

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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CAP. XXIV.

An Act for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy. [21st *August* 1835.]

WHEREAS it is expedient to limit the Duration of the Service of Seamen in His Majesty's Navy, and to increase the Inducements to Seafaring Men voluntarily to enter into the same: Be it therefore enacted and declared 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 no Person shall be liable to be detained against his Consent in the Naval Service of His Majesty for a longer Period than Five Years, to be computed from the Day of his being entered into the same, unless he shall have voluntarily entered for a longer Term, and except as herein-after provided; and that at the Expiration of such Period of continuous Service he shall, upon his Application for that Purpose, be entitled to be discharged; and if the Ship on board which he shall be serving be in any Port of the United Kingdom he shall be forthwith discharged; and in Cases of Men serving on board Ships absent from the United Kingdom, the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall cause the necessary Orders and Instructions to be given to all Admirals and other Officers in Command of His Majesty's Ships, that about the Time when the Period of their respective Services shall expire every Person entitled to his Discharge, on signifying to his Captain or Commanding Officer his Wish no longer to continue in the Service, shall be discharged forthwith, if he desire it, or shall be sent by the earliest convenient Opportunity, in some Ship of His Majesty, to some Port of the United Kingdom, to be there discharged: Provided always nevertheless, that if the Admiral or Commanding Officer of the Fleet or Squadron under whose Command he shall be shall, in consequence of any special Emergency, deem it hazardous to the

Naval Service limited to Five Years.

If the Ship be Abroad, Seamen, on the Expiration of their Service, to be sent Home by the earliest Opportunity.

Admiral, in case of Emergency, may detain them

Six Months longer with One Fourth Increase of Pay.

the Public Service forthwith to discharge him, then such Admiral or Commanding Officer shall have Power to detain him in the Service for a further Period of Six Calendar Months, or until such Emergency shall have ceased; and in every such Case the Person so detained shall be entitled to receive for such extra Service One Fourth in addition to the Pay of his Rating: Provided also, that if any Seaman shall be under lawful Arrest at the Period at which he shall be so entitled to his Discharge, then such Discharge shall not take place until such Arrest shall have ceased, or, in case he shall have been put under Arrest in order to be brought to Trial for any Offence, until he shall have been tried for such Offence, and have undergone the Punishment to which he may be adjudged for the same by Sentence of Court-martial: And provided further, that nothing in this Act contained shall be construed to exempt any Person so entitled to his Discharge from the Performance of the Duties of his Station until he shall have been actually discharged; and that every such Person, so long as he shall be in the Service, shall be amenable and subject to the Discipline of the Navy, and to the several Provisions of the Laws in being relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.

Seamen under Arrest for Trial not to be discharged until after Trial, &c.

to perform their Duties, and be amenable to Naval Discipline until discharged.

Discharged Seamen to receive Certificates, on which Protections are to be issued to them.

II. And be it further enacted, That every such Seaman who may have served the said Term of Five Years, whilst any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been in force, shall, upon being discharged from the Navy, be entitled to receive from the Captain or Commanding Officer of the Ship from which he shall be so discharged a Certificate of his Service therein, containing a Description of his Age, Person, and Place of Birth, upon the Production at the Admiralty Office of which and of similar Certificates as to his Service in any other of His Majesty's Ships in which he may have served during such Period of Five Years, (all which Certificates the Captains of such Ships are hereby required to give him on his Discharge from the same respectively,) and upon a Comparison of the Dates and Particulars to be expressed in such Certificates with the Muster Books of the several Ships in which he shall have served, provided the Particulars shall be found correct and the Certificates be found genuine, a Protection from Service in the Navy for the Space of Two Years shall be issued to every such Seaman *gratis*, under the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral and the Seal of the Office of Admiralty, in such Form as the said Commissioners shall think fit: Provided always, that if any such Seaman shall be discharged, except upon his own Application, before the Term of his Service shall amount to Five Years as aforesaid, a Protection shall be granted to him for the Space of One Year only.

Punishment for forging Certificates, &c.

III. And in order to prevent as far as may be Frauds and Impositions with respect to Protections, be it further enacted, That if any Person shall forge or counterfeit any Certificate of Service in His Majesty's Navy, or any Instrument purporting to be a Protection from such Service, or shall fraudulently utter or publish any forged Certificate of such Service, or any forged Instrument purporting to be a Protection from such Service, knowing the same to be forged, or shall fraudulently alter any Certificate or Protection

which shall have been duly granted or issued; or if any Person shall forge or fraudulently alter any Extract from a Baptismal Register, or shall knowingly utter any false or fraudulently altered Extract from a Baptismal Register, or any false Affidavit, Certificate, or other Document, in order to obtain from the Admiralty Office a Protection from His Majesty's Naval Service for himself or any other Person; or if any Person, being in the Possession of a Protection, shall lend, sell, or dispose thereof to any other Person, in order fraudulently to enable such other Person to make an unlawful Use of the same; or if any Person shall produce, utter, or make use of as a Protection for himself any Protection which shall have been made out or issued for any other Individual; every Person in any such Manner offending shall be deemed guilty of a Misdemeanor, and such Protection shall thenceforward be null and void.

Bounties to Volunteers.

IV. And for the Encouragement of Seamen and others to enter into His Majesty's Naval Service, be it further enacted, That every Seaman, Seafaring Man, or other Person who within Six Days after any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been published in any Port of the United Kingdom or of any of His Majesty's Dominions, shall at such Port enter himself in His Majesty's Naval Service with any Officer authorized to receive Volunteers for the Royal Navy, shall, in addition to the Advantages given to Volunteers by an Act of the Eleventh Year of His late Majesty King *George* the Fourth, to amend and consolidate the Laws relating to the Pay of the Royal Navy, be entitled to receive Double the Amount (according to his Rating) of the Bounty offered by any such Proclamation; and that in the Cases of Seamen serving in Merchant Vessels which shall be at Sea at the Time when any such Proclamation shall be issued, every such Person who shall enter himself with an Officer of the Navy within Six Days after the first Arrival of any such Ship at any such Port as aforesaid, or within Half an Hour after any Officer of His Majesty's Navy shall have visited any such Ship before her Arrival at any such Port, shall also be entitled to receive the like Double Bounty.

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Seamen in the Service at the Time of the issuing a Proclamation calling for the Services of Seafaring Men, to continue and be paid the usual Bounty.

V. And be it further enacted, That the Seamen who shall at the Time of the issuing of any such Proclamation as aforesaid be serving in the Fleet shall not be entitled to be discharged, but shall continue to serve therein for a Period of Five Years, in case their Services shall be so long required; and in consideration of their being so required to continue in the Service for such further Period they shall be entitled to receive and shall be paid the same Amount of Bounty as shall by any Order in Council or Proclamation of His Majesty then in force be offered to Seamen of their respective Classes, and shall also be entitled to their Discharge at the Expiration of that Period, in the same Manner and under Regulations similar to those established by this Act with respect to volunteer Seamen.

Seamen, after Five Years Service, agreeing to continue, to be entitled to a fresh Bounty.

VI. And as an Encouragement to Seamen to continue in the Naval Service, be it further enacted, That every Seaman belonging to the Fleet whose Period of Five Years Service shall expire during the Time when any such Proclamation as aforesaid shall be in force, and who previous to the Expiration of such Service shall signify to his Commanding

Commanding Officer his Desire to continue therein for a further Period of Five Years, and shall be allowed to re-enter accordingly, shall upon such Re-entry be entitled to be paid the single Bounty offered by His Majesty's Proclamation to Volunteers of his Class and Rating; and every such Volunteer shall at the Expiration of such Second Period of Five Years be entitled to his Discharge, under and subject to the like Regulations as are herein-before provided with respect to Persons entitled to their Discharge after Five Years Service.

Pensioners volunteering to receive their Pensions in addition to their Pay.

VII. And be it further enacted, That whenever any Seaman in the Receipt of a Pension for Wounds or prior Services, and being able-bodied, and fit for the Naval Service, shall, when any such Proclamation as aforesaid shall be in force, voluntarily enlist, and shall be received to serve in the Navy, he shall, in addition to the Pay and other Advantages to which he may be entitled, be allowed to receive such Pension during the Time he shall continue in such further Service and in the faithful Discharge of his Duty.

Provisions in favour of Volunteers extended to Colonial Seamen, who on their Discharge shall be sent to their Homes.

VIII. And be it further enacted, That all the Provisions contained in this Act in favour of Volunteers shall be extended to the Seamen belonging to the *British* Colonies who shall freely enter themselves to serve in the Navy; and that all such Colonial Seamen, after being discharged at the Expiration of Five Years Service, in case they shall be desirous to return to their native Colony, shall either be conveyed thither free of Expence, or be allowed a Gratuity in Money sufficient to cover the Cost of their Return thereto, as the Commissioners for executing the Office of Lord High Admiral shall think fit.

Act not to diminish the Authority of the Admiralty in the Discharge of Seamen.

Seamen may obtain their Discharge on providing Substitutes.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to control or diminish the Authority vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral to discharge, as he or they shall think fit, or to authorize the Discharge of any Seaman from His Majesty's Naval Service; and that if any Seaman shall be desirous of being discharged from the Naval Service before the Expiration of the Period of Five Years for which he shall be engaged or shall be bound to serve, and shall provide One able Seaman or Two able-bodied Landmen to serve in his Stead, for a Period of Five Years (if their Services shall be so long required), every such Seaman shall, upon the Approval of such Substitutes by the proper Officer of the Admiralty, and upon their being actually received into the Service on board any one of His Majesty's Ships of War, be forthwith discharged from the Navy, and shall be entitled to the same Protection as if he had completed a Period of Five Years Service.

Act may be amended this Session.

X. And be it further enacted, That this Act may be altered, amended, or repealed by any other Act or Acts to be passed during this present Session of Parliament.

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