

Rates for horse-meat and diet for his Majesty's servants.

IV. And whereas of late in his Majesties progresses, excessive rates and prices have been exacted from his Majesties servants for lodging, horse-meat, stable-room and other accommodations: (2) be it therefore enacted by the authority aforesaid, That none of his Majesties said servants shall be compelled to pay above one shilling by the night for every bed that they shall use for themselves, nor above six pence by the night for every bed that they shall use for their servants: (3) and that in all such houses where any of his Majesties said servants shall pay for their diet, or for hay and provender for their horses, convenient lodging shall be provided for themselves and their servants, without paying any thing for the same.

Rates and prices to be set down by two justices of the peace.

V. And be it further enacted by the authority aforesaid, That any two or more of the justices of the peace near adjoining to the road through which his Majesty is to pass, shall immediately after notice in writing from the said green-cloth, and avenor, under their hands and seals set down and appoint such reasonable rates and prices to be paid during his Majesties abode there, both for hay and oats, and other accommodations for horses, as they in their discretion shall think meet; which rates, one day at the least before his Majesties coming to such place, the said justices shall cause to be proclaimed in the market town next to such place, and in such of the neighbouring towns and villages as to them shall seem meet, to the end that notice may be taken of such rates and prices: (2) and if any person shall take any other sum than what is, or shall be so limited, either for lodging, horse meat, stable room, or other such accommodations, and be thereof convicted by confession of the party, or by the oath of one credible witness, before any one justice of the peace, (which oath the said justice of the peace is hereby authorized to administer) that then in such case every person so offending, shall forfeit and pay to the party grieved, the sum of forty shillings; the same to be levied by distress by warrant from the said justice of the peace, and sale thereof, returning the overplus to the party (the charge of the distraining being first deducted;) (3) this act to have continuance till the end of the first session of the next parliament, and no longer.

Penalty for taking more than limited for lodging, &c.

CAP. IX.

An act for the establishing articles and orders for the regulating and better government of his Majesties navies ships of war, and forces by sea.

Articles to be observed.

FOR the regulating and better government of his Majesties navies, ships of war and forces by sea, wherein under the good providence and protection of God, the wealth, safety and strength of this kingdom is so much concerned, (2) be it enacted by the Kings most excellent Majesty, with the advice and consent of the lords and commons in this present parliament assembled, and by the authority thereof, That all and every the articles and orders in this act mentioned, shall be duly and respectively put in execution, observed and obeyed in manner hereafter mentioned.

(3) That

(3) **T**HAT all commanders, captains and officers at sea, shall cause the publick worship of Almighty God according to the liturgy of the church of *England*, established by law, to be solemnly, orderly and reverently performed in their respective ships: and that prayers and preachings by the respective chaplains in holy orders, of the respective ships, be performed diligently: and that the Lords day be observed according to law.

II.

Every person and persons in his Majesties pay, using unlawful and rash oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of Gods honour, and corruption of good manners, shall be punished by fine, imprisonment or otherwise, as the court-martial shall think fit.

III.

If any officer, mariner, soldier or other person in the fleet, shall give, hold or entertain intelligence, to, or with any King, Prince or state, being enemy to, or any persons in rebellion against his Majesty, his heirs and successors, without direction or leave from the Kings majesty, the lord high admiral, vice-admiral, or commander in chief of any squadron, every such person or persons so offending, shall be punished with death.

IV.

If any letter or message from any King, foreign Prince, state or potentate, being an enemy to the Kings Majesty, his heirs and successors, or on their behalf, be conveyed to any inferior officer, mariner or soldier, or other in the fleet, and the said officer, mariner, soldier, or other as aforesaid, do not within twelve hours (having opportunity so to do) acquaint the superior commander with it; or if a superior officer, or mariner, being acquainted therewith by an inferior officer, mariner or other, or himself in his own person, receiving a letter or message from any such enemy or rebel, and shall not in convenient time reveal the same to the admiral, vice-admiral, or the commander of the squadron, every such person shall be punished with death, or such other punishment as the court-martial shall think fit.

V.

No person or persons of the fleet shall relieve an enemy or rebel in time of war, with money, victuals, powder, shot, arms, ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as the court-martial shall think fit to impose.

VI.

All the papers, charter-parties, bills of lading, passports, and other writings whatsoever, that shall be taken, seized or found aboard any ship or ships which shall be surprized or seized as prize, shall be duly preserved, and not torn, nor made away, but the very originals sent up intirely, and without fraud to the court of admiralty, or such other commissioners as shall be appointed

pointed for that purpose, there to be viewed, made use of, and proceeded upon according to law, upon pain or loss of all the shares of the takers, and such further punishment to be inflicted upon the offenders therein, as the quality of their offence and misdemeanor shall be found to deserve, and the court-martial shall impose.

VII.

Prize, Ships or goods seized for prize.

None in his Majesties pay shall take out of any prize, or ship, or goods seized on for prize, any money, plate, goods, lading or tackle, before judgement thereof first past in the admiralty court, but the full and intire accompt of the whole, without imbezilment, shall be brought in, and judgment past intirely upon the whole, without fraud, upon pain of such punishment as shall be imposed by a court-martial, or the court of admiralty; excepting that it shall be lawful for all captains, sea-men, soldiers and others, serving as aforesaid, to take and to have to themselves as pillage, without further or other accompt to be given for the same, all such goods and merchandizes (other than arms, ammunition, tackle, furniture or stores of such ship) as shall be found by them, or any of them in any ship they shall take in fight or prize) upon or above the gun-deck of the said ship, and not otherwise.

VIII.

Imbezelling any cables, anchors, &c.

None shall imbezel, steal or take away any cables, anchors, sails, or any of the ships furniture, or any the powder, or arms or ammunition of the ship, upon pain of death or other punishment as the quality of the offence shall be found by a court-martial to deserve.

IX.

Foreign ships taken as prize not making resistance.

If any foreign ship or vessel shall be taken as prize, that shall not fight or make resistance; that in that case, none of the captains, masters or mariners being foreigners, shall be stripped of their clothes, or in any sort pillaged, beaten or evil intreated, upon pain, that the person or persons so offending, shall forfeit double damages; but the said foreign ships, and all the goods so taken, shall be preserved intire, to receive judgment in the admiralty court, according to right and justice.

X.

The duty of captains, &c. upon signal of fight.

Every captain or commander, who upon signal or order of fight, or view, or sight of any ships of the enemy, pirate or rebel, or likelihood of engagement, shall not put all things in the ship in a fit posture for fight, and shall not in his own person, and according to his place, hearten and encourage the inferior officers and common men to fight courageously, and not to behave themselves faintly, shall be cashiered; and if he or they shall yield to the enemy, pirate or rebels, or cry for quarter, he or they so doing shall suffer the pains of death, or such other punishment as the offence shall deserve.

Not to yield or cry for quarter.

XI.

Every captain, commander, and other officer, sea-man or soldier

Soldier of any ship, frigate or vessel of war, shall duly observe the commands of the admiral, or other his superior or commander of any squadron, as well for the assailing or setting upon any fleet, squadron, or ships of the enemy, pirate or rebels, or joining battle with them, or making defence against them, as all other the commands of the admiral, or other his superior commander, upon pain to suffer death or other punishment, as the quality of his neglect or offence shall deserve.

All officers shall observe the commands of the admiral.

XII.

Every captain, and all other officers, mariners and soldiers of every ship, frigate or vessel of war, that shall in time of any fight or engagement, withdraw or keep back, or not come into the fight and engage, and do his utmost to take, fire, kill and endamage the enemy, pirate, or rebels, and assist and relieve all and every of his Majesties ships, shall for such offence of cowardize or disaffection, be tryed and suffer pains of death or other punishment, as the circumstance of the offence shall deserve, and the court-martial shall judge fit.

Officers that in time of fight shall withdraw or not fight.

XIII.

The captains, officers and sea-men of all ships, appointed for convoy and guard of merchant ships, or any other, shall diligently attend upon that charge, without delay, according to their instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform the same, and defend the ships and goods in their convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence, if they be set upon or assailed, or running away cowardly, and submitting those in their convoy to hazard and peril, or shall demand or exact any money or other reward from any merchant or master, for convoying of any such ships or other vessels belonging to his Majesties subjects, shall be condemned to make reparation of the damage to the merchants, owners and others, as the court of admiralty shall adjudge, and also be punished criminally, according to the quality of their offences, be it by pains of death or other punishment, according as shall be adjudged fit by the court-martial.

Officers and ships appointed for convoy, their duty.

Penalty for non performance.

XIV.

Whatsoever person or persons, in or belonging to the fleet, either through cowardice, negligence or disaffection, shall forbear to pursue the chase of any enemy, or pirate or rebel beaten or flying, or shall not relieve or assist a known friend in view, to the utmost of his power, shall be punished with death, or otherwise, as a court-martial shall find fit.

The penalty for not chasing an enemy, or not relieving a friend.

XV.

When at any time service or action shall be commanded, no man shall presume to stop or put backward, or discourage the said service and action, by pretence of arrears of wages, or upon any pretence of wages whatsoever, upon pain of death.

Service commanded shall not be stopped or discouraged.

XVI.

XVI.

None shall betray their trust, nor yield to the enemy.

All sea-captains, officers and sea-men, that shall betray their trust or turn to the enemy, pirate or rebels, and either run away with their ship or any ordnance, ammunition or provision, to the weakening of the service, or yield the same up to the enemy, pirate or rebels, shall be punished with death.

XVII.

Deserting the service, or running away.

All sea-captains, officers or mariners, that shall desert the services or their employment in the ships, or shall run away, or entice any other so to do, shall be punished with death.

XVIII.

Spies.

All persons whatsoever that shall come, or be found in the nature of spies, to bring any seducing letters or messages from any enemy or rebel, or shall attempt or endeavour to corrupt any captain, officer, mariner, or other of the navy or fleet, to betray his or their trust, and yield up any ship or ammunition, or turn to the enemy or rebel, shall be punished with death.

XIX.

Sedition, mutiny.

No person in or belonging to the fleet, shall utter any words of sedition or mutiny, nor make or endeavour to make any mutinous assemblies upon any pretence whatsoever, upon pain of death.

XX.

Concealers of traitorous or mutinous practices or words.

No person in or belonging to the fleet, shall conceal any traitorous or mutinous practices, designs or words, or any words spoken by any to the prejudice of his Majesty or government, or any words, practices or designs tending to the hindrance of the service, but shall forthwith reveal them to his superior, that a meet proceeding may be had thereupon, upon pain of such punishment as a court-martial shall find to be just.

XXI.

Quarrelling or striking a superior officer.

None shall presume to quarrel with his superior officer, upon pain of severe punishment, nor to strike any such person upon pain of death, or otherwise, as a court-martial shall find the matter to deserve.

XXII.

Unwholesomeness of victuals.

If any of the fleet find cause of complaint of the unwholesomeness of his victuals, or upon other just ground, he shall quietly make the same known to his superior or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require, and the said superior or commander is to cause the same to be presently remedied accordingly; but no person upon any such or other pretence, shall privately attempt to stir up any disturbance, upon pain of such severe punishment as a court-martial shall find meet to inflict.

XXIII.

Quarreling or provoking speeches.

None shall quarrel or fight in the ships, or use reproachful or provoking speeches tending to make any quarrel or disturbance, upon

upon pain of imprisonment, and such other punishment as the offence shall deserve, and the court-martial shall impose.

XXIV.

That there be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any imbezlement thereof, but that the stores and provisions be carefully preserved, upon such penalties by fine, imprisonment, or otherwise, upon the offenders, abettors, buyers and receivers, as shall be by a court-martial found just in that behalf.

Wasteful expence of ammunition.

XXV.

That care be taken in the conducting and steering of the ships, that through the wilfulness, negligence, or other defaults, none of his Majesty's ships be stranded or run upon any rocks or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by fine, imprisonment, or otherwise, as the offence by a court-martial shall be adjudged to deserve.

Care of conducting and steering ships.

XXVI.

All persons that shall willingly burn or set fire on any ship, or magazine, or store of powder, or ship, boat, ketch, hoy or vessel, or tackle or furniture thereto belonging, not appertaining to an enemy or rebel, shall be punished with death.

Burning a ship.

XXVII.

No man in, or belonging to the fleet, shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or other punishment, as the circumstances of the case shall require.

Sleeping upon watch.

XXVIII.

All murders and wilful killing of any person in the ship shall be punished with death.

Murders.

XXIX.

All robbery and theft committed by any person in or belonging to the fleet, shall be punished with death, or otherwise, as the court-martial upon consideration of circumstances shall find meet.

Robbery and theft.

XXX.

No provost-martial belonging to the fleet, shall refuse to receive or keep any prisoner committed to his charge, nor suffer him to escape, being once in his custody, nor dismiss him without order, upon pain of being liable to the same punishment which should have been inflicted upon the party dismissed, or permitted to escape, or such other punishment as the court-martial shall think fit.

Provost-martial prisoners.

XXXI.

All captains, officers, and sea-men, shall do their endeavours to detect, apprehend, and bring to punishment all offenders, and shall assist the officers appointed for that purpose therein, upon pain to be proceeded against, and punished by the court-martial at discretion.

Apprehending offenders.

XXXII.

Sodomy.

If any person or persons in or belonging to the fleet, shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death without mercy.

XXXIII.

Misdemeanors, and disorders at sea.

All other faults, misdemeanors, and disorders committed at sea, not mentioned in this act, shall be punished according to the laws and customs in such cases used at sea.

XXXIV.

The lord high admiral's power to grant commissions to call court-martials.

And it is hereby further enacted, That the lord high admiral for the time being, shall by virtue of this act have full power and authority to grant commissions to inferior vice-admirals, or commanders in chief of any squadron of ships, to call and assemble court-martials, consisting of commanders and captains; (2) and no court-martial where the pains of death shall be inflicted, shall consist of less than five captains at least, the admiral's lieutenant to be as to this purpose esteemed as a captain; (3) and in no case wherein sentence of death shall pass by virtue of the articles aforesaid, or any of them (except in case of mutiny) there shall be execution of such sentence of death, without the leave of the lord high admiral, if the offence be committed within the narrow seas: but in case any of the offences aforesaid be committed in any voyage beyond the narrow seas, whereupon sentence of death shall be given in pursuance of the aforesaid articles, or any of them; then execution shall not be done but by order of the commander in chief of that fleet or squadron wherein sentence of death was passed.

XXXV.

Judge advocate of any fleet to administer an oath for trial of offences. Court-martial.

And be it further enacted and declared, That the judge advocate of any fleet, for the time being, shall have full power and authority to administer an oath to any person or witness in order to the examination or tryal of any of the offences aforesaid; and in the absence of a judge-advocate, the court-martial shall have full power and authority to appoint any person to administer an oath to the purpose aforesaid.

XXXVI.

Proviso touching the powers of the lord admiral.

Provided also, and be it further enacted by the authority aforesaid, That this act or any thing or things therein contained, shall not in any manner of wise extend to give unto the lord admiral of *England* for the time being, or to any of his vice-admirals, judge or judges of the admiralty, his or their deputy or deputies, or to any other the officers or ministers of the admiralty, or to any others having or claiming any admiral power, jurisdiction or authority within this realm and *Wales*, or any other the King's dominions, any other power, right, jurisdiction, preheminance, or authority, than he or they or any of them, lawfully have, hath, or had, or ought to have and enjoy before the making of this act, other than for such of the offences specified in the several articles contained in this act, as hereafter shall

Repealed by
22 Geo. 2.
c. 33.

shall be done upon the main sea, or in ships or vessels being and hovering in the main stream of great rivers, only beneath the bridges of the same river nigh to the sea, within the jurisdiction of the admiralty, and in no other places whatsoever, and committed only by such persons as shall be in actual service and pay in his Majesty's fleet, or ships of war.

CAP. X.

An act to prevent the unlawful coursing, hunting or killing of deer.

FOR the better preventing of the unlawful coursing, hurting, taking or killing of deer, by many idle, loose and disorderly persons, (2) be it enacted by the King's most excellent majesty, and by the advice and consent of the lords and commons in parliament assembled, and by the authority of the same, That if any person or persons shall from and after the first day of *August* next unlawfully course, kill, hurt or take away any red or fallow deer in any forest, chase, purlieu, paddock, wood, park, or other ground where deer are or have been usually kept within the realm of *England* or dominion of *Wales*, without the consent of the owner or person chiefly intrusted with the custody thereof, or shall be aiding or assisting therein, and shall be convicted thereof by the confession of the party, or by the oath of one or more credible witnesses, before one or more justices of the peace, (who are hereby impowered to administer an oath to that purpose) such person being prosecuted for such offence within six months after such offence done; that then every person so offending, shall forfeit for every such offence the sum of twenty pounds; (3) to be levied by way of distress upon the goods and chattels of every such offender, by warrant under the justices hand before whom such conviction shall be made; (4) the one moiety of the said twenty pounds to be given to the informer, and the other moiety to the owner of the deer; (5) and for want of sufficient distress, the offender shall be committed to the house of correction for six months, and there to be put to hard labour; or to the common gaol for one whole year, without bail or mainprise, at the discretion of the justices of the peace before whom such conviction shall be (and not to be discharged from thence till he or they have given sufficient sureties for their good behaviour for one whole year next ensuing after his or their enlargement :) (6) provided, That where any offender shall be punished by force of this act, that he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence. 19 *H. 7. c. 11.* 3 *Jac. 1. c. 13.* 7 *Jac. 1. c. 13.* 3 & 4 *W. & M. c. 10.* 5 *Geo. 1. c. 15.* 28. 9 *Geo. 1. c. 22.* 10 *Geo. 2. c. 32.* 6. 13.

Unlawful hunting or killing of deer.

3 Mod. 114.
2 Show. 490.

The penalty.

Raym. 458.

3 & 4 W. & M. c. 10.

5 Geo. 1. c. 15.

28.

9 Geo. 1. c. 22.

10 Geo. 2. c. 32.

CAP. XI.

An act for confirming of three acts therein mentioned.

BE it enacted by the King's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, and by the authority of the