Anno primo

Georgii III. Regis.

CAP. VI.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.



WHEREAS the raising or keeping a Standing Army within this Kingdom in Time of Peace, unless it be with Consent of Parliament, is against Law: And whereas His Majesty is engaged in a just and necessary War against France: And whereas it is judged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued for the Safety of this Kingdom, the Defence of the Possessions of the Crown of Great Britain, and the Preservation of the Balance of Power in Europe; and that the whole Number of such Forces should consist of Sixty four thousand nine hundred and seventy one, including Four thousand and eight Invalids: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by martial Law, or in any other Manner than by the Judgement of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining such

Preamble.

Number of Forces 64,971, including 4,008 Invalids.

Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny, or stir up Sedition, or shall desert His Majesty's Service within this Realm, or the Kingdom of Ireland, Jersey, Guernsey, Alderney, and Sark, or the Islands thereto belonging, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it therefore 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 from and after the Twenty fourth Day of March, One thousand seven hundred and sixty one, if any Person being mustered, or in Pay as an Officer, or who is, or shall be listed, or in Pay as a Soldier, and on the Twenty fourth Day of March, One thousand seven hundred and sixty one, shall remain in such Service, or shall during the Continuance of this Act, herein after mentioned, voluntarily enter himself in His Majesty's Service as a Soldier, shall, at any Time, during such Continuance of this Act, within the Realm of Great Britain, or in the Kingdom of Ireland, or in Jersey, Guernsey, Alderney, or Sark, or the Islands thereto belonging, or in the Island of Minorca, or in His Majesty's Garrison of Gibraltar, or in any of His Majesty's Dominions beyond the Seas respectively, begin, excite, cause, or join in any Mutiny or Sedition, in the Company, Troop, or Regiment, whereto he doth belong, or in any other Company, Troop, or Regiment, in His Majesty's Service, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer, or shall desert His Majesty's Service; or being a Soldier actually listed in any Regiment, Troop, or Company, shall list himself in any other Regiment, Troop, or Company, without a Discharge produced in Writing from the Colonel, or, in his Absence, the Field Officer commanding in Chief the Regiment, Troop, or Company, in which he last served as a listed Soldier; or shall be found sleeping upon his Post, or shall leave it before relieved; or if any Officer or Soldier in His Majesty's Army shall, either upon Land, within or out of Great Britain, or upon the Sea, hold Correspondence with any Rebel, or Enemy of His Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them, without

After 24 *March* 1761, during the Continuance of this Act, every Officer and private Man,

who shall mutiny or desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on, or shall desert his Post,

or hold illegal Correspondence with the Enemies of His Majesty,

out His Majeſty's Licence, or Licence of the General, Lieutenant General, or Chief Commander; or ſhall ſtrike or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office; or ſhall diſobey any lawful Command of his ſuperior Officer; all and every Perſon and Perſons ſo offending in any of the Matters before-mentioned, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.

or ſhall ſtrike, or diſobey his ſuperior Officer; ſhall ſuffer Death, or ſuch Puniſhment as a Court-martial ſhall inflict.

And be it further enacted by the Authority aforeſaid, That His Majeſty may, from time to time, grant a Commiſſion under His Royal Sign Manual, to any Officer, not under the Degree of a Field Officer, for the holding a General Court-martial within this Realm; and alſo grant His Warrant to the Lord Lieutenant of Ireland, or other Chief Governor or Governors there for the time being, or the Governor or Governors of Minorca, Gibraltar, and any of His Majeſty's Dominions beyond the Seas reſpectively, or the Perſon or Perſons there commanding in Chief, from time to time, to appoint Courts-martial in the Kingdom of Ireland, and other Places and Dominions reſpectively; in which Courts-martial, all the Offences above-mentioned, and all other Offences herein after ſpecified, ſhall be tried and proceeded againſt in ſuch Manner, as by this Act ſhall be hereafter directed.

The King may grant a Commiſſion to hold a Court-martial, &c.

And be it alſo further enacted, That it ſhall and may be lawful to and for ſuch Courts-martial, by their Sentence or Judgement, to inflict Corporal Puniſhment, not extending to Life or Limb, on any Soldier for Immoralities, Misbehaviour, or Neglect of Duty.

Court-martial may inflict Corporal Puniſhment for Immoralities, &c.

And it is hereby further enacted and declared, That no General Court-martial which ſhall have Power to ſit by virtue of this Act, ſhall conſiſt of a leſs Number than Thirteen, whereof none to be under the Degree of a Commiſſion Officer; and the Preſident of ſuch General Court-martial, ſhall neither be the Commander in Chief, or Governor of the Garriſon where the Offender ſhall be tried, nor under the Degree of a Field Officer, unleſs where a Field Officer cannot be had; in which Caſe, the Officer next in Seniority to the Commander, not being under the Degree of a Captain, ſhall preſide at ſuch Court-martial; and that ſuch Court-martial ſhall have Power and Authority, and are hereby required to adminiſter an Oath to every Witneſs, in order to the Examination or Trial of any of the Offences that ſhall come before them.

General Court-martial not to conſiſt of leſs than 13; and the Preſident to be a Field Officer, or Officer next in Seniority, not under the Degree of a Captain.

May adminiſter an Oath to Witneſſes.

Provided always, That in all Trials of Offenders by General Courts-martial, to be held by virtue of this Act,

Officers to be ſworn.

every Officer present at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the holy Evangelists, before the Court, and Judge Advocate, or his Deputy (who are hereby authorized to administer the same) in these Words; that is to say,

The Oath. YOU shall well and truly try and determine according to your Evidence in the Matter now before you, between our Sovereign Lord the King's Majesty, and the Prisoner to be tried:

So help you God.

The Oath. I *A. B.* do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I further swear, That I will not divulge the Sentence of the Court until it shall be approved by His Majesty, the General, or Commander in Chief; neither will I, 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 in a due Course of Law:

So help me God.

The Judge Advocate to be sworn. **And so 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, an Oath in the following Words:**

The Oath. I *A. B.* do swear, That I will not, 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 in a due Course of Law:

So help me God.

And

And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, unless Nine Officers present shall concur therein; and if there be more Officers present than Thirteen, then the Judgement shall pass by the Concurrence of Two Thirds of the Officers present; and no Proceeding or Trial shall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning, and Three in the Afternoon, except in Cases which require an immediate Example.

In Sentences of Death, Nine Officers to concur, &c.

Hours of Trial.

Provided always, That the Party tried by any General Court-martial in the Kingdom of Great Britain or Ireland, or in Jersey, Guernsey, Alderney, or Sark, or the Islands thereto belonging, shall be intitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf (he or they paying reasonably for the same) at any Time not sooner than Three Months after such Sentence; and in the Case of Trials by any General Court-martial at Gibraltar or Minorca, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in the Case of Trials by any General Court-martial in His Majesty's other Dominions beyond the Seas, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any thing in this Act to the contrary notwithstanding.

The Party tried, intitled to a Copy of the Sentence and Proceedings of the Court-martial.

Provided also, and be it enacted by the Authority aforesaid, That every Judge Advocate, or Person officiating as such at any General Court-martial, do, and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the Original Proceedings and Sentence of such Court-martial to the Judge Advocate General in London; which said Original Proceedings and Sentence shall be carefully kept and preserved in the Office of such Judge Advocate General, to the end that the Persons intitled thereto may be enabled, upon Application to the said Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Original Proceedings, &c. of Courts-martial to be transmitted to the Judge Advocate General in *London*, &c.

Provided always, and be it hereby declared and enacted, That no Officer or Soldier being acquitted or convicted of any Offence, be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, be liable to be revised more than Once.

None to be tried a Second Time for the same Offence except in Case of Appeal.

This Act not to exempt Soldiers from ordinary proceſs.

Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to exempt any Officer or Soldier whatſoever, from being proceeded againſt by the ordinary Courſe of Law.

Penalty on falſe Certificates to excuſe Soldiers from Muſters.

And, for preventing of Fraud and Deceit in the muſtering of Soldiers, be it further enacted by the Authority aforeſaid, That if any Perſon ſhall make or give, or procure to be made or given, any falſe or untrue Certificates, whereby to excuſe any Soldier for his Abſence from any Muſter, or any other Service which he ought to attend or perform, upon Pretence of being employed on ſome other Duty of the Regiment, or of Sickneſs, being in Priſon, or on Furlough; that then every ſuch Perſon, ſo making, giving, or procuring ſuch Certificate, ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, and ſhall be forthwith caſhiered and diſplaced from his Office, and ſhall be thereby utterly diſabled to have or hold any Military Office or Employment within this Realm, or in His Majeſty's Service; and no Certificate ſhall excuſe the Abſence of any Soldier, but for the Reaſons above-mentioned, or One of them; and the Commiſſary of the Muſters is hereby directed to ſet down on the Roll, at the Time of the taking of the Muſter, the Reaſon of the Abſence of ſuch Soldier reſpectively, and by whom certified; and not to ſet down any ſuch Excuſe, without View of ſuch Certificate.

Penalty on Officers making falſe Muſters, &c.

And be it further enacted by the Authority aforeſaid, That every Officer that ſhall make any falſe or untrue Muſter of Man or Horſe, and every Commiſſary, Muſter-maſter, or other Officer, who ſhall wittingly or willingly allow or ſign the Muſter-roll, wherein ſuch falſe Muſter is contained, or any Duplicate thereof; and alſo every Commiſſary, Muſter-maſter, or other Officer, who ſhall directly or indirectly take, or cauſe to be taken, any Sum or Sums of Money, or any other Gratuity, on or for the muſtering any Regiment, Troop, or Company, or on or for the ſigning of any Muſter-rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witneſſes before a General Court-martial, to be thereupon called (which is hereby authorized and required to adminiſter ſuch Oath) ſhall, for ſuch Offence, be forthwith caſhiered and diſplaced from ſuch his Office, and ſhall be thereby utterly diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majeſty's Service.

And whereas His Majesty hath been graciously pleased, in Compassion to the distressed Condition of several Widows of Officers of the Army, who have lost their Lives in the Service of the late War, or during the late Rebellion, by Orders made under His Royal Sign Manual, to direct His Commissary General of the Musters, to allow upon the Muster-rolls of all the Regiments, Troops, and Companies, a Number of fictitious Names therein mentioned, instead of private Men, in order to raise and settle a Fund for the Maintenance of such Widows of Officers as are or shall be intitled to His Royal Bounty: And whereas His Majesty has been graciously pleased, under His Royal Sign Manual, to give the like Directions to His Commissary General of the Marines, and has appointed a Receiver for the Purposes aforesaid, and directed the Paymaster General and the Paymaster of the Marines, by like Orders under His Sign Manual, to pay over the full Pay of such fictitious private Men to such Receiver, to be distributed to such Widows, according to His Instructions in that Behalf; be it further enacted and declared by the Authority aforesaid, That no Allowance of any such fictitious Name upon any Muster-roll shall be construed to be a false Muster; any thing in this or any former Act contained to the contrary notwithstanding.

Fictitious Names allowed by His Majesty's Order upon the Muster-rolls, for the Maintenance of Officers Widows, not to be construed a false Muster.

And be it further enacted by the Authority aforesaid, That every Commissary or Muster-master, upon any Muster to be made, had, or taken by him or them, shall, by a convenient Time before such Muster made, give Notice to the Mayor, or other Chief Magistrate or Officer of the Place where the said Soldiers so to be mustered shall be quartered; who is hereby required to be present at every such Muster, and give his utmost Assistance for the discovering any false or untrue Muster there made, or offered to be made; and that every such Commissary or Muster-master, making or taking such Muster, that shall neglect to give such Notice as aforesaid, or shall refuse to take the Aid and Assistance of such Mayor, Chief Magistrate, or Officer, where the Soldiers to be mustered shall be quartered, shall forfeit the Sum of Fifty Pounds, and shall be discharged from his Office; and no Muster-roll shall be allowed, unless the same be signed by the said Mayor, or other Chief Magistrate, or Officer respectively: But in case such Mayor, Chief Magistrate, or Officer shall not, upon due Notice given, attend such Muster, or shall refuse to sign such Muster-roll, without giving good and sufficient Reasons

Muster-master to give Notice of Muster to Mayor, &c.

Penalty on Muster-master neglecting so to do.

Muster-rolls to be signed by the Mayor, &c.

for such his Refusal; that then the Commissary may proceed to muster such Regiment, Troop, or Company, without incurring the said Penalty; and such Muster-roll shall be allowed, though not signed as aforesaid; provided that Oath be made before any of His Majesty's Justices of the Peace within Forty eight Hours after such Muster; and the said Muster-roll shall then be produced, and examined by the said Justice of the Peace, who is hereby required to sign the same, if there shall appear to be no good or sufficient Objection to the same.

Penalty on Persons offering themselves to be falsly mustered.

And be it further enacted by the Authority aforesaid, That if any Person shall be falsly mustered, or offer himself falsly or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses before the next Justice of the Peace for the County where such Muster shall be made, and upon Certificate thereof in Writing under the Hand of the Commissary of the Musters, or Chief Magistrate, as aforesaid, made to such Justice of the Peace, the said Justice is hereby authorized and required to commit such Offender to the House of Correction there to remain for the Space of Ten Days; and if any Person shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered; the said Horse so falsly mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse; or otherwise, the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses before the next Justice of the Peace; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattles of the Person so offending, rendering the Overplus, if any be, to the Owner; and in case such Offender shall not have sufficient Goods and Chattles, whereon Distress may be made, to the Value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction, then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publickly whipt, at the Discretion of such Justice; and the said Forfeiture shall be to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

Horses falsly mustered, to be forfeited, &c.

Forfeiture how to be levied.

And

And be it further enacted by the Authority aforesaid, That every Commission Officer, Storekeeper, or Commissary, that shall embezil or misapply, or cause to be embezilled or misapplied, or shall wilfully, or through Neglect, suffer any Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores to be spoiled or damaged, upon Proof thereof upon Oath made by Two Witnesses, before a General Court-martial (which is hereby authorized and required to administer such Oath) shall be forthwith dismissed his Majesty's Service, and forfeit the Sum of One hundred Pounds, and is hereby required to make good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to seize the Goods and Chattles of the Person so offending, and sell them for the Payment of the said One hundred Pounds, and such Damage; and if sufficient Goods and Chattles cannot be found and seized, then the Person so offending shall be committed to Prison, or the Common Gaol, to remain there for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as his Majesty shall direct and appoint.

Officer embezilling, &c. Military Stores,

to be cashiered, and forfeit 100 *l.* and the Damage to be made good, by Sale of his Goods and Chattles;

for want of Distress, the Person to be committed.

Application of the Forfeiture.

And be it further enacted by the Authority aforesaid, That every Commissary of the Musters, or Muster-master, either of the Land Forces or Marines, making or taking a Muster, do make Oath before the Mayor or Chief Magistrate attending the making or taking such Muster as aforesaid, if such Mayor or Chief Magistrate so attending be a Justice of the Peace, or otherwise, before some other Justice of the Peace for the County where such Muster shall be taken (who is hereby authorized and required to administer the same without Fee or Reward) in Manner and Form following:

Muster-master, &c. taking a Muster, to make Oath

I *A. B.* do swear, That I saw, at the Time of making the within Muster, such Men or Horses as are borne, and not respited, on the Muster-roll, for which Men or Horses a signed Certificate or Certificates are not indorsed on the Back of the Roll, certifying their being absent from the Muster by Reason of being employed on some other Duty of the Regiment, or by being sick, in Prison, on Furlough, or at Grass, or by a signed Leave from the Colonel or Field Officer, or Officer commanding the Regiment, Troop, or Company.

The Oath.

Which

Which Oath the said Commissary or Muster-master is hereby directed to insert and subscribe on the Back of the Muster-roll by him transmitted into the Office of the Commissary General of the Musters.

Muster-rolls, though transmitted without the Oath indorsed to the Paymasters General, to be good Vouchers to the Auditor.

And whereas a Doubt hath arisen, whether the Oath directed to be inserted and indorsed on the Back of the Muster-roll (by the Act passed in the Twentieth Year of the Reign of His late Majesty King George the Second, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters) should not only be indorsed and subscribed on the Back of those Muster-rolls which are to remain with the respective Muster-masters General of His Majesty's Land Forces and Marines, but also on the Back of those Muster-rolls which are transmitted to the respective Paymasters of the said Land Forces and Marines, and by them returned into the Office of the Auditors of the Imprest; to obviate which Doubt, be it enacted and declared by the Authority aforesaid, That all such Muster-rolls as have been, or shall be, from time to time, transmitted to the said Paymasters General, and by them returned into the Office of the Auditors of the Imprest since the passing the said Act, shall be deemed good and sufficient Vouchers to the said Auditors of the Imprest, although the before-mentioned Oath be not inserted and indorsed on the Back of such Muster-rolls; any thing in the said Act contained to the contrary in any wise notwithstanding.

Penalty on Agent, &c. detaining Officer's or Soldier's Pay.

And be it further enacted, That if any Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, shall wilfully detain or withhold, by the Space of One Month, the Pay of any Officer or Soldier (Clothes and all other just Allowances being deducted) after such Pay shall be by him or them received; or if any Officers, having received their Soldiers Pay, shall refuse to pay each respective Non-commission Officer and Soldier their respective Pay, when it shall become due, at the Rate

Weekly Rates.

of Seventeen Shillings and Six Pence per Week for each Corporal of Light Horse; Fourteen Shillings per Week for each Trumpeter and private Trooper; Nine Shillings and Eleven Pence per Week for each Dragoon; Nine Shillings and Four Pence per Week for each Serjeant; Six Shillings and Two Pence per Week for each Corporal; Five Shillings per Week for each Drummer; Four Shillings per Week for each private Soldier of His Majesty's Three Regiments of Foot Guards; and Six Shillings per Week to each Serjeant; Four Shillings and Six Pence per Week to each Corporal and Drummer; and Three Shillings per Week to each Foot Soldier of

any other Regiment or Independent Company; and at the End of every Two Months to account for One Shilling per Week to each Serjeant, and Two Pence per Week to each Corporal and Drummer, and Six Pence per Week to each Foot Soldier; the said One Shilling per Week, Two Pence per Week, and Six Pence per Week, being the Remainder of the Subsistence of each Serjeant, Corporal, Drummer, and Foot Soldier; then, upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose held and summoned by his Majesty's Order, every such Paymaster, Agent, Clerk, or Officer so offending, shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid; and the Informer, if a Soldier (if he demands it) shall be, and he is hereby discharged from any further Service; any thing in this Act contained to the contrary notwithstanding: And the Commanding Officers of the Three Regiments of Foot Guards are hereby impowered, if they judge it necessary for the Good of the Service, to make the same Stoppages of One Shilling per Week from each Serjeant, Two Pence per Week from each Corporal and Drummer, and Six Pence per Week from each Foot Soldier; and at the End of every Two Months to account for the said One Shilling per Week to each Serjeant, and Two Pence per Week to each Corporal and Drummer, and Six Pence per Week to each Foot Soldier, in the same Manner as is hereby directed for the Marching Regiments.

Penalty on Agents disobeying of Orders.

And for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the several Regiments, and Independent Troops and Companies, the said Agents are hereby required and directed to observe such Orders and Directions as shall, from time to time, be given by his Majesty, under his Sign Manual, or by the Lord Treasurer, or Commissioners of the Treasury for the time being; and if any Agent shall refuse or neglect to observe and comply with such Orders and Directions, he shall be discharged from his Office, and be utterly disabled to have or hold any such Office in his Majesty's Service.

Surgeon, &c. within Ten Miles of *London*, &c. to certify who are sick;

And it is hereby enacted, That the Surgeon, or his Mate, shall, within the Cities of London and Westminster, and Ten Miles of the same, certify upon Oath to the Muster-master, that he hath actually seen such Person as he certifies to be sick; and such Commanding Officer shall also certify the Names of such others, as shall be em-

and Commanding Officer, who are employed in raising Recruits.

ployed in raising Recruits; and if such Certificate shall prove false, upon Conviction thereof, before a Court-martial, the Officer signing such Certificate shall suffer such Penalties, and in such Manner, as is declared and inflicted by this Act upon those who shall make false Musters; and the Commissary of the Musters is hereby directed to insert in the Docket annexed to the Muster-roll, the Place where, and the precise Day when, every Muster-roll is taken.

Penalty on Officer mustering Persons by wrong Names.

And it is enacted, That if any Officer or Commissary shall muster any Person by a wrong Name knowingly, upon Conviction thereof before a General Court-martial, the said Officer or Commissary shall suffer such Penalties, and in such Manner, as is directed and inflicted by this Act upon those who shall make false Musters.

And whereas by the Petition of Right, in the Third Year of King Charles the First, it is enacted and declared, That the People of this Land are not by the Laws to be burthened with the Sojourning of Soldiers against their Wills; and by a Clause in an Act of Parliament made in the One and thirtieth Year of the Reign of King Charles the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty two Pounds, Seventeen Shillings, and Three Pence, for paying and disbanding the Forces, it is declared and enacted, That no Officer, Civil or Military, nor other Person whatsoever, should, from thenceforth, presume to place, quarter, or billet, any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billeting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies, in several Parts of this Kingdom; be it further enacted by the Authority aforesaid,

Constables, &c. to quarter Officers and Men in Inns, Ale-houses, &c.

That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tythingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places, within England, Wales, and the Town of Berwick upon Tweed, and in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others; and such Constables, and other Civil Magistrates

giſtrates as aforeſaid, are hereby required to quarter and billet the Officers and Soldiers in his Majeſty's Service, in Inns, Livery Stables, Ale-houſes, Victualling-houſes, and the Houſes of Sellers of Wine by Retail to be drank in their own Houſes, or Places thereunto belonging, and all Houſes of Perſons ſelling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houſes, other than and except the Houſe or Houſes of any Diſtillers, who keep Houſes or Places of diſtilling Brandy and Strong Waters, and the Houſe of any Shopkeeper, whoſe principal Dealings ſhall be more in other Goods and Merchandizes, than in Brandy and Strong Waters (ſo as ſuch Diſtillers and Shopkeepers do not permit or ſuffer Tippling in his or their Houſes) and in no other, and in no private Houſes whatſoever; nor ſhall any more Billets at any Time be ordered, than there are effective Soldiers preſent to be quartered; and if any Conſtable, Tythingman, or ſuch like Officer or Magiſtrate as aforeſaid, ſhall preſume to quarter or billet any ſuch Officer or Soldier in any ſuch private Houſe, without the Conſent of the Owner or Occupier; in ſuch Caſe, ſuch Owner or Occupier ſhall have his or their Remedy at Law againſt ſuch Magiſtrate or Officer, for the Damage that ſuch Owner or Occupier ſhall ſuſtain thereby; and if any Military Officer ſhall take upon him to quarter Soldiers otherwiſe than is limited and allowed by this Act, or ſhall uſe or offer any Menace or Compulſion to or upon any Mayors, Conſtables, or other Civil Officers before-mentioned, tending to deter and diſcourage any of them from performing any Part of their Duty hereby required or appointed; ſuch Military Officer ſhall, for every ſuch Offence (being thereof convicted before any Two or more of the next Juſtices of the Peace 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 have or hold any Military Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace of the ſaid County, and a Certificate thereof be tranſmitted to the Judge Advocate, who is hereby obliged to certify the ſame to the next Court-martial; and in caſe any Perſon ſhall find himſelf aggrieved, in that ſuch Conſtable, Tythingman, or Headborough, Chief Officer, or Magiſtrate (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace) has quartered or billeted in his Houſe a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours; and ſhall complain thereof to One

But in no Diſtillers Houſes, or Shopkeepers, or in any private Houſes.

Penalty on Conſtables, &c. quartering Soldiers in private Houſes, &c.

Penalty on Officers quartering Soldiers contrary to this Act, &c.

Perſons aggrieved by being quartered on, may complain to any Juſtices, and be relieved.

One or more Justice or Justices of the Peace of the Division, City, or Liberty, where such Soldiers are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person or Persons, as they shall see Cause; and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

No Justice having any Military Office, to be concerned in billeting his Soldiers.

Provided also, and be it further enacted, That no Justice or Justices of the Peace, having or executing any Military Office or Commission in that Part of Great Britain called England, shall or may, during the Continuance of this Act, directly or indirectly be concerned in the quartering, billeting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company, under the immediate Command or Commands of such Justice or Justices, according to the Disposition made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things, executed or appointed by such Justice or Justices of the Peace, for or concerning the same, shall be void; any thing in this Act contained to the contrary notwithstanding.

Officers and Soldiers to pay Rates for their Provisions.

Provided nevertheless, and it is hereby enacted, That the Officers and Soldiers so quartered and billeted as aforesaid, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Ale-houses, Victualling-houses, and other Houses in which they are allowed to be quartered and billeted by this Act; paying and allowing for the same the several Rates herein after-mentioned to be payable out of the Subsistence-money for Diet and Small Beer.

What Innholders may allow Men quartered on them, instead of Meat.

Provided always, That in case any Innholder or other Person on whom any Non-commission Officers or Soldiers shall be quartered by virtue of this Act (except on a March, or employed in recruiting; and likewise except the Recruits by them raised, for the Space of Seven Days at most, for such Non-commission Officers and Soldiers who are recruiting, and Recruits by them raised) shall be desirous to furnish such Non-commission Officers or Soldiers with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints for each Man per Diem, gratis, and allow to such Non-commission Officers or Soldiers the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice

tice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then, and in such Case, the Non-commission Officers and Soldiers so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive, or that does actually receive the Pay and Subsistence of such Non-commission Officers and Soldiers, shall pay the several Sums herein after-mentioned to be payable out of the Subsistence-money for Diet and Small Beer, to the Non-commission Officers and Soldiers aforesaid, and not to the Innholder or other Person on whom such Non-commission Officers and Soldiers are quartered; any thing herein contained to the contrary notwithstanding.

Penalty on Officers taking Money, to excuse the quartering.

Provided always, and be it enacted by the Authority aforesaid, That if any Officer shall take, or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Soldiers, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

Dragoons, &c. and their Horses, to be billeted in the same House.

And whereas great Inconveniencies have arisen, and may arise, in such Places where Horse or Dragoons are or may be quartered, by the billeting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act; be it therefore enacted by the Authority aforesaid, That in all Places where Horse or Dragoons shall be quartered or billeted in pursuance of this Act, for the future the Men and their Horses shall be billeted in one and the same Houses (except in case of Necessity) and that in no other Case whatsoever there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in Proportion for a greater Number; and in such Case each Man shall be billeted as near his Horse as possible.

Manner of changing Men and Horses.

And whereas some Doubts have arisen, whether Commanding Officers of any Regiment, Troop, or Company, may exchange any Men or Horses quartered in any Town or Place, with another Man or Horse quartered in the same Place, for the Benefit of the Service; be it declared and enacted by the Authority aforesaid, That such Exchange as above-mentioned may be made by such Commanding Officers respectively; provided the Number of Men, or Horses, do not exceed the Number at that Time billeted on such House or Houses; and the Constables,

Tythingmen, Headboroughs, and other Chief Officers, and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

Clause relating to a Soldier's Settlement for his Wife and Children.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the County, Town, or Place, where any Non-commission Officer or Soldier shall be quartered, in case such Non-commission Officer or private Soldier have either Wife, or Child, or Children, to cause such Non-commission Officer or Soldier to be summoned before them, in the Town or Place where such Non-commission Officer or Soldier shall be quartered, in order to make Oath of the Place of their last legal Settlement; (which Oath the said Justices are hereby impowered to administer) and such Non-commission Officers and private Soldiers as aforesaid, are hereby directed to obey such Summons, and to make Oath accordingly; and such Justices are hereby required to give an attested Copy of such Affidavit so made before them, to the Person making the same, to be by him delivered to his Commanding Officer, in order to be produced when required; which attested Copy shall be at any Time admitted in Evidence, as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Session of the Peace: Provided always, That in case any Non-commission Officer or private Soldier shall be again summoned to make Oath as aforesaid, then on such attested Copy of the Oath by him formerly taken, being produced by him, or by any other Person on his Behalf, such Non-commission Officer or Soldier shall not be obliged to take any other or further Oath, with regard to his legal Settlement, but shall leave a Copy of such attested Copy of Examination, if required.

Officers, &c. to be quartered in *Scotland* as the Laws in Force at the Union direct.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to quarter Officers and Soldiers in Scotland, in such and the like Places and Houses as they might have been quartered in by the Laws in Force in Scotland at the Time of the Union; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there, as by the said Laws in Force at the Time of the Union was provided; and that no Officer shall be obliged to pay for his Lodging, where he shall be regularly billeted, except in the Suburbs of Edinburgh.

And

And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of March, One thousand seven hundred and sixty one, no Paymaster General, or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, or Muster-master, or any other Officer whatsoever, or their Under Officers, shall receive any Fees, or make any Deductions whatsoever out of the Pay of any Officer or Soldier in his Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty fourth Day of March, One thousand seven hundred and sixty one, other than the usual Deductions for Clothing, and Twelve Pence in the Pound to be disposed of as his Majesty shall think fit; and the One Day's Pay in the Year for the Use of the Royal Hospital at Chelsea, and such other necessary Deductions as shall from time to time be directed by his Majesty under his Royal Sign Manual.

No Paymaster, &c. to make Deductions out of Officers or Soldiers Pay.

Exceptions.

And for the Encouragement of the due and well Clothing of the Troops, be it hereby further enacted, That the Lord High Treasurer, or the Commissioners of the Treasury for the time being, may, if he or they see convenient, at the End of every Two Months, issue the Money due for the Clothing of the several Regiments, Troops, and Companies, notwithstanding the Muster-rolls have not been duly returned: And the respective Paymasters are hereby directed to make Deductions of all Off-reckonings, and to pay the same to such Person or Persons only as have a regular Assignment for Clothes by him or them delivered to the said Regiment, Troop, or Company; and the Receipt of such Person or Persons having or being lawfully intitled to such Assignment, to be from time to time taken for the same; and when no such Assignment appears, the Off-reckonings to remain in the Hands of the said Paymaster respectively, for the Use of the Regiment, Troop, or Company, until a new Contract for Clothing and Assignment is made.

Treasury may issue out the Money due for Clothing, every 2 Months.

Paymasters to deduct the Off-reckonings.

And that the Quarters both of Officers and Soldiers in Great Britain, and in Jersey, Guernsey, Alderney, and Sark, and the Islands thereto belonging, may hereafter be duly paid and satisfied, and his Majesty's Duties of Excise better answered, be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of March, One thousand seven hundred and sixty one, every Officer to whom it belongs to receive, or that does actually receive, the Pay or Subsistence-money, either for a whole Regiment, or particular Troops and Companies,

Officers to give Notice to Innkeepers of Subsistence-money in their Hands.

Companies, or otherwise, shall immediately, upon each Receipt of every particular Sum which shall, from time to time, be paid, returned, or come to his or their Hands, on account of Pay or Subsistence, give publick Notice thereof to all Persons keeping Inns, or other Places where Officers or Soldiers are quartered by virtue of this Act; and shall also appoint the said Innkeepers, and others, to repair to their Quarters at such Times as they shall appoint, for the Distribution and Payment of the said Pay or Subsistence-money to the Officers or Soldiers, which shall be within Four Days at the farthest after the Receipt of the same, as aforesaid; and the said Innkeepers, and others, shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Soldiers so quartered in their respective Houses; which Accounts the said Officer or Officers are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed either to the Officers or Soldiers: Provided the said Accounts exceed not, for a Commission Officer of Horse, being under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, Two Shillings; nor for One Commission Officer of Dragoons, being under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, One Shilling; nor for One Commission Officer of Foot, under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, One Shilling; and if such Officer shall have a Horse or Horses, for each Horse or Horses, for their Hay and Straw, per Diem, Six Pence; nor for One Light Horseman's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horse, per Diem, Six Pence; nor for One Dragoon's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horse, per Diem, Six Pence; nor for One Foot-soldier's Diet and Small Beer, per Diem, Four Pence; and if any Officer or Officers, as aforesaid, shall not give Notice as aforesaid, and shall not immediately, upon producing such Account stated, satisfy, content, and pay the same; upon Complaint and Oath made thereof, by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer) the Paymaster or Paymasters of His Majesty's Guards and Garrisons, and Marines, are hereby required and authorized (upon Certificate of the said Justices before whom such Oath

Rates of Subsistence to be paid to Innkeepers, &c. for Soldiers Quarters.

Penalty on Officers not paying Subsistence-money.

was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers, upon Penalty that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster or Paymasters, and be discharged from holding the same for the future: And in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby authorized and required to deduct the Sums he or they shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong; and such Officer or Officers shall, for every such Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money, as aforesaid, be deemed and taken, and are hereby declared ipso facto cashiered. And where it shall happen that the Subsistence-money due to any Officer or Soldier shall, by Occasion of any Accident, not be paid to such Officer or Soldier, or such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be, or are not paid, as this Act directs; and where any Horse, Foot, or Dragoons, shall be upon their March, so that no Subsistence can then be remitted to them, to make Payment as this Act directs, or they shall neglect to pay the same; in every such Case, it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters, where such Regiment, Troop, or Company shall remain for any Time whatsoever, make up the Accounts, as this Act directs, with every Person with whom such Regiment, Troop, or Company shall have quartered, and sign a Certificate thereof, and give the said Certificate, so by him signed, to the Party to whom such Money is due, with the Name of such Regiment, Troop, or Company, to which he or they shall belong; to the end the said Certificate may be forthwith transmitted to the Paymaster of His Majesty's Guards and Garrisons, or to the Paymaster of the Marines, who are hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the end the same may be applied to such Regiment, Troop, or Company respectively, under Pain as is before in this Act directed for Nonpayment of Quarters.

On Nonpayment of Quarters, the Officer to make up Accounts, &c.

And be it further enacted, That no Commissary shall muster any Regiment, Troop, or Company, within the City of Westminster, and Borough of Southwark, and

No Muster in *Westminster*, &c. but in the Presence of Two or more Justices.

Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the before-mentioned Penalty; unless such Justices, upon Forty eight Hours Notice given to Six of His Majesty's Justices of the Peace, residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Commissary may proceed to muster such Regiment, Troop, or Company: Provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace, as aforesaid: Which Justices so attending, are hereby impowered to sign the said Muster-rolls, and to take Cognizance of such Muster, and to examine the Truth thereof, before they sign the same.

Constables, &c. may billet Soldiers in *Westminster*, &c.

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the High Constables, Petty Constables, Headboroughs, and Tythingmen, within the said City and Liberties of Westminster, and Places adjacent, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's said Regiments of Foot-guards, in such Houses only, as by this Act are limited, in and about the said City and Liberties of Westminster, and Places adjacent (except the City of London) during the Continuance of this Act: And when any Order shall issue for the quartering or billeting any Officers or Soldiers within the said City and Liberties of Westminster, and Places adjacent, the High Constable shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tythingmen of each Parish, Ward, Hamlet, and District, within their respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot-guards on such Houses only as by this Act is limited within his respective Parish, Hamlet, or District; and such Petty Constables, Headboroughs, and Tythingmen shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act, equally and proportionably, according to the Number of such Officers and Soldiers so to be billeted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot-guards, shall be quartered within the said City and Liberties of Westminster, and the Places adjacent, in the same Manner, and under the same Regulations, as in other Parts of England, in all Cases, for which particular Provision is not made by this Act.

Petty Constables, &c. to quarter Soldiers in their respective Divisions.

And,

And, for the better preventing Abuſes in billeting and quartering ſuch Officers and Soldiers in the ſaid City and Liberties of Weſtminſter, and Parts adjacent, be it enacted by the Authority aforeſaid, That the Petty Conſtables, Headboroughs, and Tythingmen of their reſpective Pariſhes, Wards, Hamlets, and Diſtricts within the ſame, ſhall, at every General Quarter Seſſions of the Peace, to be holden for the ſaid City and Liberties of Weſtminſter, and Parts adjacent, make and deliver to the Juſtices, then in open Seſſions aſſembled, upon Oath (which Oath they the ſaid Juſtices are hereby authorized and required to adminiſter) true Liſts ſigned by them reſpectively of all ſuch Houſes, together with the Number of all ſuch Perſons reſpectively inhabiting the ſame, within his or their Pariſh, Ward, Hamlet, or Diſtrict reſpectively, as are ſubject and liable by this Act to receive ſuch Officers and Soldiers, together with the Number of all ſuch Officers and Soldiers as are quartered and billeted in each Houſe reſpectively; and ſuch Liſts ſhall remain with the Clerk of the Peace of the ſaid City and Liberties of Weſtminſter, to the Intent that all and every Perſon and Perſons ſhall and may be at Liberty to inſpect the ſame without Fee or Reward; and ſuch Clerk ſhall forthwith, from time to time, make and deliver to every or any Perſon or Perſons who ſhall require the ſame, true Copies of all and every or any ſuch Liſts, upon being paid Two Pence a Sheet for each and every ſuch Copies ſo taken, each Sheet to be computed at, and contain One hundred and fifty Words; and if Default or Neglect ſhall be made by any Petty Conſtable, Headborough, or Tythingman of any ſuch Pariſh, Ward, Hamlet, or Diſtrict in the delivering ſuch Liſt to the Juſtices at their Quarter Seſſions, as aforeſaid, or if he or they ſhall ſo deliver or cauſe to be delivered in, any falſe or defective Liſt, not including and ſpecifying therein all and every ſuch Houſe and Houſes ſo liable by this Act to receive ſuch Officers and Soldiers, or the Names of all ſuch Officers and Soldiers as are quartered and billeted in each Houſe reſpectively; ſuch Petty Conſtable, Headborough, and Tythingman, or any of them, ſo offending therein, ſhall, for each ſuch Offence, forfeit each the Sum of Five Pounds, to the Uſe of the Poor of ſuch reſpective Pariſhes, Wards, Hamlets, and Diſtricts, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtice

Conſtables, &c. to deliver Liſts at Quarter Seſſions, on Oath, of Inhabitants, and Soldiers quartered in their reſpective Diviſions;

to be inſpected without Fee.

Copies of ſuch Liſts to be wrote by the Clerk, at 2 *d.* *per* Sheet, containing 150 Words.

Penalty on Default.

Penalty on giving defective Liſts.

How to be levied.

or Justices of the Peace for the said City of Westminster, or for the County of Middlesex (which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to make and issue) and for want of sufficient Distress to be found for that Purpose, the said Justice or Justices is and are hereby impowered and required, by Warrant or Warrants under his or their Hands and Seals, to commit the Person or Persons so offending to the Common Gaol of the said City of Westminster, or County of Middlesex, there to remain for any Time to be limited by such Justice or Justices, not exceeding Three Months, and not less than One Month, without Bail or Mainprize.

This Act to extend to *Jersey*, &c.

And be it further enacted by the Authority aforesaid, That this Act shall be construed to extend to the Islands of Jersey, Guernsey, Alderney, and Sark, and the Islands thereto belonging, as to the Clauses therein for mustering and paying, and the Penalties thereto belonging.

Muster-rolls to be closed on Day of Muster,

and returned to the Paymaster of the Forces, &c.

And be it further enacted by the Authority aforesaid, That the Commissary General of the Musters, or his Deputy, shall, upon every Muster taken by him or them respectively of any Regiment, Troop, or Company, in His Majesty's Service, close the Muster-rolls of the said Regiment, Troop, or Company, upon the Place, the same Day the Muster is taken; and shall return One of every of the said Rolls so taken in Parchment, to the Paymaster General of His Majesty's Guards and Garrisons, or to such Paymaster respectively, under whose Care the Payment of such Forces shall be; and One of the said Rolls so taken, to the Comptroller or Comptrollers of the Accounts of the Army, the Fourth Day after the said Rolls shall respectively be closed, if in London, or within Twenty Miles Distance from the same; and if at further Distance, by the next Post after the said Rolls shall be respectively closed; and no Alterations or Indorsements shall be made in or upon the said Muster-rolls, other than in the Case of Orders of Leave, or Dates of Commissions, and other than involuntary Errors or literal Mistakes in writing or transcribing the said Muster-rolls, upon Pain of forfeiting their respective Employments, and the Sum of Twenty Pounds, to any Person that will sue for the same, for every such Offence.

Penalty.

Justices may order Constables to provide Carriages.

And be it further enacted by the Authority aforesaid, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Clothes, or Accoutrements, in England, Wales,

Wales, and the Town of Berwick upon Tweed, all Justices of the Peace, within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, shall, as often as such Order is brought and shewn unto One or more of them by the Quarter-master, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, so ordered to march, issue out his or their Warrants to the Constables or Petty Constables of the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be ordered to march; requiring them to make such Provision for Carriages with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen; and in case sufficient Carriages cannot be provided within any such Liberty, Division, or Precinct; then the next Justice or Justices of the Peace of the County, Riding, or Division, shall, upon such Order as aforesaid, being brought or shewn to One or more of them, by any of the Officers aforesaid, issue his or their Warrants to the Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct, for the Purposes aforesaid, to make up such Deficiency: And the aforesaid Officer or Officers, who by virtue of the aforesaid Warrant from the Justices of the Peace, are to demand the Carriage or Carriages therein mentioned, of the Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the Sum of One Shilling for every Mile any Waggon with Five Horses shall travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses, shall travel; and the Sum of Nine Pence for every Mile any Cart with Four Horses shall travel; and so in Proportion for less Carriages; for which respective Sums so received, the said Constable or Petty Constable is hereby required to give a Receipt in Writing to the Person or Persons paying the same: And such Constable or Petty Constable shall order and appoint such Person or Persons, having Carriages within their respective Liberties, as they shall think proper, to provide and furnish

Rates for Carriages.

such Carriages and Men, according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly: And if any Military Officer or Officers, for the Use of whose Troop or Company the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage, to travel more than One Day's Journey, or shall not discharge the same in due Time for their Return Home, or shall suffer any Soldier or Servant (except such as are sick) or any Woman to ride in the Waggon, Wain, Cart, or Carriage aforesaid, or shall force any Constable or Petty Constable, by Threatenings or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners by themselves, Servants, or Soldiers; every such Officer, for every such Offence, shall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Paymaster General, or other respective Paymaster of His Majesty's Forces, who is hereby required to pay the aforesaid Sum of Five Pounds according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County, or Riding, who are hereby impowered to deduct the same out of such Officer's Pay.

Penalty on Officers forcing Waggons to travel more than One Day's Journey, &c.

And be it enacted by the Authority aforesaid, That if any High Constable or Petty Constable shall wilfully neglect or refuse to execute such Warrants of the Justices of the Peace, as shall be directed unto them for providing Carriages as aforesaid; or if any Person or Persons, appointed by such Constable or Petty Constable to provide or furnish any Carriage and Man, shall refuse or neglect to provide the same; or any other Person or Persons whatsoever shall wilfully do any Act or Thing, whereby the Execution of the said Warrant shall be hindered or frustrated; every such Constable, or other Person or Persons so offending, shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, to the Use of the Poor of the Parish where any such Offence shall be committed: And all and every such Offence and Offences shall and may be enquired of, heard, and fully determined, by Two of His Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattles, rendering the Overplus (if any) to the Owner.

Penalty on Constables, &c. Neglect.

And

And whereas the reſpective Sums of Money by this Act appointed to be paid to the Conſtable by the Officers demanding ſuch Carriages, are not, in many Caſes, ſufficient to anſwer the Charge and Expence of providing the ſame, inſomuch that the ſaid Conſtables are frequently at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhip of which he is Conſtable, or elſe the Perſons perſorming ſuch Carriages are grievouſly oppreſſed; For Remedy whereof, and that the ſaid Overplus Charge may be borne by each County or Riding, at the general Charge of ſuch County or Riding, be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers of each reſpective County or Riding ſhall, without Fee or Reward, pay unto ſuch Conſtable all and every ſuch reaſonable Sum or Sums of Money, ſo by him paid or laid out for ſuch Carriages, over and above what was or ought to have been paid by the Officer requiring ſuch Carriages, out of the publick Stock of ſuch County or Riding, according to ſuch Rates, Orders, Rules, and Directions, as the ſaid Juſtices of the Peace, in their Quarter Seſſions aſſembled, within their reſpective Juriſdictions, ſhall, from time to time, during the Continuance of this Act, make, direct, and appoint (which Orders ſhall be made without Fee or Reward) Regard being always had to the Seaſon of the Year, and the Length and Condition of the Ways by and through which ſuch Carriages are to travel.

Treaſurers of the County to repay the Conſtable's extraordinary Charges.

And in caſe the ſaid publick Stock of the County or Riding be not ſufficient (over and above the other Purpoſes for which it was raiſed) to ſatisfy the extraordinary Charge of Carriages before-mentioned; it is hereby further enacted, That the ſaid Juſtices of the Peace in the General Quarter Seſſions ſhall have Power, from time to time, to raiſe Monies upon the reſpective Counties or Ridings in ſuch Manner as they now raiſe Monies for County Gaols and Bridges, to ſatisfy the ſaid extraordinary Charge of Carriages.

The Money for thoſe Purpoſes how to be raiſed.

Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impreſſed by Authority of this Act, ſhall be liable or obliged, by virtue of this Act, to carry above Twenty hundred Weight; any thing in this Act contained to the contrary notwithſtanding.

No Waggon, &c. to carry above 20 hundred Weight.

And be it further enacted, That the Carriages for the Service of the Forces from time to time quartered or marching in Scotland, ſhall be provided in like Manner, and at the Rates, and the Furniſher of ſuch Carriages ſhall

Carriages in *Scotland* how to be provided.

shall be paid, as was directed by the Law in Force in Scotland, at the Time of the Union.

Soldiers Wives, &c. not to be quartered without Consent.

And be it enacted by the Authority aforesaid, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall at any Time, during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid-servants of any Officer or Soldier in any such Houses, against the Consent of the Owners; the Party offending, if an Officer of the Army, shall, upon Complaint and Proof thereof made to the Commander in Chief of the Army, or Judge Advocate, be ipso facto cashiered; and if a Constable, Tythingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace, to be levied by Warrant of such Justice, by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same.

Penalty.

Penalty on Officers or Soldiers destroying the Game.

And for the better Preservation of the Game, in or near such Place, where any Officers or Soldiers shall at any Time be quartered; be it enacted by the Authority aforesaid, That if, from and after the said Twenty fourth Day of March, One thousand seven hundred and sixty one, any Officer or Soldier shall, without Leave of the Lord of the Manor, under his Hand and Seal, first had and obtained, take, kill, or destroy, any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or his Majesty's Game, within the Kingdom of Great Britain; and upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace, who is and are hereby impowered and authorized to hear and determine the same; (that is to say) every Officer so offending shall, for every such Offence, forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed; and every Officer commanding in Chief upon the Place, for every such Offence committed by any Soldier under his Command, shall forfeit the Sum of Twenty Shillings, to be paid and distributed in Manner aforesaid: And if, upon Conviction made by the Justices of the Peace, and Demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within Two Days pay the said respective Penalties, such Officer so refusing or neglecting shall forfeit, and is hereby declared to have forfeited, his Commission, and his Commission is hereby to be null and void.

Penalty.

And be it enacted, That there shall be an exact Account of all Monies due, according to the Muster-rolls, to every Regiment in His Majesty's Service, made between the Paymaster General, or other respective Paymasters of the Forces for the time being, and the Colonel of every such Regiment, or the Agent by such Colonel respectively appointed and authorized to receive the Pay thereof, from time to time (that is to say) when Four Months become due, an Account shall be stated as aforesaid, for the Two preceding Months; and after the said Account shall be so made up and perfected, it shall be registered in a Book to be kept for that Purpose in the Pay-office, and there subscribed by such Paymaster General, or other respective Paymaster, or his Deputy, and the Colonel or Agent of the Regiment, who, together with the said Paymaster, made up the same; and a Duplicate thereof, by them respectively signed, shall be given to the said Colonel or Agent, without any Fee or Reward to be paid for the same: Which Colonel or Agent shall deliver to each Captain of the Regiment an Account of so much thereof as respectively appertained to him, and his Troop or Company, and the inferior Officers or Soldiers thereof; and the Balance which shall remain upon making up every such Account as aforesaid, and also all other Money as then shall become due to every such Regiment, shall be, by the said Paymaster General, or other respective Paymaster, paid to the said Colonel or Agent respectively, at such Time as His Majesty shall direct: And the Paymaster General, or other respective Paymaster for the time being, offending herein, shall forfeit, for every such Offence, One hundred Pounds, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record: And if any Deputy of the said Paymaster, or any Agent of a Regiment, shall offend in the Premisses, upon Proof thereof made, such Deputy or Agent shall ipso facto lose his Place, and be incapable of that or any other Office for the future, and shall be liable to pay Two hundred Pounds to any Person who shall inform or sue for the same, by Action, Bill, Suit, or Information, in any Court of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed: And if any Colonel of a Regiment shall offend therein, such Colonel shall forfeit, for every such Offence, One hundred Pounds, to any Person or Persons who shall sue for the same, to be recovered as aforesaid.

How the Account of every Regiment shall be kept.

Penalty on Paymaster, &c.

Penalty on Colonels.

Non-commission Officer embezzling Soldier's Pay, &c. to be reduced, &c.

And be it further enacted by the Authority aforesaid, That every Non-commission Officer who shall be convicted at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been intrusted for the Payment of the Men under his Command, or for inlisting Men into His Majesty's Service, shall be reduced to serve in the Ranks as a Private Soldier, be put under Stoppages until the Money be made good, and suffer such corporal Punishment (not extending to Life or Limb) as the Court-martial shall think fit.

Justices may commit Deserters.

And whereas several Soldiers being duly listed do afterwards desert, and are often found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tythingman of the Town or Place, where any Person, who may be reasonably suspected to be such a Deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such Person to be brought before any Justice of the Peace, living in or near such Town or Place, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear or be found, that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs; such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or Place where he shall be found; or to the House of Correction, or other publick Prison in such Town or Place where such Deserter shall be apprehended; or to the Savoy, in case such Deserter shall be apprehended within the City of London, or Westminster, or Places adjacent; and transmit an Account thereof to the Secretary at War for the time being, to the end such Person may be proceeded against according to Law: And the Keeper of such Goal, House of Correction, or Prison, shall receive the full Subsistence of such Deserter or Deserters, during the Time that he or they shall continue in his Custody, for the Maintenance of the said Deserter or Deserters; but shall not be intitled to any Fee or Reward, on account of the Imprisonment of such Deserter or Deserters; any Law, Usage, or Custom, to the contrary notwithstanding.

And, for the better Encouragement of any Person or Persons to secure or apprehend such Deserters as aforesaid,

said, be it further enacted by the Authority aforesaid, That such Justice of the Peace shall also issue his Warrant in Writing to the Collector or Collectors of the Land Tar Money of the Parish or Township where such Deserter shall be apprehended, for paying out of the Land Tar Money arising or to arise in the Year One thousand seven hundred and sixty one, into the Hands of such Person who shall apprehend, or cause to be apprehended, any Deserter from His Majesty's Service, the Sum of Twenty Shillings for every Deserter that shall be so apprehended and committed; which Sum of Twenty Shillings shall be satisfied by such Collector to whom such Warrant shall be directed, and allowed upon his Account. Reward for taking up Deserters.

Provided always, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such; the Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds; or if any Person shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, or cause the Colour of such Clothes to be changed; the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Five Pounds, and Five Pounds, shall be levied by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattles of the Offender; One Moiety of the said first-mentioned Penalty of Five Pounds to be paid to the Informer, by whose Means such Deserter shall be apprehended; and One Moiety of the said last-mentioned Penalty of Five Pounds to be paid to the Informer; and the Residue of the said respective Penalties to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such Offender, who shall be convicted, as aforesaid, of harbouring or assisting any such Deserter or Deserters; or having knowingly received any Arms, Clothes, Caps, or other Furniture belonging to the King; or having caused the Colour of such Clothes to be changed, contrary to the Intent of this Act, shall not have sufficient Goods and Chattles, whereon Distress may be made, to the Value of the Penalties recovered against him for such Offence, or shall not pay such Penalties within Four Days after such Conviction; then, and in such Case, such Penalty on Persons concealing Deserters, or buying their Arms, Clothes, &c.

Justice

Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publickly whipt, at the Discretion of such Justice.

Penalty on Officer breaking open House without Warrant.

Provided always, That no Commission Officer shall break open any House to search for Deserters, without Warrant from a Justice of the Peace; and that every Commission Officer who shall without Warrant from One or more of His Majesty's Justices of the Peace (which said Warrants the said Justice or Justices are hereby impowered to grant) forcibly enter into, or break open the Dwelling-house or Out-houses of any Person whatsoever under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

His Majesty impowered to make Articles of War.

Provided always, That it shall and may be lawful to and for His Majesty, to form, make, and establish Articles of War for the better Government of His Majesty's Forces, and for bringing Offenders against the same to Justice; and to erect and constitute Courts-martial, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and inflict Penalties by Sentence or Judgement of the same, as well within the Kingdoms of Great Britain and Ireland, Jersey, Guernsey, Alderney, and Sark, and the Islands thereto belonging, as in the Island of Minorca, His Majesty's Garrison of Gibraltar, and in any of His Majesty's Dominions beyond the Seas.

None to be adjudged of Life or Limb, but for Crimes expressed to be so punishable by this Act.

Provided always, That no Person or Persons shall be adjudged to suffer any Punishment, extending to Life or Limb, by the said Articles of War, within the Kingdom of Great Britain and Ireland, Jersey, Guernsey, Alderney, and Sark, and the Islands thereto belonging, except for such Crimes as are expressed to be so punishable by this Act.

Deserters beyond Sea, *&c.* may be tried here or in *Ireland*.

Provided always, and be it further enacted, That if any Officer or Soldier shall desert His Majesty's Service in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, and shall escape and come into this Realm, or Ireland, or into Jersey, Guernsey, Alderney, or Sark, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence, and shall be apprehended for the same; such Officer or Soldier shall be tried for the same, as if the said Offence had been committed within this Realm.

Pro-

Provided always, That so much of this Act as relates to the Punishment of Mutineers and Deserters, within this Realm, and such who shall conceal Deserters, or shall knowingly buy, exchange or otherwise receive, any Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, or cause the Colour of such Clothes to be changed, shall extend, to all Intents and Purposes whatsoever, to such Governors, or other Officers in Garrisons, and Forces, as his Majesty has now in Pay, or shall have in Pay in Ireland, or in Jersey, Guernsey, Alderney, or Sark, and the Islands thereto belonging, and shall be put in Execution in that Kingdom, by all Justices of the Peace, and other Officers respectively, according to the Tenor of, and during the Continuance of this Act. This Act to extend to Deserters, &c. in *Ireland*, &c.

Provided also, That no Person or Persons being acquitted or convicted of any capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering. Persons acquitted by the Civil Magistrate, may only be cashiered by a Court-martial.

Provided also, That if any Officer, Non-commission Officer or Soldier, shall be accused of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land; the Commanding Officer or Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his utmost Endeavours to deliver over such accused Person to the Civil Magistrate; and shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in the apprehending such Offender; every such Officer so offending, and being thereof convicted before any Two or more Justices of the Peace for the County where the Fact is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in his Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial. Persons accused of capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

Paymasters, &c. to account with Executors.

Provided always, and be it enacted by the Authority aforesaid, That every present and future Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors and Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier, by him or them received; shall, on reasonable Demand made by such Executor or Administrator, deliver a just and true Account to any such Executor or Administrator, of such Sum or Sums of Money as he or they shall have so respectively received for such Officer or Soldier, and for which they ought so to account as aforesaid, such Executor or Administrator paying for the same; and shall account with such Executor or Administrator for the same; and that every such Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, offending herein, shall forfeit the like Penalties, and to be recovered in like Manner as appointed by this Act, for such Colonels or Agents not giving due Accounts of or for the Pay of the said Officers or Soldiers, to and for such Officers and Soldiers themselves.

Persons sued may plead the General Issue.

And be it further enacted by the Authority aforesaid, That if any Action, Bill, Plaint, or Suit shall be brought against any Person or Persons, for any Act, Matter or Thing, to be acted or done in pursuance of this Act, that it shall and may be lawful to and for all and any Person or Persons sued as aforesaid, to plead thereunto the General Issue, that he or they are Not Guilty, and to give such Special Matter in Evidence to the Jury which shall try the Issue; which Special Matter, being pleaded, had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants of the Trespass or other Matter laid to his or their Charge: And if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become Nonsuit, or suffer any Discontinuance thereof; that in every such Case the Justice or Justices, or such other Judge, before whom the said Matter shall be tried, shall by Force and Virtue of this Act allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit; for which the said Defendant or Defendants shall have the like Remedy as in other Cases, where Costs by the Laws of this Realm are given to Defendants.

Treble Costs.

And be it further enacted by the Authority aforesaid, That every Bill, Plaint, Action, or Suit, against any Person or Persons, for any Act, Matter, or Thing, to be

acted or done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at Westminster or Dublin, or the Court of Session in Scotland, and in no other Court whatsoever.

All Suits to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or the Court of Session in *Scotland*.

And be it further enacted by the Authority aforesaid, That this Act, and every thing herein contained, shall be and continue in Force within the Realm of Great Britain, from the said Twenty fourth Day of March, in the Year of our Lord One thousand seven hundred and sixty one, until the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and sixty two; and shall be and continue in Force within the Kingdom of Ireland, and in Jersey, Guernsey, Alderney, and Sark, and the Islands thereto belonging, from the said Twenty fourth Day of March, in the Year of our Lord One thousand seven hundred and sixty one, until the First Day of May, One thousand seven hundred and sixty two; and shall be and continue in Force, within the Island of Minorca, and Garrison of Gibraltar, and in His Majesty's other Dominions beyond the Seas, from the said Twenty fourth Day of March, in the Year of our Lord One thousand seven hundred and sixty one, until the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and sixty three.

Continuance of this Act.

And whereas by an Act of the First Year of the Reign of His late Majesty King George the First, intituled, An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert; or, being Papists, shall inlist themselves in His Majesty's Service in *Great Britain* or *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or the Islands thereto belonging; it is enacted, That any Person or Persons whatsoever, who shall directly or indirectly persuade or procure, or endeavour to persuade or procure, any Soldier or Soldiers in the Service of His Majesty, or of His Heirs or Successors, to desert; such Person or Persons so offending, and being thereof lawfully convicted, shall forfeit the Sum of Forty Pounds: Now be it enacted, That for such Offences as shall be committed against the said recited Act, within that Part of Great Britain called England, the Penalties thereby enacted shall be sued for and recoverable, in any of His Majesty's Courts of Record at Westminster; and for such Offences against the said Act, as shall be committed in that Part of Great Britain called Scotland, the same shall be

Penalties against the Act 1 *George* I. where to be sued for.

be ſued for, and recoverable, in His Majeſty's Courts of Exchequer in Scotland; and for ſuch Offences againſt the ſaid Act as ſhall be committed in Ireland, the ſame ſhall and may be ſued for, and recoverable, in any of the Four Courts at Dublin; and for ſuch Offences againſt the ſaid Act as ſhall be committed within the Iſlands of Guernſey, Alderney, and Sark, and the Iſlands thereto belonging, the ſame ſhall and may be ſued for, and recoverable, in the Royal Court of Guernſey; and for ſuch Offences againſt the ſaid Act as ſhall be committed within the Iſland of Jerſey, the ſame ſhall and may be ſued for, and recoverable, in the Royal Court of Jerſey; any thing in the ſaid recited Act to the contrary thereof in any wiſe notwithſtanding.

No Volunteer liable to Proceſs, unleſs for ſome criminal Matter,

And to prevent, as far as may be, any unjuſt or fraudulent Arreſts that may be made upon Soldiers, whereby His Majeſty and the Publick may be deprived of their Service; it is hereby further enacted by the Authority aforeſaid, That no Perſon whatſoever, who is or ſhall be liſted, or ſhall liſt and enter himſelf as a Volunteer in His Majeſty's Service, as a Soldier, either in the Kingdom of Great Britain or Ireland, or in Jerſey, Guernſey, Alderney, or Sark, or the Iſlands thereto belonging, or in any of His Majeſty's Plantations, during the Continuance of this Act, ſhall be liable to be taken out of His Majeſty's Service by any Proceſs or Execution whatſoever, other than for ſome criminal Matter, unleſs for a real Debt, or other juſt Cauſe of Action; and unleſs, before the taking out of ſuch Proceſs or Execution (not being for a criminal Matter) the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons on his or their Behalf, ſhall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge the original Sum, juſtly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cauſe of Action on which ſuch Proceſs ſhall iſſue, or the original Debt for which ſuch Execution ſhall be iſſued out, amounts to the Value of Ten Pounds at leaſt, over and above all Coſts of Suit in the ſame Action, or in any other Action on which the ſame ſhall be grounded; a Memorandum of which Oath ſhall be marked on the Back of ſuch Proceſs or Writ; for which Memorandum or Oath no Fee ſhall be taken: And if any Perſon ſhall nevertheleſs be arreſted contrary to the Intent of this Act, it ſhall and may be lawful

or unleſs for a real Debt of the Value of 10 *l.*

Oath of the Debt to be made before a Judge,

and marked on the Back of the Proceſs.

lawful for One or more Judge or Judges of such Court, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties, or otherwise, and by Warrant under his or their Hands and Seals, to discharge such Soldier so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that such Soldier so arrested, was legally listed as a Soldier in His Majesty's Service, and arrested contrary to the Intent of this Act, and also to award to the Party so complaining, such Costs as such Judge or Judges shall think reasonable: For the Recovery whereof, he shall have the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgement had been given for him with Costs against the Defendant in the said Action.

And to the end that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entered into, and listed in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion a great Expence and Delay to themselves, may be enabled to proceed in a more speedy and cheap Method; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so listed, or left at his or their last Place of Residence before such Listing, to file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, so as to intitle such Plaintiff to proceed therein to Judgement and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so listed as aforesaid; this Act, or any thing herein, or any former Law or Statute, to the contrary notwithstanding.

Plaintiff may file a Common Appearance.

And be it further enacted by the Authority aforesaid, That if any High Constable, Constable, Bedel, or other Officer or Person whatsoever, who, by virtue or colour of this Act, shall quarter or billet, or be employed in quartering or billeting, any Officers or Soldiers, shall neglect or refuse, for the Space of Two Hours, to quarter or billet such Officers or Soldiers when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall

Penalty on taking Money to excuse any Person from quartering.

receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse any Person or Persons whatsoever from quartering or receiving into his, her, or their House or Houses any such Officer or Soldier; or in case any Victualler, or any other Person, liable by this Act to have any Officer or Soldier billeted or quartered on him or her, shall refuse to receive or victual any such Officer or Soldier, so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein before respectively directed to be furnished or allowed to Non-commission Officers and Soldiers so quartered or billeted on him or her as aforesaid, or shall neglect or refuse to furnish good and sufficient Hay and Straw for each Horse so quartered or billeted on him or her as aforesaid, at the Rate herein before-mentioned, and shall be thereof convicted before any One or more Justice or Justices of the Peace of the County, City, or Liberty, within which such Offence shall be committed, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby impowered to administer) every such High Constable, Constable, Bedel, or other Officer or Person so offending, shall forfeit, for every such Offence, the Sum of Five Pounds, or any Sum of Money not exceeding Five Pounds, nor less than Forty Shillings (as the said Justice or Justices, before whom the Matter shall be heard, shall, in his or their Discretion, think fit) to be levied by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within the County, City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; the said Sum of Five Pounds, or the said Sum not exceeding Five Pounds, nor less than Forty Shillings, when levied, to be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, or to some One of them, for the Use of the Poor of the said Parish.

Or Victuallers refusing to quarter Soldiers.

And, for the better preventing Abuses in quartering or billeting the Soldiers, in pursuance of this Act; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace, within their respective Counties, Cities,

Justices may order Constables to give an Account of the Number of Soldiers quartered, &c.

Cities, or Liberties, by Warrant or Order under his or their Hand and Seal, or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Bedel, or other Officer, who shall quarter or billet any Soldiers in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices requiring the same, of the Number of Officers and Soldiers who shall be quartered or billeted by them, and also the Names of the Housekeepers or Persons, upon whom every such Officer or Soldier shall be quartered or billeted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses; to the end it may appear to the said Justice or Justices where such Officers and Soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billeting of them.

How the Troops are to pay in passing over Ferries in *Scotland*.

And be it further enacted, That where any Troops or Parties upon Command have Occasion in their March to pass regular Ferries in that Part of Great Britain called Scotland, it shall and may be lawful for the Commanding Officer, either to pass over with his Party as Passengers, or to hire the Ferry Boat intire to himself and his Party, debarring others for that Time, in his Option; and in case he shall choose to take Passage for himself and Party as Passengers, he shall only pay for himself, and for each Person, Officer, or Soldier, under his Command, Half of the ordinary Rate payable by single Persons at any such Ferry; and in case he shall hire the Ferry Boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and in such Places where there are no regular Ferries, but that all Passengers hire Boats at the Rate they can agree for, Officers, with or without Parties, are to agree for Boats, at the Rate as other Persons do in the like Cases.

Clause for Relief of Persons hastily listing themselves.

Provided nevertheless, and it is hereby declared by the Authority aforesaid, That from and after the Twenty fifth Day of March, One thousand seven hundred and sixty one, when and as often as any Person or Persons shall be inlisted as a Soldier or Soldiers in His Majesty's Land Service, he and they shall, within Four Days, but not sooner than Twenty four Hours, after such Inlisting respectively, be carried before the next Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate (not being an Officer in the Army) and before such Justice or Chief Magistrate,

ſtrate, he or they ſhall be at Liberty to declare his or their Diſſent to ſuch Inliſting; and upon ſuch Declaration, and returning the Inliſting-money, and alſo each Perſon ſo diſſenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, ſuch Perſon or Perſons ſo inliſted ſhall be forthwith diſcharged and ſet at Liberty, in the Preſence of ſuch Juſtice or Chief Magiſtrate; but if ſuch Perſon or Perſons ſhall refuſe or neglect, within the Space of Twenty four Hours, to return and pay ſuch Money, as aforeſaid, he or they ſhall be deemed and taken to be inliſted, as if he or they had given his or their Aſſent thereto before the ſaid Juſtice or Chief Magiſtrate; or if ſuch Perſon or Perſons ſhall declare his or their having voluntarily inliſted himſelf or themſelves, then ſuch Juſtice or Chief Magiſtrate ſhall, and he is hereby required forthwith to certify under his Hand, that ſuch Perſon or Perſons is or are duly inliſted; ſetting forth the Place of the Birth, Age, and Calling of him or them reſpectively (if known) and that the Second and Sixth Sections of the Articles of War againſt Mutiny and Deſertion were read to him or them, and that he or they had taken the Oath mentioned in the ſaid Articles of War; and if any ſuch Perſon or Perſons, ſo to be certified as duly inliſted, ſhall refuſe to take the ſaid Oath of Fidelity before the ſaid Juſtice or Chief Magiſtrate, it ſhall and may be lawful for ſuch Officer, from whom he has received ſuch Money as aforeſaid, to detain or confine ſuch Perſon or Perſons, until he or they ſhall take the Oath before required; and every Military Officer that ſhall act contrary hereto, or offend herein, ſhall incur the like Penalty and Forfeiture, as is by this Act to be inflicted upon any Officer for making a falſe and untrue Muſter; and the Penalty and Forfeiture ſhall be levied and recovered in the ſame Manner as any Penalties or Forfeitures are by this Act to be levied and recovered.

Perſons refuſing the ſaid Relief to be proceeded againſt, as if duly liſted.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive the Inliſting-money from any Officer (knowing it to be ſuch) and ſhall abſcond or refuſe to go before ſuch Juſtice or Chief Magiſtrate, in order to declare his Aſſent or Diſſent, as aforeſaid; ſuch Perſon or Perſons ſhall be deemed and taken to be inliſted, to all Intents and Purpoſes whatſoever; and ſhall and may be proceeded againſt, as if he or they had taken the Oath directed by the ſaid Articles of War to be taken before ſuch Juſtice or Chief Magiſtrate.

And, in order to prevent all Doubts that may ariſe in relation to puniſhing Crimes and Offences committed

againſt former Acts of Parliament, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; be it enacted by the Authority aforeſaid, That all Crimes and Offences which have been committed againſt any Act for the puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, ſhall and may, during the Continuance of this preſent Act, be inquired of, heard, tried, and determined, adjudged, and puniſhed, before and by the like Courts, Perſons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences, committed againſt this preſent Act, may be inquired of, heard, tried, determined, adjudged, and puniſhed.

Offences againſt former Mutiny Acts puniſhable by this Act.

Provided always, That no Perſon ſhall be liable to be tried or puniſhed for any Offence againſt any of the ſaid Acts, unleſs ſuch Offence ſhall have been committed within Three Years; except only for the Offence of Deſertion.

None liable to be tried or puniſhed for Offences againſt former Acts, unleſs committed within 3 Years; except for Deſertion.

And whereas it may otherwiſe be doubted, whether the Officers and Perſons employed in the Trains of Artillery, be within the Intent and Meaning of this Act, for puniſhing of Officers and Soldiers who ſhall mutiny, or deſert his Majeſty's Service, and for puniſhing falſe Muſters, and for Payment of Quarters; it is hereby enacted by the Authority aforeſaid, That the Officers and Perſons employed, or that ſhall be employed, in the ſeveral Trains of Artillery, be at all Times ſubject to all the Penalties and Puniſhments mentioned in this Act, and ſhall in all Reſpects whatſoever be holden to be within the Intent and Meaning of every Part of this Act, during the Continuance of the ſame.

Officers, &c. of the Train of Artillery ſubject to this Act.

And whereas great Miſchief and Inconvenience may ariſe, if it ſhould be doubted whether Troops in Pay, raiſed in any of the Britiſh Provinces in America, by Authority of the reſpective Governors or Governments thereof, are, while acting in Conjunction with his Majeſty's Britiſh Forces, under the Command of an Officer having a Commiſſion immediately from His Majeſty, liable to the ſame Rules and Articles of War, and the ſame Penalties and Puniſhments, as the Britiſh Forces are ſubject to: To prevent ſuch Miſchief, and to remove all Doubts; be it declared and enacted by the Authority aforeſaid, That all Officers and Soldiers of any Troops, being muſtered and in Pay, which are or ſhall be raiſed in America as aforeſaid, ſhall at all Times, and in all Places, when they happen to join, or act in Conjunction with, His Majeſty's Britiſh Forces, be liable to martial Law and Diſcipline, in like Manner to all Intents and Purpoſes,

American Troops, acting in Conjunction with *Britiſh* Forces, liable to the ſame martial Laws.

as the Britiſh Forces are, and ſhall be ſubject to the ſame Trial, Penalties, and Puniſhments.

Officers and Soldiers of the *American* Troops ſent over to *Great Britain*,

And whereas the Officers and Soldiers of the ſaid Troops, being taken Priſoners in America, are frequently ſent over to Great Britain in a very diſtreſſed Condition: And whereas their Pay is not ſufficient to provide them with neceſſary Lodgings and Accommodations; be it enacted by the Authority aforeſaid, That, during the Continuance of this Act, it ſhall be lawful for the Conſtables, and other Civil Magiſtrates, within England, Wales, and the Town of Berwick upon Tweed, to quarter and billet the Officers and Soldiers of the ſaid American Troops in all ſuch Houſes as are liable by this Act to receive the Officers and Soldiers of His Majeſty's Britiſh Forces: And the ſaid Conſtables, and other Civil Magiſtrates, are hereby required to quarter and billet the Officers and Soldiers of the ſaid American Troops in the ſame Manner, and under the ſame Regulations and Penalties, as are directed by this Act to be obſerved in quartering and billeting the Officers and Soldiers of His Majeſty's Britiſh Forces; and all Perſons on whom the Officers and Soldiers of the ſaid Troops ſhall be legally quartered, refuſing to receive and provide for them, as is directed for the Officers and Soldiers of His Majeſty's Britiſh Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of the ſaid Britiſh Forces.

to be quartered and billeted as the *Britiſh* Forces,

and under the ſame Regulations and Penalties.

This Act not to extend to the Militia farther than is directed by the Militia Laws.

Provided alſo, That nothing in this Act contained ſhall extend, or be any ways conſtrued to extend, to concern any of the Militia Forces of this Kingdom, or of the Kingdom of Ireland, or in Jerſey, Guernſey, Alderney, or Sark, or the Iſlands thereto belonging, excepting only in ſuch Caſe wherein by any Act for regulating the Militia Forces in that Part of Great Britain called England, the Proviſions contained in this Act, or in any Act for puniſhing Mutiny and Deſertion, which ſhall be then in Force, are extended and meant to take Place in reſpect of the Officers of the Militia, and Private Militia Men, within the Part of Great Britain aforeſaid.

FINIS.

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