

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act for limiting the Time of Service in the Army. [21st *June* 1847.]

WHEREAS it is expedient to amend the System of Enlistment now in use in Her Majesty's Land Forces: Be it 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, That after the passing of this Act no Person shall be enlisted to serve Her Majesty, or in the Forces of the *East India* Company, as a Soldier for a longer Term than Ten Years in the Infantry, or Twelve Years in the Cavalry, or Artillery, or other Ordnance Corps, to be reckoned from the Day on which the Recruit shall have been attested, if he shall have stated himself to be then of the Age of Eighteen Years, or if not, then from the Day on which he will complete the Age of Eighteen Years, to be reckoned according to the Age stated in his Attestation.

After passing of this Act the Period for Enlistment for a Soldier limited.

II. And be it enacted, That such of the Questions relative to Enlistment as are contained in the Schedule of an Act passed in the present Year of Her Majesty's Reign, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, as relates to the enlisting and attesting of Soldiers, shall

Repealing certain Questions in Schedule to 10 & 11 Vict. c. 12., and substituting those con-

tained in Schedule (A.) to this Act annexed.

shall be repealed; and that in all Cases of Enlistment to serve Her Majesty or the *East India* Company the Question directed to be put on the Attestation of Recruits, as to their Willingness to serve, shall be in the Form contained in Schedule (A.) hereto annexed.

Soldiers, at any Time during the last Six Months, or on Completion of Term of limited Service, may be re-engaged.

III. And be it enacted, That any Soldier, at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, or after the Completion of such Term, may, if approved by his Commanding Officer or other competent Military Authority as a fit Person to continue in Her Majesty's Service, or in the Service of the *East India* Company, as a Soldier, be re-engaged to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry or Artillery or other Ordnance Corps, upon making a Declaration in the Form given in the Schedule marked (B.) and annexed to this Act before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or, if not in *Great Britain* or *Ireland*, before any Person duly appointed by Her Majesty, by any Warrant signed by the Secretary at War in that Behalf, to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service.

Soldiers ordered on Foreign Service, within Three Years of Expiration of first Engagement may be re-engaged for a further Term.

IV. Provided also, and be it enacted, That any Soldier who shall be ordered on Foreign Service, and who is within Three Years of the Expiration of his first Engagement, shall be at liberty, with the Approbation of his Commanding Officer, to re-engage, before he embarks for such Foreign Service, for such Period as shall complete a total Service of Twenty-one Years in the Infantry or Twenty-four Years in the Cavalry or Artillery, according to the Form given in Schedule (B.) and annexed to this Act.

If Terms of limited Services expire while Soldiers are on any Foreign Station, they may be prolonged for a further Time.

V. Provided always, and be it enacted, That if either the first or second Term of limited Service for which any Soldier shall have so engaged shall expire while he is serving on any Foreign Station, the said first or second Term of limited Service may be prolonged for such further Time, not exceeding Two Years, as shall be directed by the Commanding Officer on such Foreign Station; and that any Soldier who shall give Notice to his Commanding Officer, after completing his second Term of limited Service, that he is desirous of continuing in Her Majesty's Service, or in the Service of the *East India* Company, and being approved by his Commanding Officer or other competent Military Authority, may be continued in such Service as a Soldier so long as he shall desire to be so continued, and until the Expiration of Three Calendar Months after he shall have given Notice to his Commanding Officer of his Wish to be discharged, and for that Purpose shall be considered in all respects, during such Time, as if his Term of Service were still unexpired.

If at the Expiration of such Terms of Service Soldiers are

VI. Provided further, and be it enacted, That if at the Expiration of such first or second Term of limited Service, or of such Term of prolonged Service, any Soldier entitled to his Discharge, being on any Foreign Station, shall not be willing to re-engage or to continue in Her Majesty's Service, or in the Service of the *East*

India Company, the Commanding Officer of the Regiment in which he may be serving shall, as in the Case of Soldiers invalided, take the usual Measures, with all convenient Despatch, for the Conveyance of such Soldier to *England*, and on the Arrival of such Soldier in *England* he shall be finally discharged: Provided always, that during such Time as may elapse between the Expiration of such Terms of Service as aforesaid and his final Discharge in *England* such Soldier shall remain subject to all the Provisions of any Act which may be then in force for punishing Mutiny and Desertion, as fully as he may have been subject thereto before the Expiration of such Terms of Service: Provided also, that if at the Expiration of any such first or second Term of limited Service, or of such Term of prolonged Service, any Soldier being in any of Her Majesty's Colonies shall claim his Discharge, and shall signify to the Governor of such Colony, through the Commanding Officer of the Regiment in which he may be serving, his Desire to remain in such Colony, it shall be lawful for such Governor, if he shall think fit, with the Consent of such Commanding Officer, to permit such Soldier to remain therein, and thereupon such Soldier shall be finally discharged, and shall not be entitled to claim to be conveyed to *England* at the public Charge at any future Period.

unwilling to re-engage themselves, they shall be conveyed home.

If Soldiers desire to remain in the Colony, Governor, &c. may permit them so to do.

VII. And be it enacted, That if the Term for which any Non-commissioned Officer or Soldier shall have been enlisted or re-engaged, or for which his Term of Service may have been prolonged as aforesaid, shall expire after any Offence committed by him, and before he has been tried or punished for the same, such Non-commissioned Officer or Soldier shall, notwithstanding the Expiration of his Term of Service, be deemed and taken to be still in Her Majesty's Service, or in the Service of the *East India* Company, as the Case may be, for the Purpose of undergoing his Trial and Punishment, but for no other Purpose: Provided always, that no Non-commissioned Officer or Soldier shall be so tried after the Expiration of his Service, except by a General or District or Garrison Court-martial.

If Term of Enlistment of Soldier expire after any Offence committed, &c., he shall be deemed to be in the Service till after Trial, &c. for the same.

VIII. And be it enacted, That if any Non-commissioned Officer or Soldier shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service 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, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged as aforesaid; and if any Non-commissioned Officer or Soldier shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service by reason of his having been made a Prisoner of War, the Circumstances under which he was so made a Prisoner shall, on his rejoining Her Majesty's Service, or the Service of the *East India* Company, be subjected to Inquiry by a Court-martial, and if it shall appear to the Satisfaction of the Court that he was taken Prisoner through his own wilful Neglect of his Duty, or that

If Soldiers are absent from Duty by reason of Imprisonment, &c., such Portion of Time not to be reckoned as Part of limited Enlistment.

that he has or has not returned to his Duty so soon as he could and ought to have returned, the Court may by its Sentence direct that all or any Part of the Time during which such Non-commissioned Officer or Soldier shall have been so absent may be deducted from his Term of Service.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

QUESTIONS to be put by the JUSTICE to a RECRUIT on ENLISTING.

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

Note.—The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

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

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided 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?

Enlisting for either Her Majesty's or the East India Company's Service.

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

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided your 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?

Enlisting for the East India Company's Service.

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

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

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

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SCHEDULE (B.)

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

Declared before me,

Signature of Soldier.
Signature of Witness.

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