ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

CAP. XXIII.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [9th *March* 1798.]

Preamble.

WHEREAS the raising or keeping a Standing Army within this Kingdom in Time of Peace, unless it be with the Consent of Parliament, is against Law: 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 Forty-eight thousand six hundred and nine effective Men, including Five thousand seven hundred and sixty-six Invalids: And whereas, during the late War in which His Majesty has been engaged, some Part of His Majesty's Forces, exceeding the Number aforesaid, has been employed in distant Parts beyond the Seas, which must render the Time when such Forces may return home uncertain, some of which are intended to be broke, and others reduced, as soon after such Arrival as conveniently may be: 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

Number of Forces 48,609, including 5,766 Invalids.

the retaining all the before mentioned 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, 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 if any Perſon who is or ſhall be commiſſioned or in Pay as an Officer, or who is or ſhall be liſted or in Pay as a Non-commiſſioned Officer or Soldier, ſhall, at any Time during the Continuance of this Act, begin, excite, cauſe, or join in, any Mutiny or Sedition, in any Regiment, Troop, or Company, either of His Majeſty's Land or Marine Forces, 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 miſbehave himſelf before the Enemy; or ſhall ſhamefully abandon or deliver up any Garriſon, Fortreſs, Poſt, or Guard, committed to his Charge, or which he ſhall be commanded to defend; or ſhall compel the Governor or Commanding Officer of any Garriſon, Fortreſs, or Poſt, to deliver up to the Enemy, or to abandon the ſame; or ſhall ſpeak Words, or uſe any other Means to induce ſuch Governor or Commanding Officer, or others, to miſbehave before the Enemy, or ſhamefully to abandon or deliver up any Garriſon, Fortreſs, Poſt, or Guard, committed to their reſpective Charge, or which he or they ſhall be commanded to defend; or ſhall leave his Poſt before relieved; or ſhall be found ſleeping on his Poſt; or ſhall hold Correſpondence with, or give Advice or Intelligence to any Rebel or Enemy of His Majeſty, either by Letters, Meſſages, Signs, or Tokens, in any Manner or Way whatſoever; or ſhall treat or enter into any Terms with ſuch Rebel or Enemy, without His Majeſty's Licence, or Licence of the 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; or ſhall deſert His Majeſty's Service; all and every Perſon and Perſons ſo offending in any of the Matters before mentioned, whether ſuch Offence ſhall be committed within this Realm, or in any other of His Majeſty's Dominions, or in Foreign Parts, upon Land, or upon the Sea, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be awarded.

Every Officer or Private Man, during the Continuance of this Act,

who ſhall mutiny or deſert, *etc.*

or abandon any Fortreſs, *etc.*

or ſhall induce others to do the like;

or ſhall be found ſleeping upon, or ſhall deſert his Poſt, or hold Correſpondence with the Enemies of His Majeſty; or ſhall ſtrike or diſobey his ſuperior Officer; ſhall ſuffer Death, or ſuch Puniſhment as a Court martial ſhall inflict.

II. Provided, and it is hereby declared and enacted, That any Non-commiſſioned Officer or Soldier, inliſted or in Pay in any Regiment, Troop, or Company, who ſhall, without having firſt obtained a regular Diſcharge therefrom, inliſt himſelf in any other Regiment, Troop, or Company, ſhall be deemed to have deſerted His Majeſty's Service, and ſhall in like Manner ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be awarded.

Non-commiſſioned Officers and Soldiers inliſting in any other Regiment, *etc.* to be deemed Deſerters.

III. And whereas Doubts have ariſen, whether Soldiers, who of Right belong to another Corps in which they firſt inliſted, and from which they have not obtained a Diſcharge, may be proceeded againſt and tried for deſerting any Corps in which they may afterwards have inliſted, or for any Crime committed by them whilſt ſerving therein; be it enacted by the

Deſerters who ſhall inliſt in another Regiment, *&c.* may be puniſhed by a Court-martial in ſuch Regiment, *etc.*

the Authority aforeſaid, That if any Perſon who is or ſhall be liſted or in Pay, as a Soldier, in any Regiment, Troop, or Company, in His Majeſty's Service, ſhall deſert the ſame, or ſhall, while ſerving therein, commit any Offence againſt this Act, or againſt the Rules or Articles of War, ſuch Perſon ſhall be liable to be tried by a Court-martial, and puniſhed in like Manner as if he had originally inliſted in, and of Right belonged to the ſame, notwithſtanding it ſhall have been diſcovered or known that he had previouſly belonged to ſome other Regiment, Troop, or Company, and had not been diſcharged therefrom: Provided always, That if ſuch Perſon ſhall be claimed by ſuch other Regiment, Troop, or Company, and be proceeded againſt as a Deſerter therefrom, his ſubſequent Deſertion from any One or more Corps in which he may have unwarrantably inliſted, may (unleſs he ſhall already have been tried for the ſame) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to ſuch Deſerter of the Fact or Facts intended to be produced in Evidence upon his Trial.

Deſerter may be adjudged to ſerve in any Corps abroad for Life, or for a Term of Years;

but returning without Leave before Expiration of ſuch Term, he ſhall ſuffer Death.

IV. And be it further enacted and declared, That in the Caſe of any Non-commiſſioned Officer or Soldier tried and convicted of Deſertion, whenſoever the Court-martial, which ſhall paſs Sentence upon ſuch Trial, ſhall not think the Offence deſerving of Capital Puniſhment, ſuch Court-martial may, inſtead of awarding a Corporal Puniſhment, adjudge the Offender, if they ſhall think fit, to ſerve as a Non-commiſſioned Officer or Soldier in any of the Corps ſtationed in any of His Majeſty's Dominions beyond the Seas, or in Foreign Parts, for Life, or for a certain Term of Years, according to the Degree of the Offence: And if ſuch Non-commiſſioned Officer or Soldier ſhall afterwards (without Leave from His Majeſty, or from the Commanding Officer of the Corps, in which he ſhall be appointed to ſerve) return into this Realm, or the Kingdom of *Ireland*, before the Expiration of the Term limited by ſuch Sentence, and ſhall be convicted thereof by a Court-martial, he ſhall ſuffer Death.

The King may grant a Commiſſion for holding Courts-martial, &c.

V. And be it further enacted by the Authority aforeſaid, That His Majeſty may, from Time to Time, grant a Commiſſion, under the Royal Sign Manual, for the holding of General Courts-martial within this Realm, in like Manner as has been heretofore uſed; and may alſo extend His Royal Warrant to any General Officer having the chief Command of a Body of Forces within the ſame, authorizing him to convene General Courts-martial for the Trial of Offences committed by any of the Forces under his Command; and alſo that His Majeſty may grant His Warrant to the Governor of *Gibraltar*, and of any other of His Majeſty's Dominions beyond the Seas reſpectively, or to the Perſon or Perſons there commanding in Chief His Majeſty's Forces for the Time being, for convening, or authorizing any Officer, not under the Degree of a Field Officer, to convene General Courts-martial for the Trial of Offences committed by any of the Forces under their reſpective Command; all which General Courts martial ſhall be conſtituted, and ſhall regulate their Proceedings according to the ſeveral Proviſions herein-after ſpecified.

Courts-martial may inflict Corporal Puniſhment

VI. And be it further enacted, That it ſhall and may be lawful to and for ſuch Courts-martial, by their Sentence or Judgement, to inflict Corporal

for Immoralities, &c.

poral Puniſhment, not extending to Life or Limb, on any Soldier for Immoralities, Miſbehaviour, or Neglect of Duty.

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

VII. Provided always, and be it hereby declared and enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, ſhall 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, ſhall be liable to be reviſed more than Once.

This Act not to exempt Soldiers from ordinary Proceedings.

VIII. 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.

Perſons accuſed of Capital Crimes, &c. to be delivered over to the Civil Magiſtrate, &c.

IX. 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 or aſſiſting to the Officers of Juſtice in apprehending ſuch Offenders; 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 acquitted, *etc.* by the Civil Magiſtrate, may only be caſhiered by a Court-martial.

X. 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.

General Court-martial not to conſiſt of leſs than 13, (except in *Africa*, or in *New South Wales*, where they are to conſiſt of Five at leaſt;) and the Preſident to be a Field Officer, or Officer next in Seni-

XI. And it is hereby further enacted and declared, That no General Court-martial, which ſhall be held under the Authority of this Act, ſhall conſiſt of a leſs Number than Thirteen Commiſſion Officers; except the ſame ſhall be holden in *Africa*, or in *New South Wales*, in which Places ſuch General Court-martial may conſiſt of any Number not leſs than Five; of whom none ſhall be under the Degree of a Commiſſion Officer; nor ſhall the Preſident of any General Court-martial be the Commander in Chief, nor Governor of the Garriſon where the Offender ſhall be tried, nor under the Degree of a Field Officer, unleſs where a Field Officer

ficer cannot be had; nor in any Case whatsoever under the Degree of a Captain; and that all General Courts-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.

ority, not under the Degree of a Captain.

Courts-martial may administer Oaths to Witnesses.

XII. Provided always, That in all Trials by General Courts-martial, to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Judge-advocate, or his Deputy, (who are hereby authorized to administer the same); that is to say,

Officers to be sworn.

'YOU shall well and truly try and determine, according to your Evidence in the Matter now before you:

Judges Charge before Oath.

'So help you GOD.'

'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, or by some Person duly authorized by Him; 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:

The Oath.

'So help me GOD.'

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 Judge-advocate to be sworn.

'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:

The Oath.

'So help me GOD.'

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; (except such General Court-martial shall be holden in *Africa*, or in *New South Wales*); and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in *Africa*, and in *New South Wales*, when the same shall consist of a lesser Number of Officers, then the Judgement shall pass by the Concurrence of Two Thirds at the least 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

In Sentences of Death, what Number of Officers shall concur, &c.

Hours of Trial.

the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

As often as it shall be necessary, Officers of the Land and Marine Forces may sit in Conjunction upon Courts-martial;

XIII. And whereas it may be expedient in certain Cases, and particularly in such Matters wherein any of His Majesty's Marine Forces may be interested, that Officers of the Marines shall be associated with Officers of the Land Forces, for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Marine Forces to sit in Conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of the Land Forces only; and the Officers of the Land and Marine Forces are, in such Cases, to take Rank according to the Seniority of their Commissions in either Service.

taking Rank according to the Seniority of their Commissions.

Officers of the King's Forces and Officers in the *East India* Company's Service may sit in Conjunction at Courts-martial, &c.

XIV. And whereas it may also be expedient, when any of His Majesty's Land Forces are employed in the *East Indies*, that Officers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, should, in certain Cases, be associated with Officers of His Majesty's Land Forces, for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as there may be Occasion, it shall and may be lawful for Officers of His Majesty's Land Forces, and of the Forces in the Service of the United Company of Merchants of *England* trading to the *East Indies*, to sit in Conjunction at Courts-martial and to proceed in the Trial of any Officer or Soldier, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of His Majesty's Land Forces, or of Officers in the Service of the said United Company only: With this Distinction, that, upon the Trial of any Officer or Soldier of His Majesty's Land Forces, Regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Court-martial shall be in the Terms by this Act prescribed: And upon the Trial of any Officer or Soldier in the Service of the said United Company, Regard shall be had to the Regulations and Provisions made by or in pursuance of an Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East Indies, *and for the Punishment of Offences committed in the* East Indies, *or at the Island of* Saint Helena; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act.

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

XV. Provided always, and be it enacted, That the Party tried by any General Court-martial within *Europe*, (except in the Garrison of *Gibraltar*), shall be entitled 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 case of Trials by any General Court-martial at *Gibraltar*, 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, or in Foreign Parts, 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.

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

XVI. 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 entitled thereto may be enabled, upon Application to the ſaid Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Proceedings of Courts, or Entries, or Copies thereof, not liable to Stamp-duties.

XVII. Provided alſo, and be it further enacted and declared, That none of the Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, ſhall be charged or chargeable with any Stamp-duty whatſoever; any Thing contained in any former Act or Acts to the contrary notwithſtanding.

His Majeſty empowered to make Articles of War,

XVIII. And be it further enacted by the Authority aforeſaid, 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; which Articles ſhall be judicially taken Notice of by all Judges, and in all Courts whatſoever.

and to conſtitute Courts-martial.

XIX. And be it further enacted by the Authority aforeſaid, That for bringing Offenders againſt ſuch Articles of War to Juſtice, it ſhall and may be lawful to and for His Majeſty to erect and conſtitute Courts-martial; with Power to try, hear, and determine, any Crimes or Offences by ſuch Articles of War, and to inflict Penalties by Sentence, or Judgement of the ſame, as well within the Kingdom of *Great Britain*, in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the Iſlands thereto belonging, as in 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.

XX. Provided always, That no Officer or Soldier ſhall, by ſuch Articles of War, be ſubjected to any Puniſhment extending to Life or Limb, within the Kingdom of *Great Britain*, *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or any of the Iſles thereto belonging, for any Crime which is not expreſſed to be ſo puniſhable by this Act; nor for ſuch Crimes as are expreſſed to be ſo puniſhable, in any Manner, or under any Regulations, which ſhall not accord with the Proviſions of this Act.

Offenders beyond Sea, &c. may be tried here, &c.

XXI. Provided alſo, and be it further enacted, That if any Officer or Soldier ſhall, in any of His Majeſty's Dominions beyond the Seas, or elſewhere beyond the Seas, commit any of the Offences triable by Courts-martial, by virtue of this Act, and ſhall come or be brought into this Realm, or into *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or the Iſlands thereto

thereto belonging, before he be tried by a Court-martial for ſuch Offence; ſuch Officer or Soldier ſhall be tried and puniſhed for the ſame, as if the ſaid Offence had been committed within this Realm.

Muſters to be made Twice a Year.

XXII. And whereas it is of eſſential Importance, as well to the due Obſervance of publick Economy, as to the Diſcipline of His Majeſty's Forces, that they ſhould be regularly muſtered, and that the Muſters ſhould be taken with the ſtricteſt Accuracy and Exactneſs; be it enacted by the Authority aforeſaid, That Muſters ſhall be made, had, or taken, of every Regiment, Troop, or Company, in His Majeſty's Service, Twice at the leaſt in every Year, at ſuch Times as ſhall be appointed.

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

XXIII. 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 Liberties thereof, but in the Preſence of Two or more Juſtices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being diſcharged from his Office; unleſs ſuch Juſtices, upon Forty-eight Hours Notice being 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 empowered to ſign the ſaid Muſter-rolls, and to take Cognizance of ſuch Muſter, and to examine the Truth thereof before they ſign the ſame.

Penalty on falſe Certificates to excuſe Soldiers from Muſters.

XXIV. And, for preventing of Fraud and Deceit in the muſtering of Soldiers, be it further enacted by the Authority aforeſaid, That if any Perſon do make or give, or procure to be made or given, any falſe or untrue Certificate, 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; 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.

Penalty on Officers making falſe Muſters, &c.

XXV. 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,

fuity, 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.

Penalty on Officer muſtering Perſons by wrong Names.

XXVI. 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.

Penalty on Perſons offering themſelves to be falſely muſtered.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall be falſely muſtered, or offer himſelf falſely 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 falſely 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 Chattels 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 Chattels 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 whipped, 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 falſely muſtered, to be forfeited, &c.

Forfeiture how to be levied.

Muſter-rolls Ten Miles diſtant from *London*, to be cloſed within 24 Hours after the Muſter.

XXVIII. And be it further enacted by the Authority aforeſaid, That the Deputy or Deputies of the Commiſſary General, ſhall, upon every half-yearly Muſter, taken by him or them reſpectively of any Regiment, Troop, or Company, in His Majeſty's Service, at any Place Ten Miles diſtant from *London*, cloſe the Muſter-rolls of the ſaid Regiment, Troop, or Company, within Twenty-four Hours after ſuch Muſter ſhall have

and returned within Seven Days, to the Commiſſary General of Muſter, &c.

been made; and ſhall return the Rolls ſo taken, by the Poſt, (or other ſafe Conveyance), within Seven Days after their being cloſed, to the Office of the Commiſſary General of Muſters, who ſhall, and he is hereby directed and required to tranſmit One Set of every of the ſaid Rolls to the Secretary at War, One to the Paymaſter General of His Majeſty's Land Forces, and One to the Comptrollers of the Accounts of the Army, on or before the Firſt Day of *May*, and Twenty-ninth Day of *September*, reſpectively following ſuch half-yearly Muſter: 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.

Recital of the *Petition of Right*, 3 *Car.* I, &c.

XXIX. 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 the 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 Billetting 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, That, for and during the Continuance of this Act, and no longer, it ſhall and may be lawful to and for the Conſtables, Tithingmen, 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 Chief Magiſtrates, as aforeſaid, are hereby required to quarter and billet the Officers and Soldiers in His Majeſty's Service in Inns, Livery Stables, Alehouſes, Victualling-houſes, and the Houſes of Sellers of Wine by Retail to be drank in their own Houſes, or Places thereunto belonging; other than and except Perſons who keep Taverns only, being Freemen of the Company of Vintners of the City of *London*, who were admitted to the Freedom before the Fifth Day of *July* One thouſand ſeven hundred and fifty-ſeven, or who ſince have or ſhall hereafter be admitted to their Freedom of the ſaid Company in Right of Patrimony or Apprenticeſhip, notwithſtanding ſuch Perſons who keep Taverns only have taken out Victualling Licences; and all Houſes of Perſons ſelling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houſes, other than and except the

Conſtables, &c. to quarter Officers and Men in Inns, Alehouſes, &c.

But in no Diſtillers or Shopkeepers

Houſe or Houſes of any Diſtillers, who keep Houſes or Places for diſtilling Brandy and Strong Waters, and the Houſe of any Shopkeeper, whoſe principal Dealing 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 Tipling in his or their Houſes), and in no other, and in no private Houſes whatſoever; nor ſhall any more Billets at any Time be odered than there are effective Soldiers preſent to be quartered; all which Billets, when made out by ſuch Chief Magiſtrates or Conſtables, ſhall be delivered into the Hands of the Commanding Officer preſent: And if any Conſtable, Tithingman, 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 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, Tithingman, or Headborough, Chief Officer or Magiſtrate, (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace), has quartered or billetted in his Houſe a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and ſhall complain thereof to 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.

Houſes, or in any private Houſes.

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

Penalty on Officers quartering Soldiers contrary to this Act, *etc.*

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

XXX. 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 and may, during the Continuance of this Act, directly or indirectly, be concerned in the quartering, billetting, 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

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

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.

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

XXXI. 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 Tithingmen within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex* and in the County of *Surrey*, and in the Borough of *Southwark* in the said County of *Surrey*, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's 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, lying in the said County of *Middlesex*, (except the City of *London*), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, during the Continuance of this Act; and when any Order shall issue for the quartering or billetting any Officers or Soldiers within the said City and Liberties of *Westminster*, and Places adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, the High Constables shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tithingmen, 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 their respective Parishes, Hamlets, or Districts; and such Petty Constables, Headboroughs, and Tithingmen, 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 billetted 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, lying in the said County of *Middlesex*, (except the City of *London* as aforesaid), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, 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, *etc.* to quarter Soldiers in their respective Divisions.

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

XXXII. And, for the better preventing Abuses in billetting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, be it enacted by the Authority aforesaid, That the Petty Constables, Headboroughs, and Tithingmen, 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*, the said County of *Middlesex*, and the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, 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,

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 Names and Rank of all ſuch Officers and Soldiers as are quartered and billetted in each Houſe reſpectively; and ſuch Liſts ſhall remain with the Clerks of the Peace of the ſaid City and Liberties of *Weſtminſter*, the ſaid County of *Middleſex*, the ſaid County of *Surrey*, and the ſaid Borough of *Southwark* in the ſaid County of *Surrey* reſpectively, to the Intent that all and every Perſon and Perſons may be at Liberty to inſpect the ſame without any 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 Tithingman, of any ſuch Pariſh, Ward, Hamlet, or Diſtrict, in the delivering ſuch Liſts 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 and Rank of all ſuch Officers and Soldiers as are quartered and billetted in each Houſe reſpectively; ſuch Petty Conſtable, Headborough, and Tithingman, 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 Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtice or Juſtices of the Peace for the ſaid City and Liberties of *Weſtminſter*, for the ſaid County of *Middleſex*, and for the ſaid County of *Surrey*, and for the ſaid Borough of *Southwark* in the ſaid County of *Surrey* reſpectively, (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered 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 empowered 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*, the ſaid County of *Middleſex*, the ſaid County of *Surrey*, or the ſaid Borough of *Southwark* in the ſaid County of *Surrey*, there to remain for any Time to be limited by ſuch Juſtice or Juſtices, not exceeding Three Months, nor leſs than One Month, without Bail or Mainprize.

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.

XXXIII. And be it further enacted by the Authority aforeſaid, That the Officers, Men, and Horſes, belonging to His Majeſty's Horſe or Dragoons, ſhall and may be quartered and billetted in the Inns, Livery Stables, Alehouſes, Victualling Houſes, and other Houſes in which Officers and Soldiers are by this Act allowed to be quartered and billetted, and that they ſhall be received and furniſhed, by the Owners or Occupiers of ſuch Inns, Livery Stables, Alehouſes, Victualling Houſes, and other Houſes in which they are ſo allowed to be quartered and billetted, with Diet and Small

Officers, Men and Horſes, belonging to the Horſe or Dragoons, how to be quartered, &c.

Beer, and with Stables, and Hay and Straw for their Horſes, 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, and Hay and Straw for their Horſes.

Dragoons, &c. quartered on Perſons who have no Stables, may be removed to thoſe who have Stables, &c.

XXXIV. Provided always, and be it further enacted by the Authority aforeſaid, That when any of His Majeſty's Horſe or Dragoons ſhall be quartered or billetted upon the Owner or Owners, Occupier or Occupiers, of any Alehouſe, Victualling Houſe, or other Houſe in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables, then, and in ſuch Caſe, and upon Complaint made by the Perſon or Perſons having no Stables to Two or more Juſtices of the Peace of the Diviſion, City, or Liberty, where ſuch Horſe or Dragoons ſhall be ſo quartered and billetted, and upon his or their making ſuch Allowance in lieu of his or their quartering ſuch Horſe or Dragoons, as ſuch Juſtices ſhall think reaſonable, it ſhall and may be lawful for ſuch Juſtices to order the Men and their Horſes to be removed, and quartered upon ſome other Perſon or Perſons who by this Act are liable to have Officers and Soldiers quartered and billetted upon them who have Stables, and to order and ſettle a proper Allowance to be made by the Perſon or Perſons having no Stables, in lieu of his or their quartering ſuch Horſe or Dragoons, ſo to be removed as aforeſaid; and alſo to order and direct that ſuch Allowance ſhall be paid by the Perſon or Perſons from whom ſuch Men and Horſes ſhall be removed, to or amongſt the Perſon or Perſons to whom ſuch Men and their Horſes ſhall be ſo removed as aforeſaid, or be applied in the furniſhing of Quarters for the Reception of ſuch Men and their Horſes, as the Caſe may require, and as ſuch Juſtices ſhall think fit.

Dragoons, &c. and their Horſes to be billetted in the ſame Houſes.

XXXV. And whereas great Inconveniencies have ariſen, and may ariſe in ſuch Places where Horſe or Dragoons are or may be quartered, by the billetting 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 billetted in purſuance of this Act, for the future, the Men and their Horſes ſhall be billetted in One and the ſame Houſe, (except in caſe of Neceſſity); and that in no other Caſe whatſoever there be leſs than One Man billetted 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 billetted as near his Horſe as poſſible.

Manner of changing Men and Horſes.

XXXVI. 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 billetted on ſuch Houſe or Houſes; and the Conſtables, Tithingmen, Headboroughs, and other Chief Officers and Magiſtrates of the Cities,

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.

Penalty on taking Money to excuſe any Perſon from quartering.

XXXVII. 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.

Penalty on Conſtables, &c. taking Money to excuſe any Perſon from quartering,

and on Victuallers refuſing to quarter Soldiers.

XXXVIII. And be it further enacted by the Authority aforeſaid, That if any High Conſtable, Conſtable, Beadle, or other Officer or Perſon whatſoever, who, by virtue or colour of this Act, ſhall quarter or billet, or be employed in quartering or billetting, any Officers or Soldiers, ſhall neglect or refuſe 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 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 billetted or quartered on him or her, ſhall refuſe to receive or victual any ſuch Officer or Soldier ſo quartered or billetted upon him or her, as aforeſaid; or ſhall refuſe to furniſh or allow, according to the Directions of this Act, the ſeveral Things herein-after reſpectively directed to be furniſhed or allowed to Non-commiſſion Officers or Soldiers ſo quartered or billetted 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 billetted on him or her, as aforeſaid, at the Rate herein-after mentioned, and ſhall be thereof convicted, before 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 empowered to adminiſter), every ſuch High Conſtable, Conſtable, Beadle, 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; which ſaid Sum of Five Pounds, or the ſaid Sum not exceeding Five Pounds, nor leſs than Forty Shillings, when levied, ſhall be applied, in the Firſt Place, in making ſuch Satisfaction to any Soldier for the Expence he may have been put to by reaſon of his not being billetted or quartered as aforeſaid, as ſuch Juſtice or Juſtices ſhall order and direct; and the Remainder ſhall be paid

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.

Juſtices may order Conſtables to give an Account of the Number of Soldiers quartered, *etc.*

XXXIX. And, for the better preventing Abuſes in quartering or billetting 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, 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, Beadle, 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 billetted, by them, and alſo the Names of the Houſekeepers or Perſons upon whom every ſuch Officer or Soldier ſhall be quartered or billetted, 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 billetted, and that he or they may thereby be the better enabled to prevent or puniſh all Abuſes in the quartering or billetting of them.

Officers and Soldiers to pay Rates for their Proviſions.

XL. Provided *nevertheleſs*, and it is hereby enacted, That the Officers and Soldiers ſo quartered and billetted as aforeſaid ſhall be received and furniſhed with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouſes, Victualling-houſes, and other Houſes in which they are allowed to be quartered and billetted 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.

If Innholders refuſe to furniſh the Men quartered on them with Meat, they ſhall allow them Candles, Small Beer, *etc. gratis.*

XLI. Provided always, That in caſe any Innholder, or other Perſon on whom any Non-commiſſion Officers or Private Men 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 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 as 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.

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

XLII. And, that the Quarters both of Officers and Soldiers 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 Twenty-fourth Day of *March* One thousand seven hundred and ninety-eight, 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, 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 is or 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*, Sixpence; nor for One Light Horseman's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse, *per Diem*, Sixpence; nor for One Dragoon's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse, *per Diem*, Sixpence; 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 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

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

Penalty on Officers not paying Subsistence-money.

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 Non-payment of Quarters.

On Nonpayment of Quarters, the Officer to make up Accounts, *etc.*

Soldiers Wives, *etc.* not to be quartered without Conſent.

Penalty.

XLIII. 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, Tithingman, 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.

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

XLIV. 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

to make Oath of the Place of their last legal Settlement, (which Oath the said Justices are hereby empowered 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.

Justices may order Constables to provide Carriages.

XLV. 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, Cloathes, or Accoutrements, in *England*, *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 Warrant 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,

Rates for Carriages.

ſtable, 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 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 empowered to deduct the ſame out of ſuch Officer's Pay.

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

No Waggon, &c. to carry above 30 Hundred Weight.

XLVI. 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 Thirty hundred Weight; any Thing in this Act contained to the contrary notwithſtanding.

Penalty on Conſtables, &c. Neglect.

XLVII. And be it further 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 finally 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 Offenders Goods and Chattels, rendering the Overplus (if any) to the Owner.

Treaſurer of the County to repay the Con-

XLVIII. And whereas the reſpective Sums of Money, by this Act appointed to be paid to the Conſtables by the Officers demanding ſuch Carriages,

riages, 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 performing 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. Constables extraordinary Charges.

XLIX. 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 that Purpose how to be raised.

L. And be it further 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 billetted, except in the Suburbs of *Edinburgh*. Officers, &c. to be quartered in *Scotland*, as the Laws in force at the Union direct.

LI. 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 be paid, as was directed by the Law in force in *Scotland* at the Time of the Union. Carriages in *Scotland* how to be provided.

LII. 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 entirely to himself and his Party, debarring How the Troops are to pay in passing over Ferries in *Scotland*.

others for that Time, in his Option; and in caſe he ſhall chuſe 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.

Penalty on Officers or Soldiers deſtroying the Game.

LIII. 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 ninety-eight, 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 Fouls, 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 empowered 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 he is hereby declared to have forfeited his Commiſſion, and his Commiſſion is hereby declared to be null and void.

Clauſe for Relief of Perſons haſtily inliſting themſelves.

LIV. Provided nevertheleſs, and it is hereby declared by the Authority aforeſaid, That, from and after the ſaid Twenty-fourth Day of *March* One thouſand ſeven hundred and ninety-eight, 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, 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,

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 or recovered.

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

LV. 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.

Where any Corps beyond Seas ſhall be relieved in order to return Home, ſuch of the Men as ſhall chuſe may be inliſted, and incorporated with thoſe appointed to remain;

the Occaſion of quitting ſuch former Corps to be recited in the Inliſting Certificate.

LVI. And be it further enacted, That when and as often as any Regiment or Company ſhall be relieved at any Station or Place beyond the Seas, in order to their Return to *Great Britain* or *Ireland*, it ſhall and may be lawful for any Officer or Officers, thereunto authorized by the Commander in Chief at ſuch Station or Place reſpectively, to inliſt as many of the Soldiers belonging to ſuch Regiment or Company, returning to *Great Britain* or *Ireland*, as ſhall be willing, and who ſhall appear to be fit for Service, and to incorporate them in any Regiment or Company which ſhall be appointed to remain; and every Soldier ſo inliſted ſhall be and is hereby deemed to be, diſcharged from the Regiment or Company in which he before ſerved; and the Occaſion of his quitting ſuch former Corps ſhall be recited in the Inliſting Certificate; a Duplicate, or an atteſted Copy whereof, ſhall be delivered to ſuch Soldier, to protect him from being any ways moleſted upon Suſpicion of his having deſerted.

Juſtices may commit Deſerters.

LVII. 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 Tithingman, of the Town or Place where any Perſon, who may be reaſonably ſuſpected to be ſuch a Deſerter, ſhall be found, to appre-

hend, 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 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 Gaol, 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 entitled to any Fee or Reward on Account of the Impriſonment of ſuch Deſerter or Deſerters; and the Keeper of every Gaol, Houſe of Correction, or other publick Priſon, ſhall, and he is hereby required to receive and confine ſuch Deſerters while on the Road from the Place where they were apprehended to the Place to which they are to be conveyed, and ſhall not be entitled to any Fee or Reward on Account of the Impriſonment of the ſaid Deſerters; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Reward for taking up Deſerters.

LVIII. And, for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch Deſerters as aforeſaid, 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 Tax Money of the Pariſh or Townſhip where ſuch Deſerter ſhall be apprehended, for paying, out of the Land Tax Money ariſen, or to ariſe, in the Year One thouſand ſeven hundred and ninety-eight, 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 ſuch Deſerter that ſhall be ſo apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector or Collectors to whom ſuch Warrant ſhall be directed, and allowed upon his Account.

Penalty on Perſons concealing Deſerters, or receiving their Arms, Clothes, *etc.*

LIX. 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, from any Soldier or Deſerter, or any other Perſon upon any Account or Pretence whatſoever, any Arms, Clothes, Caps, or other Furniture, belonging to the King, or any ſuch Articles belonging to any Soldier or Deſerter, as are generally deemed Regimental Neceſſaries, according to the Cuſtom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cauſe the Colour of any ſuch Clothes to be changed; the Perſon ſo offending ſhall forfeit,

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 Hand or Hands of the ſaid Juſtice or Juſtices of the Peace, by Diſtreſs and Sale of the Goods and Chattels 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 any ſuch Articles generally deemed Regimental Neceſſaries; or having cauſed the Colour of ſuch Clothes to be changed, contrary to the Intent of this Act, ſhall not have ſufficient Goods and Chattels whereon Diſtreſs may be made to the Value of the Penalties recovered againſt him or her for ſuch Offence, or ſhall not pay ſuch Penalties 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 whipped, at the Diſcretion of ſuch Juſtice.

Penalty on Officer breaking open any Houſe without Warrant.

LX. 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 empowered to grant), forcibly enter into, or break open, the Dwelling-houſe or Outhouſes of any Perſon whatſoever, under Pretence of ſearching for Deſerters, ſhall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

No Volunteer liable to Proceſs unleſs for ſome criminal Matter;

or unleſs for a real Debt of the Value of 20*l.*

Oath of the Debt to be made before a Judge,

LXI. 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 who ſhall liſt and enter himſelf as a Volunteer in His Majeſty's Service as a Soldier, 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 sued out, amounts to the Value of Twenty 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 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 inlisted 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 a Memorandum thereof marked on the Back of the Process.

Plaintiff may file a Common Appearance.

LXII. 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 easy 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 entered, 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 entitle 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.

Soldiers while confined for Debt, not to receive Pay.

LXIII. And be it enacted by the Authority aforesaid, That, from the passing of this Act, no Soldier, being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement, until the Day of his Return to the Regiment, Troop, or Company to which he shall belong.

Officer embezzling, &c. Military Stores,

LXIV. And be it further enacted by the Authority aforesaid, That every Commission Officer, Storekeeper, or Commissary, that shall embezzle or misapply, or cause to be embezzled 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,

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 Chattels 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 Chattels cannot be found and ſeized, then the Perſon ſo offending ſhall be committed to Priſon or the Common Gaol, there to remain 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.

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

For want of Diſtreſs, the Offender to be committed.

Application of the Forfeiture.

LXV. 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 entruſted 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, and 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.

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

LXVI. And be it further enacted by the Authority aforeſaid, That, from and after the ſaid Twenty-fourth Day of *March* One thouſand ſeven hundred and ninety-eight, 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 ninety-eight; 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 Officer or private Men's Pay.

Exception.

LXVII. 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 Offreckonings, 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 entitled to ſuch Aſſignment, to be from Time to Time taken for the ſame; and when no ſuch Aſſignment appears, the Offreckonings to remain in the Hands

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

Paymaſter to deduct the Offreckonings.

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.

Penalty on Agents, &c. detaining Officers or Soldiers Pay.

LXVIII. 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 of Seventeen Shillings and Sixpence *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 Trumpeter and Drummer; Four Shillings *per* Week for each private Soldier of His Majeſty's Three Regiments of Foot Guards; and Six Shillings *per* Week for each Serjeant; Four Shillings and Sixpence *per* Week for each Corporal and Drummer; and Three Shillings *per* Week for 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 Sixpence *per* Week to each Foot Soldier; (the ſaid One Shilling *per* Week, Two-pence *per* Week, and Sixpence *per* Week, being the Remainder of the Subſiſtence of each Serjeant, Corporal, Trumpeter, 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 empowered 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 for each Corporal and Drummer, and Sixpence *per* Week for 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 for each Corporal and Drummer, and Sixpence *per* Week to each Foot Soldier, in the ſame Manner as is hereby directed for the Marching Regiments.

Weekly Rates.

Penalty on Agents diſobeying of Orders.

LXIX. 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

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.

Paymaſters, &c. to account with Executors.

LXX. 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.

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

LXXI. And whereas it may otherwiſe be doubted, whether the Officers and Perſons employed in the Trains of Artillery, or the Officers ſerving in the Corps of Royal Engineers, or the Officers and Perſons ſerving in the Corps of Royal Military Artificers and Labourers, or the Maſter Gunners, and Gunners under the Ordnance, 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, and all Officers ſerving or that ſhall ſerve in the Corps of Royal Engineers, and all Officers and Perſons ſerving or that ſhall ſerve in the Corps of Royal Military Artificers and Labourers, and all Maſter Gunners, and Gunners who now are or ſhall be under the Ordnance, 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.

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

LXXII. 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, 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*,

to be quartered and billetted as the *Britiſh* Forces; and under the ſame Regulations and Penalties.

LXXIII. 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 billetting 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.

This Act not to extend to the Militia further than is directed by the Militia Laws:

Exception.

LXXIV. Provided always, and be it further enacted, 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 in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, 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 to the Officers of the Militia, and Private Militia Men, within that Part of *Great Britain* aforeſaid; and alſo except ſo far as relates to the muſtering of the Militia Forces of this Kingdom, according to the Proviſions herein-after mentioned.

Militia and Fencible Men, when in actual Service, to be regularly muſtered, *&c.*

LXXV. And, for the better aſcertaining the Number of effective Men of the Regiments of Militia, when embodied and in actual Service, be it enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, every Regiment or Corps of Militia and Fencible Men, when embodied and in actual Service, ſhall be regularly muſtered by Commiſſaries appointed for that Purpoſe, in the ſame Manner, and as often as the Army is uſually muſtered; and the Magiſtrates ſhall have the ſame Powers and Authorities, and both Officers and Men ſhall be ſubject to the ſame Regulations, Reſtrictions, and Penalties, as are impoſed on the Officers and Soldiers of the Army by virtue of this Act.

Names of Militia Men, *etc.* who are with-

LXXVI. And whereas the Time of Service in the Militia is limited to Five Years, be it enacted by the Authority aforeſaid, That the Officer commanding

commanding each Regiment or Corps of Militia, or Fencible Men, ſhall certify on the Back of the Muſter-roll, the Names of thoſe Men who are within Six Months of the Time of the Expiration of their Service, and alſo the Number of Men which have been inrolled ſince the laſt Muſter, diſtinguiſhing the ballotted Men from the Subſtitutes; and every Man ſo inrolled ſhall be entitled to receive his Pay from the Time of his Inrolment.

In Six Months of the Expiration of their Service, to be certified on the Back of the Muſter-roll.

LXXVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be conſtrued to extend to the Iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the Iſlands thereto belonging, as to the Clauſes therein for muſtering and paying, and to the Proviſions for the Trial and Puniſhment of Officers and Soldiers who ſhall be charged with Mutiny or Deſertion, or any other of the Offences which are by this Act declared to be puniſhable by the Sentence of a General Court-martial; and alſo to the Clauſes which relate to the Puniſhment of Perſons who ſhall conceal Deſerters, or ſhall knowingly buy, exchange, or otherwiſe receive any Arms, Clothes, Caps, or other Furniture, belonging to the King, or any ſuch Articles generally deemed Regimental Neceſſaries, from any Soldier or Deſerter, or who ſhall cauſe the Colour of ſuch Clothes to be changed.

In what Caſes this Act ſhall extend to *Jerſey*, *Guernſey*, &c.

LXXVIII. 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, it ſhall and may be lawful to and for all and every Perſon and 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.

Perſons ſued may plead the General Iſſue.

Treble Coſts.

LXXIX. 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 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 the Court of Seſſion in *Scotland*.

LXXX. And

Penalties againſt an Act 1 *Geo.* I, where to be ſued for.

LXXX. 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, ſhould 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 ſued for and recoverable in His Majeſty's Court of Exchequer in *Scotland*; 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*; and for ſuch Offences againſt the ſaid Act as ſhall be committed within the Iſland of *Man*, in any of the Courts of Record in the ſaid Iſland, or in any of His Majeſty's Courts of Record at *Weſtminſter*; any Thing in the ſaid recited Act to the contrary thereof in anywiſe notwithſtanding.

Offences againſt former Mutiny Acts puniſhable by this Act.

LXXXI. 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*, or againſt any of the Articles of War made and eſtabliſhed by virtue of the ſame; be it enacted by the Authority aforeſaid, That all Crimes and Offences which have been committed againſt any Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, or againſt any of the Articles of War made and eſtabliſhed by virtue of the ſame, ſhall and may, during the Continuance of this Act, be enquired 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 Act may be enquired of, heard, tried, determined, adjudged, and puniſhed: And the Proceedings of a Court-martial upon any Trial, begun under the Authority of ſuch former Act, ſhall not be diſcontinued by the Expiration of the ſame, but it ſhall be lawful to proceed to Judgement upon ſuch Trial, and to carry ſuch Judgement into Execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act.

None liable to be tried, *etc.* for Offences

LXXXII. Provided always, That no Perſon ſhall be liable to be tried and puniſhed for any Offence againſt any of the ſaid Acts, or Articles

ticles of War, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial; unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period; in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

against former Acts which were committed Three Years before issuing the Warrant for Trial; unless he has absented himself, *etc.*

LXXXIII. And, for the more easy Conviction of Offenders against this Act, be it enacted, That in case any Persons shall be convicted of any Offences by which they shall become liable to any of the pecuniary Penalties under this Act, the following shall be the Form of Conviction:

Form of Conviction.

'*Middlesex.* BE it remembered, That on the Day of in the Year of our Lord at in the County aforesaid, *A. B.* came before us *C. D.* and *E. F.* Two of His Majesty's Justices of the Peace in and for the said County, and informed us, upon Oath, that *G. H.* of on the Day of now last past, at in the said County, did (*here set forth the Fact in the Manner described in the Statute*); whereupon the said *G. H.* after being duly summoned to answer the said Charge, appeared before us the said Justices on the Day of at in the said County, and having heard the Charge contained in the said Information, declared that he was not guilty of the said Offence; but the same being fully proved upon the Oath of *I. K.* a credible Witness, it manifestly appears to us the said Justices, that he the said *G. H.* is guilty of the said Offence charged upon him in the said Information. It is therefore considered and adjudged by us, the said Justices, that he the said *G. H.* be convicted; and we do hereby convict him of the Offence aforesaid, and we do hereby declare and adjudge that the said *G. H.* hath forfeited the Sum of of lawful Money of *Great Britain*, for the Offence aforesaid, to be distributed as the Law directs, according to the Statute in that Case made and provided.

'Given, *&c.*

LXXXIV. And be it further enacted by the Authority aforesaid, That this Act shall be and continue in force, within the Realm of *Great Britain*, from the Twenty-fourth Day of *March* in the Year of our Lord One thousand seven hundred and ninety-eight, until the Twenty-fifth Day of *March* in the Year of our Lord One thousand seven hundred and ninety-nine; and shall be and continue in force in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to such Parts thereof as relate to those Places respectively, from the Thirtieth Day of *April* in the Year of our Lord One thousand seven hundred and ninety-eight, until the First Day of *May* in the Year of our Lord One thousand seven hundred and ninety-nine; and shall be and continue in force within the Garrison of *Gibraltar* and in His Majesty's other Do-

Continuance of this Act.

minions beyond the Seas, as to ſuch Parts thereof as relate to thoſe Places reſpectively, from the Twenty-fourth Day of *March* in the Year of our Lord One thouſand ſeven hundred and ninety-nine, until the Twenty-fifth Day of *March* in the Year of our Lord One thouſand eight hundred.

Act, in Part, may be altered this Seſſion.

LXXXV. Provided always, and be it enacted, That this Act, ſo far as relates to the Allowances to be made for the quartering of Soldiers and providing for their Horſes, may be altered and varied by any Act or Acts to be made in this Seſſion of Parliament.

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