Publick in respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the* East Indies,

Preamble.

21 *Geo.* III, Cap. 65.

and Limits therein mentioned; and for eſtabliſhing certain Regulations for the better Management of the Affairs of the ſaid Company, as well in India *as in* Europe, *and the recruiting the Military Forces of the ſaid Company;* certain Regulations are eſtabliſhed for the ſaid Company's raiſing Recruits in *Great Britain*, but no Proviſion is made, by virtue of which ſuch Recruits can be trained, arrayed, exerciſed, or diſciplined, during their Abode in this Kingdom, or whereby they can be ſubjected to Military Law previous to their Embarkation for, and during their Paſſage to the Places where the ſaid United Company are entitled to maintain and keep ſuch Militia Force: And whereas it is expedient that His Majeſty's Officers ſhould be authorized in certain Caſes to enliſt Recruits for Service, either in His Majeſty's Troops or in the Forces of the ſaid United Company, as His Majeſty ſhall think fit to direct; and that all Recruits ſo raiſed and transferred over to, or enliſted by Officers in the Service of the ſaid United Company, ſhould be trained, arrayed, exerciſed, and diſciplined in the Uſe of Arms, previous to their Departure for Places Abroad; and that they ſhould be ſubjected to Military Law during their Abode in this Kingdom, and during their Paſſage to, and before their Arrival at ſuch Places: May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, to order and cauſe ſuch of His Officers as He ſhall ſee fit, to levy, enliſt, and raiſe ſuch Number of Men as from Time to Time His Majeſty ſhall think fit, for the ſpecial Purpoſe of ſerving in the *Eaſt Indies*, either in His Majeſty's Troops, or in the Forces of the ſaid United Company; and that the Recruits to be raiſed for ſuch ſpecial Purpoſe, inſtead of taking the Oath of Fidelity appointed to be taken by the Rules and Articles for the better Government of all His Majeſty's Forces, ſhall take the following Oath; (that is to ſay),

His Majeſty may order Officers to levy Men to ſerve in the *Eaſt Indies* in His Majeſty's Troops or the Company's Forces, who ſhall take the following Oath:

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

Oath:

Which Juſtices are to adminiſter inſtead of the Oath preſcribed by the Articles of War.

II. And be it further enacted, That on ſuch Recruits being carried before a Juſtice of the Peace, in purſuance of an Act, paſſed in the preſent Seſſion of Parliament, intituled, *An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters*, or in purſuance of any Act hereafter to be paſſed for the ſame Purpoſes, ſuch Juſtice ſhall tender and adminiſter ſuch Oath as is herein-before mentioned,

mentioned, inſtead of the Oath preſcribed by the ſaid Articles of War; and the ſame (if taken by ſuch Recruits) ſhall be ſo expreſſed in the Certificate to be given by ſuch Juſtice, in the Form required by the ſaid Act.

His Majeſty on Petition of the Court of Directors may cauſe Recruits to be tranſferred to the Service of the Company.

III. And be it further enacted, That it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, upon the Petition of the Court of Directors of the ſaid United Company, to cauſe ſo many Recruits or Soldiers, who ſhall have been raiſed by His Majeſty's Officers for the ſpecial Purpoſe herein-before mentioned, as the ſaid Court of Directors ſhall petition for, and as His Majeſty, His Heirs or Succeſſors, ſhall ſee fit to grant, to be transferred over to the Service of the ſaid United Company, which Transfer ſhall be made by ſuch Recruits or Soldiers being delivered over by ſuch Officer in His Majeſty's Service, who ſhall have the Command of them, at ſuch Place as His Majeſty ſhall think proper to appoint, to ſuch Perſon or Perſons as the ſaid Court of Directors ſhall appoint to receive them.

Company not obliged to receive Invalids.

IV. Provided always, and be it enacted, That the ſaid United Company ſhall not be obliged to receive into their Service any Recruit or Soldier who ſhall be an Invalid, or who ſhall have any bodily Infirmity.

Company to pay ſuch Sum as ſhall be agreed upon for ſuch Recruits, and their Subſiſtence from Enliſtment.

V. And be it further enacted, That the ſaid United Company ſhall pay unto ſuch Perſon or Perſons, for the Uſe of His Majeſty, as ſhall be appointed for that Purpoſe in Writing by the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or by the Lord High Treaſurer for the Time being, ſuch Sum and Sums of Money as from Time to Time ſhall be agreed upon between one of His Majeſty's principal Secretaries of State on Behalf of His Majeſty, and the ſaid Court of Directors, to re-imburſe the Expence of raiſing ſuch Recruits and Soldiers as ſhall be transferred into the Service of the ſaid United Company in Manner herein-before mentioned; and that, over and above ſuch Sum, the ſaid United Company ſhall in like Manner pay to ſuch Perſon or Perſons as aforeſaid, the Coſts of the Subſiſtence of each Recruit, from the Time of his Enliſtment to the Time of his being delivered over to the ſaid United Company, as herein-before mentioned.

Company may train men enlifted under recited Act, and tranſferred under this, in *Great Britain*, *Guernſey*, or *Jerſey*, and may make Drafts to be ſent Abroad.

VI. And be it further enacted, That the ſaid United Company ſhall and may depoſit, keep, maintain, pay, train, and exerciſe in the Uſe of Arms, ſuch Men as they may from Time to Time enliſt and engage in their Service, under and by virtue of the Authority of the ſaid Act of the Twenty-firſt Year of His Majeſty's Reign, and ſuch Men as ſhall be transferred over to their Service in Manner herein-mentioned, in any of His Majeſty's Garriſons, or at ſuch other Place or Places within *Great Britain*, or the Iſlands of *Guernſey* or *Jerſey*, as ſhall be approved of by His Majeſty; and that the ſaid United Company, or their Court of Directors, may, from the Men ſo enliſted or transferred as aforeſaid, make Drafts of Non-commiſſioned Officers and Soldiers, to be from Time to Time ſent Abroad in the ſaid United Company's Service, as they ſhall think proper and neceſſary.

Court of Directors, with the Approba-

VII. And be it further enacted, That for the Purpoſe of raiſing, receiving, keeping, training, and exerciſing the Men ſo enliſted by Licence from

tion of His Majesty, may appoint Officers holding Commissions from His Majesty and the Company, for disciplining the Men, out of whom they may appoint Serjeants, &c.

from His Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the Approbation of His Majesty, signified under the Hand Writing of One of His Majesty's Principal Secretaries of State, to appoint, from and amongst such Officers in the Service of the said United Company, as may be in *England*, on Furlough or by Leave of Absence, from their Duty in *India*, or who have retired from the Service of the said Company, and shall hold and have Commissions from His Majesty as well as from the said United Company, One Commanding Officer, and such other Commissioned Officers, of such Ranks and with such Commissions as shall be necessary for the training, exercising, and disciplining such Men so enlisted or transferred as aforesaid, until they shall be sent Abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the Number of Men so enlisted or transferred as aforesaid, such Number of Serjeants, Corporals, Drummers, and Fifers, as shall be necessary for the same Purpose.

Company not to enlist above a certain Number of Men, nor appoint more than the necessary Number of Commissioned Officers.

Officers not to have any Power longer than they hold Commissions from His Majesty.

VIII. Provided always, and be it enacted, That it shall not be lawful for the said United Company to enlist or have in Pay at any one Time, or to train or discipline at any one Time, by virtue of this Act, any greater Number of Non-commissioned Officers and Private Men than Two thousand, nor shall it be lawful for the Court of Directors of the said Company to appoint any greater Number of Commissioned Officers than the Number of Men to be so raised and disciplined shall require; nor shall the Officer so appointed to command, or any other Commissioned Officer to be appointed as aforesaid, be continued in the said Appointment, or have any Power or Authority to command, train, or discipline the said Men so enlisted, longer than he shall continue to hold a Commission from His Majesty, His Heirs or Successors; and his or their said Appointment, Powers, Authorities, and Commands, shall cease and determine, and become utterly void, from and immediately after the said Commission shall be revoked, determined, or otherwise made void by His Majesty, His Heirs or Successors: Provided also, That, from and after the passing of this Act, and until the Twenty-fifth Day of *March* One thousand eight hundred, no greater Number than Three thousand of Men enlisted for the special Purpose aforesaid, and not transferred by His Majesty to the Service of the said Company, shall, at any one Time, be maintained by His Majesty within this Realm; and that, from and after the said Day, no greater Number of such Men shall be so maintained than shall be specially included within the Provisions of such Act or Acts of Parliament as may, from Time to Time, be made and be in force for the Punishment of Mutiny and Desertion, or for the Discipline and Government of His Majesty's Forces in *Great Britain*.

No more than a certain Number of Men enlisted, and not transferred, shall be maintained within the Realm.

Company, with the Approbation of His Majesty, may appoint Quarter Masters, &c.

IX. Provided also, and be it further enacted, That it shall and may be lawful for the said Company, with His Majesty's Approbation so signified as aforesaid, to appoint such Quarter Masters, Pay Masters, and other Persons, as may be necessary for disciplining and training, attending, and otherwise taking Care of, the said Men so enlisted and transferred, over and above the Number of Commissioned Officers herein-before mentioned, whether the said Persons shall be in their Service or not.

X. Provided

X. Provided alſo, and be it further enacted, That it ſhall not be lawful for the ſaid United Company to pay or allow any greater Pay, or other Sums, to the Commiſſioned and Non-commiſſioned and Staff Officers to be appointed to raiſe, receive, train, exerciſe, and diſcipline, the ſaid Men, than after the Rates following; (that is to ſay), not more than Ten Shillings *per* Day to each Captain, not more than Five Shillings *per* Day to each Subaltern Officer, over and above the Pay, according to their Rank, which they ſhall be entitled to during their being in this Country on Furlough or Leave of Abſence, or retired from their Service; nor more than Five Shillings *per* Day to each Quarter Maſter, One hundred and Twenty Pounds *per Annum* to each Paymaſter, Two Shillings *per* Day to each Serjeant, One Shilling and Sixpence *per* Day to each Corporal, Five Shillings *per* Day to each Surgeon, and One hundred Pounds *per Annum* to One Chaplain; ſuch laſt mentioned Sums to be the full Allowance to which in any Caſe ſuch Officers ſhall be entitled (ſave and except the Regimental Pay which ſuch Officers may be entitled to, according to their reſpective Ranks, and ſave and except ſuch Barrack Allowances as are uſual to be given to Officers in His Majeſty's Service when quartered in Barracks). Rates of Pay to be allowed to the Commiſſioned, Non commiſſioned, and Staff Officers.

XI. And be it further enacted, That the ſaid Pay, ſo to be made to the ſaid Officers reſpectively as aforeſaid, ſhall be in full Satisfaction of all Emoluments whatſoever; and that the Cloathing for the ſaid Men, and all other Things whatſoever, neceſſary to be provided for them, or for the Place in which they ſhall be depoſited and kept, ſhall be provided by the ſaid United Company, upon the beſt Terms, and in ſuch Manner as ſhall appear to the Court of Directors of the ſaid Company to be beſt ſuited to that Purpoſe. Pay to be in full of all Emoluments; and Clothing, &c. to be provided as the Director ſhall think beſt.

XII. And be it further enacted, That in caſe the ſaid Men, ſo to be enliſted into, or transferred over to the Service of the ſaid United Company, ſhall be depoſited and kept at any of His Majeſty's Garriſons or Barracks, all ſuch Recruits and Soldiers, and the Commiſſioned and Non-commiſſioned Officers having the Command of, or being employed in the training, exerciſing, and arraying ſuch Recruits or Soldiers, ſhall at all Times be ſubject to the Command and Orders of the Commandant of ſuch Garriſon or Barracks, or in his Abſence to the Senior Officer in His Majeſty's Service, or the Officer for the Time being commanding in ſuch Garriſon or Barracks; and that the Commiſſioned and Non-commiſſioned Officers, to be appointed by the ſaid United Company to the Command of, or for the training, exerciſing, or arraying ſuch Recruits as aforeſaid, ſhall at all Times partake in and perform the Duties of any of His Majeſty's Garriſons or Barracks in which they may be ſtationed. Officers and Men to be ſubject to the Commandants of Garriſons or Barracks, and to partake in the Duties.

XIII. And be it further enacted, That all Orders which ſhall be given by the ſaid United Company, or their Court of Directors, to their Officers ſo ſtationed at any of His Majeſty's Garriſons or Barracks, ſhall be given and paſſed through the Commandant or Senior Officer commanding at ſuch Garriſons or Barracks. Orders of the Company to be given through ſuch Commandants.

XIV. And be it further enacted, That if any Perſon who ſhall be enliſted and engaged by the ſaid United Company, under the Authority Deſerters may be apprehended and

confined as from His Majesty's Service.

of the said Act of the Twenty-first Year of His Majesty's Reign, or who shall be transferred over to the Service of the said United Company as herein-mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the Service of the said United Company, it shall and may be lawful for any Constable, Headborough, or Tythingman of the Town or Place where any such Person who may be reasonably suspected to be a Deserter shall be found, to apprehend or cause him to be apprehended in the same Manner as if he were a Deserter from His Majesty's Service; and every Constable, Headborough, Tythingman, Justice of the Peace, or Magistrate, shall have the same Power and Authority, and proceed in the same Manner as he or they would have had, or as he or they would have proceeded in, if the Person had been a Deserter from His Majesty's Service; and every Keeper of any Gaol, House of Correction, or Prison, to which such Person shall be committed, shall be entitled to receive the full Subsistence of such Deserter, during the Time he shall remain in their Custody, for the Maintenance of such Deserter, and shall receive and confine him or them in the same Manner as if he or they had been a Deserter from His Majesty's Service.

Persons apprehending Deserters to be entitled to such Reward only as the Company may give.

XV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to authorize any Justice to pay or cause to be paid any Reward to any Person or Persons, who shall apprehend or cause to be apprehended any Person or Persons who shall desert from the Service of the *East India* Company, nor shall the Person or Persons apprehending the same be entitled to any other Reward than the *East India* Company may voluntarily give for such Apprehension.

Officers and Soldiers, until Embarkation, to be subject to the Mutiny Laws, and afterwards to the Provisions of 27 *Geo.* II, Cap. 9.

XVI. And be it further enacted, That all such Officers and Soldiers as shall be raised and enlisted by virtue of this Act shall, at all Times and until their Embarkation, be subject to all the Provisions and Regulations of the said Act, made in the present Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, during the Continuance of the same Act in *Great Britain*, and after the Expiration thereof to such other Act or Acts of Parliament, Provisions, and Regulations, as shall from Time to Time be made and be in force for the Discipline and Government of His Majesty's Forces in *Great Britain*; and that, from and after their Embarkation to go Abroad to such Places whereto they shall be sent in the Service of the said United Company, all such Officers and Soldiers shall be, and hereby are adjudged to be in the actual Service of the *East India* Company within the Meaning of an Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East Indies, *and for the Punishment of Offences committed in the* East Indies, *or at the Island of* Saint Helena; and shall, during their Passage, and during their Continuance Abroad in the Service of the said United Company, be subject to all the Provisions and Regulations of the said Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said United Company shall from Time to Time be subject to at the Settlement or Place to which such Officers and Soldiers shall be sent.

XVII. Provided

XVII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable any Officer, Civil or Military, or any other Perſon or Perſons whatſoever, to place, quarter, or billet, any Soldier or Soldiers enliſted by or transferred to the ſaid United Company, upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profeſſion whatſoever, without his Conſent, or to demand from, or take from any Perſon or Perſons, except by their own Conſent, any ſuch Proviſions or Allowances as are provided and allowed to Soldiers and Officers in His Majeſty's Service, by thoſe upon whom they are quartered or billetted, or to compel or call upon any Perſon or Perſons to provide Carriages for them, their Arms, Cloaths, and Accoutrements, when upon March, otherwiſe than by their own free Will and Conſent.

Act not to authorize billetting the Men upon any Perſon without his Conſent, &c.

XVIII. And whereas for more effectually ſuppreſſing Mutiny and Deſertion, and for the Puniſhment of other Offences committed by Officers and Soldiers in the Service of the ſaid United Company, during the Time of their being trained and diſciplined by virtue of this Act, or by any of the Officers or Non-commiſſioned Officers employed on that Service, it may be neceſſary that His Majeſty ſhould be enabled to convene Courts Martial, or to authorize the ſame to be convened, conſiſting either in the Whole or in Part of Officers in the Service of the *Eaſt India* Company who hold Commiſſions from His Majeſty: Be it enacted, That it ſhall and may be lawful for His Majeſty from Time to Time to grant a Commiſſion for the holding of General Courts Martial for the Trial of Offences committed by Officers or Soldiers in the Service of the ſaid United Company, during the Time of their being ſo employed, and trained and exerciſed under the Authority of this Act, which Courts Martial may either conſiſt of Officers appointed to train and diſcipline the ſaid Men, or of ſuch other Officers in the Service of the *Eaſt India* Company, holding Commiſſions from His Majeſty, as may be in *Great Britain* upon Furlough, or by Leave of Abſence, or of Officers in His Majeſty's Service in *Great Britain*, or of ſuch Numbers and Proportions of each, as to His Majeſty ſhall ſeem meet; and ſuch Courts Martial ſhall in all other Reſpects be convened, and have the ſame Powers and Authorities, and their Sentences ſhall be carried into Execution, as if they were Courts Martial reſpecting His Majeſty's Forces.

His Majeſty may grant Commiſſions for holding General Courts Martial.

XIX. And be it further enacted, That Regimental Courts Martial, or Courts Martial to be compoſed of Officers of different Corps, with the ſame Powers as Regimental Courts Martial, may be convened for enquiring into ſuch Diſputes or Criminal Matters as may come before them, touching any of the Non-commiſſioned Officers or Soldiers in the Service of the ſaid United Company during the Time of their being ſo employed and trained and exerciſed as aforeſaid, and for awarding corporal or other Puniſhments for ſmall Offences; and ſuch Courts Martial ſhall be conſtituted and proceeded, and their Sentences ſhall be carried into Execution in like Manner as if they were Courts Martial reſpecting His Majeſty's Forces.

Regimental Courts Martial may be convened.

XX. And foraſmuch as it may happen that Offences may be committed by the ſaid Officers and Men after their Embarkation, and before their Arrival at their Places of Deſtination Abroad, which nevertheleſs

Offences committed after Embarkation, may be tried

on Arrival at Place of Deſtination.

leſs cannot be tried and puniſhed during their Paſſage, in ſuch Manner as ſuch Offences ought to be tried and puniſhed; be it therefore enacted, That in every ſuch Caſe, every ſuch Officer or Soldier ſhall and may, after his Arrival at his Place of Deſtination Abroad, be tried and puniſhed for every Offence committed after his Embarkation, and before his Arrival, in the ſame Manner as he would have been liable to be tried and puniſhed if ſuch Offence had been committed in any Place where the Offender could have been tried by any Court Martial held under the Authority of the ſaid Act, paſſed in the Twenty-ſeventh Year of His late Majeſty's Reign.

Court of Directors to tranſmit a Report of the Number of Men levied, &c. to the Secretary of State and the Commander in Chief.

XXI. And be it further enacted, That the Court of Directors of the ſaid United Company ſhall, and they are hereby required and directed, Twice in every Year, to make out a Report of the Number of Men levied and ſubſiſted by virtue of this Act, and of all the Orders iſſued, and every other Matter or Thing done or directed to be done by them in the Execution of this Act, and to tranſmit One Copy of the ſame to One of His Majeſty's Principal Secretaries of State, and another to the Commander in Chief of His Majeſty's Forces.

Publick Act.

XXII. And be it further enacted, That this Act ſhall be deemed to be a Publick Act, and ſhall be taken Notice of as ſuch, by all Judges and Juſtices whomſoever, without ſpecially pleading the ſame.

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