Anno ſeptimo

Georgii III. Regis.

CAP. X.

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



WHEREAS the raiſing or keeping a Standing Army within this Kingdom, in Time of Peace, unleſs it be with Conſent of Parliament, is againſt Law: And whereas 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 Sixteen thouſand ſeven hundred and fifty four effective Men, including Two thouſand four hundred and ſixty one Invalids: And whereas no Man can be forejudged of Life or Limb, or ſubjected in Time of Peace to any Kind of Puniſhment within this Realm, by martial Law, or in any other Manner than by the Judgement of his Peers, and according to the known and eſtabliſhed Laws of this Realm; yet nevertheleſs, it being requiſite for the retaining all the beforementioned Forces in their Duty, that an exact Diſcipline be obſerved, and that Soldiers who ſhall mutiny, or ſtir up Sedition, or ſhall deſert His Majeſty's Service within this Realm, or the Kingdom of Ireland, Jerſey, Guernſey, Alderney, and Sark, or the Iſlands thereto belonging, be brought to a more exemplary and ſpeedy Puniſhment than the uſual Forms of the Law will allow; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual

Preamble.

Number of Forces 16,754, including 2,461 Invalids.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of March, One thousand seven hundred and sixty seven, if any Person being mustered, or in Pay as an Officer, or who is, or shall be listed, or in Pay as a Soldier, and on the Twenty fourth Day of March, One thousand seven hundred and sixty seven, shall remain in such Service, or shall, during the Continuance of this Act herein after mentioned, voluntarily enter himself in His Majesty's Service as a Soldier, shall, at any Time, during such Continuance of this Act, within the Realm of Great Britain, or in the Kingdom of Ireland, or in Jersey, Guernsey, Alderney, Sark, or Man, or the Islands thereto belonging, or in the Island of Minorca, or in His Majesty's Garrison of Gibraltar, or in any His Majesty's Dominions beyond the Seas respectively, begin, excite, cause, or join in any Mutiny or Sedition, in the Company, Troop, or Regiment, whereto he doth belong, or in any other Company, Troop, or Regiment, in His Majesty's Service, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to His Commanding Officer, or shall desert His Majesty's Service; or being a Soldier actually listed in any Regiment, Troop, or Company, shall list himself in any other Regiment, Troop, or Company, without a Discharge produced in Writing from the Colonel, or, in his Absence, the Field Officer commanding in Chief the Regiment, Troop, or Company, in which he last served as a listed Soldier; or shall be found sleeping upon his Post, or shall leave it before relieved; or if any Officer or Soldier in His Majesty's Army shall, either upon Land, within or out of Great Britain, or upon the Sea, hold Correspondence with any Rebel, or Enemy of His Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them, without His Majesty's Licence, or Licence of the General, Lieutenant General, or Chief Commander; or shall strike, or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; all and every Person and Persons so offending in any of the Matters before-mentioned, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

After 24 *March* 1767, during the Continuance of this Act, every Officer and Private Man,

who shall mutiny or desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on, or shall desert, his Post, or hold illegal Correspondence with the Enemies of His Majesty,

or shall strike,

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

And

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

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

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

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

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

General Court-martial not to conſiſt of leſs than 13; (except within the Garriſons of *Goree* and *Senegal*, &c.) and the Preſident to be a Field Officer, or Officer next in Seniority, not under the Degree of a Captain; (except in the Garriſons of *Goree* and *Senegal*, where they are to conſiſt of 5 at leaſt:)

May adminiſter an Oath to Witneſſes.

Provided always, That in all Trials of Offenders by General Courts-martial to be held by virtue of this Act, every Member aſſiſting at ſuch Trial, before any Proceedings be had thereupon, ſhall take the following Oaths

Officers to be ſworn.

upon the holy Evangeliſts, before the Court, and Judge Advocate, or his Deputy (who are hereby authorized to adminiſter the ſame) in theſe Words; that is to ſay,

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

So help you God.

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

So help me God.

The Judge Advocate to be ſworn, And ſo ſoon as the ſaid Oaths ſhall have been adminiſtered to the reſpective Members, the Preſident of the Court is hereby authorized and required to adminiſter to the Judge Advocate, or the Perſon officiating as ſuch, an Oath in the following Words:

The Oath. I *A. B.* do ſwear, That I will not upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-martial, unleſs required to give Evidence thereof, as a Witneſs, by a Court of Juſtice in a due Courſe of Law;

So help me God.

In Sentences of Death, the Number of Officers to concur, &c. And no Sentence of Death ſhall be given againſt any Offender in ſuch Caſe by any General Court-martial, except in the Garriſons of Goree and Senegal, or upon any Detachment made from thoſe Garriſons, unleſs Nine Officers preſent ſhall concur therein; and in all Caſes where a Court-martial ſhall conſiſt of more Officers than Thirteen, as likewiſe within the ſaid Garriſons

ſons of Goree and Senegal, and upon any Detachment made from thoſe Garriſons, when any Court-martial ſhall conſiſt of a leſſer Number of Officers, then the Judgement ſhall paſs by the Concurrence of Two Thirds of the Officers preſent; and no Proceeding or Trial ſhall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning and Three in the Afternoon, except in Caſes which require an immediate Example.

Hours of Trial.

And be it further enacted and declared, That in the Caſe of any 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 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 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.

Deſerter may be adjudged to ſerve in any Corps Abroad for Life, or a Term of Years; but returning without Leave before Expiration of ſuch Term, he ſhall ſuffer Death.

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

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

Provided alſo, and be it enacted by the Authority aforeſaid, That every Judge Advocate, or Perſon officiating as ſuch at any General Court-martial, do, and he is hereby required to tranſmit, with as much Expedition as the Opportunity of Time and Diſtance of Place can admit, the Original

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

Original Proceedings and Sentence of ſuch Court-martial to the Judge Advocate General in London; which ſaid Original Proceedings and Sentence ſhall be carefully kept and preſerved in the Office of ſuch Judge Advocate General, to the end that the Perſons intitled thereto may be enabled, upon Application to the ſaid Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

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

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

This Act not to exempt Soldiers from ordinary Proceſs.

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

Penalty on falſe Certificates to excuſe Soldiers from Muſters.

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

Penalty on Officers making falſe Muſters, &c.

And be it further enacted by the Authority aforeſaid, That every Officer that ſhall make any falſe or untrue Muſter of Man or Horſe, and every Commiſſary, Muſter-maſter, or other Officer, who ſhall wittingly or willingly allow or ſign the Muſter-roll, wherein ſuch falſe Muſter is contained, or any Duplicate thereof; and alſo every Commiſſary, Muſter-maſter, or other Officer, who ſhall directly

directly or indirectly take, or cauſe to be taken, any Sum or Sums of Money, or any other Gratuity, on or for the Muſtering any Regiment, Troop, or Company, or on or for the Signing of any Muſter-rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witneſſes before a General Court-martial, to be thereupon called (which is hereby authorized and required to adminiſter ſuch Oath) ſhall, for ſuch Offence, be forthwith cathiered 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.

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

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

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

And be it further enacted by the Authority aforeſaid, That every Commiſſary or Muſter-maſter, upon any Muſter to be made, had, or taken by him or them, ſhall, by a convenient Time before ſuch Muſter made, give Notice to the Mayor, or other Chief Magiſtrate or Officer of the Place where the ſaid Soldiers ſo to be muſtered ſhall be quartered; who is hereby required to be preſent at every ſuch Muſter, and give his utmoſt Aſſiſtance for the diſcovering any falſe or untrue Muſter there made, or offered to be made; and that every ſuch Commiſſary or Muſter-maſter, making or taking

Penalty on Muſter-maſter neglecting ſo to do.

ing ſuch Muſter, that ſhall neglect to give ſuch Notice as aforeſaid, or ſhall refuſe to take the Aid and Aſſiſtance of ſuch Mayor, Chief Magiſtrate, or Officer, where the Soldiers to be muſtered ſhall be quartered, ſhall forfeit the Sum of Fifty Pounds, and ſhall be diſcharged from his Office; and no Muſter-roll ſhall be allowed, unleſs the ſame be ſigned by the ſaid Mayor, or other Chief Magiſtrate, or Officer reſpectively: But in caſe ſuch Mayor, Chief Magiſtrate, or Officer ſhall not, upon due Notice given, attend ſuch Muſter, or ſhall refuſe to ſign ſuch Muſter-roll, without giving good and ſufficient Reaſons for ſuch his Refuſal; that then the Commiſſary may proceed to muſter ſuch Regiment, Troop, or Company, without incurring the ſaid Penalty; and ſuch Muſter-roll ſhall be allowed, though not ſigned as aforeſaid; provided that Oath be made before any of His Majeſty's Juſtices of the Peace within Forty eight Hours after ſuch Muſter; and the ſaid Muſter-roll ſhall then be produced and examined by the ſaid Juſtice of the Peace, who is hereby required to ſign the ſame, if there ſhall appear to be no good or ſufficient Objection to the ſame.

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

Penalty on Perſons offering themſelves to be falſly muſtered.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall be falſely muſtered, or offer himſelf falſly or deceitfully to be muſtered, upon Proof thereof made upon Oath by Two Witneſſes before the next Juſtice of the Peace for the County where ſuch Muſter ſhall be made, and upon Certificate thereof in Writing under the Hand of the Commiſſary of the Muſters or Chief Magiſtrate, as aforeſaid, made to ſuch Juſtice of the Peace, the ſaid Juſtice is hereby authorized and required to commit ſuch Offender to the Houſe of Correction, there to remain for the Space of Ten Days; and if any Perſon ſhall wittingly or willingly lend or furniſh any Horſe to be muſtered, which ſhall not truly belong to the Trooper or Troop ſo muſtered; the ſaid Horſe ſo falſly muſtered ſhall be forfeited to the Informer, if the ſame doth belong to the Perſon lending or furniſhing the ſaid Horſe; or otherwiſe, the Perſon lending or furniſhing the ſaid Horſe ſhall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witneſſes before the next Juſtice of the Peace; which Twenty Pounds ſhall be levied by Warrant under the Hand and Seal of the ſaid Juſtice, by Diſtreſs and Sale of the Goods and Chattles of the Perſons ſo offending, rendering the Overplus, if any be, to the Owner; and in caſe ſuch Offender ſhall not have ſufficient Goods and Chattles, whereon Diſtreſs may be made, to the Value of the Penalty to be recovered againſt him, or ſhall not pay ſuch Penalty within Four Days after ſuch Conviction,

Horſes falſly muſtered, to be forfeited, &c.

Forfeiture how to be levied.

Conviction, then, and in ſuch Caſe, ſuch Juſtice of the Peace ſhall and may, by Warrant under his Hand and Seal, either commit ſuch Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cauſe ſuch Offender to be publickly whipt, at the Diſcretion of ſuch Juſtice; and the ſaid Forfeiture ſhall be to ſuch Perſon or Perſons that ſhall give Information thereof; and the ſaid Informer or Informers, if belonging to the Service, ſhall have a Right to be diſcharged forthwith, if he or they ſhall demand the ſame.

Officer embezilling, &c. Military Stores,

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

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

for want of Diſtreſs, the Perſon to be committed.

Application of the Forfeiture.

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

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

I *A. B.*

The Oath.

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

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

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

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

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 Six Pence per Week for each Corporal

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

Weekly Rates.

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 to each Serjeant; Four Shillings and Six Pence per Week to each Corporal and Drummer; and Three Shillings per Week to each Foot Soldier of any other Regiment or Independent Company; and at the End of every Two Months to account for One Shilling per Week to each Serjeant, and Two Pence per Week to each Corporal and Drummer, and Six Pence per Week to each Foot Soldier; the ſaid One Shilling per Week, Two Pence per Week, and Six Pence per Week, being the Remainder of the Subſiſtence of each Serjeant, Corporal, 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 impowered, if they judge it neceſſary for the Good of the Service, to make the ſame Stoppages of One Shilling per Week from each Serjeant, Two Pence per Week from each Corporal and Drummer, and Six Pence per Week from each Foot Soldier; and at the End of every Two Months to account for the ſaid One Shilling per Week to each Serjeant, and Two Pence per Week to each Corporal and Drummer, and Six Pence per Week to each Foot Soldier, in the ſame Manner as is hereby directed for the Marching Regiments.

Penalty on Agents diſobeying of Orders.

And, for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the ſeveral Regiments, and Independent Troops and Companies, the ſaid Agents are hereby required and directed to obſerve ſuch Orders and Directions as ſhall, from time to time, be given by His Majeſty, under His Sign Manual, or by the Lord Treaſurer, or Commiſſioners of the Treaſury for the time being; and

if any Agent ſhall refuſe or neglect to obſerve and comply with ſuch Orders and Directions, he ſhall be diſcharged from his Office, and be utterly diſabled to have or hold any ſuch Office in His Majeſty's Service.

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

And it is hereby enacted, That the Surgeon, or his Mate, ſhall, within the Cities of London and Weſtminſter, and Ten Miles of the ſame, certify upon Oath to the Muſter-maſter, that he hath actually ſeen ſuch Perſon as he certifies to be ſick; and ſuch Commanding Officer ſhall alſo certify the Names of ſuch others, as ſhall be employed in raiſing Recruits; and if ſuch Certificate ſhall prove falſe, upon Conviction thereof, before a Court-martial, the Officer ſigning ſuch Certificate ſhall ſuffer ſuch Penalties, and in ſuch Manner, as is declared and inflicted by this Act upon thoſe who ſhall make falſe Muſters; and the Commiſſary of the Muſters is hereby directed to inſert in the Docket annexed to the Muſter-roll, the Place where, and the preciſe Day when, every Muſter-roll is taken.

and Commanding Officer, who are employed in raiſing Recruits.

Penalty on Officer muſtering Perſons by wrong Names.

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

And whereas by the Petition of Right, in the Third Year of King Charles the Firſt, it is enacted and declared, That the People of 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 Billeting whatſoever: But foraſmuch as at this Time, and during the Continuance of this Act, there is and may be Occaſion for the marching and quartering of Regiments, Troops, and Companies, in ſeveral Parts of this Kingdom; be it further enacted by the Authority aforeſaid, That

That for and during the Continuance of this Act, and no longer, it ſhall and may be lawful to and for the Conſtables, Tythingmen, Headboroughs, and other Chief Officers and Magiſtrates of Cities, Towns, and Villages, and other Places, within England, Wales, and the Town of Berwick upon Tweed, and in their Default or Abſence, for any One Juſtice of the Peace inhabiting in or near any ſuch City, Town, Village, or Place, and for no others; and ſuch Conſtables, and other Chief Magiſtrates as aforeſaid, are hereby required to quarter and billet the Officers and Soldiers in his Majeſty's Service, in Inns, Livery Stables, Ale-houſes, Victualling-houſes, and the Houſes of Sellers of Wine by Retail to be drank in their own Houſes, or Places thereunto belonging; 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 Houſe or Houſes of any Diſtillers, who keep Houſes or Places of diſtilling Brandy and Strong Waters, and the Houſe of any Shopkeeper, whoſe principal Dealings ſhall be more in other Goods and Merchandizes, than in Brandy and Strong Waters (ſo as ſuch Diſtillers and Shopkeepers do not permit or ſuffer Tippling in his or their Houſes) and in no other, and in no private Houſes whatſoever; nor ſhall any more Billets at any Time be ordered, than there are effective Soldiers preſent to be quartered: And if any Conſtable, Tythingman, or ſuch like Officer or Magiſtrate as aforeſaid, ſhall preſume to quarter or billet any ſuch Officer or Soldier in any ſuch private Houſe, without the Conſent of the Owner or Occupier; in ſuch Caſe, ſuch Owner or Occupier ſhall have his or their Remedy at Law againſt ſuch Magiſtrate or Officer, for the Damage that ſuch Owner or Occupier ſhall ſuſtain thereby: And if any Military Officer ſhall take upon him to quarter Soldiers otherwiſe than is limited and allowed by this Act, or ſhall uſe or offer any Menace or Compulſion to or upon any Mayors, Conſtables, or other Civil Officers before-mentioned, tending to deter and diſcourage any of them from performing any Part of their Duty hereby required or appointed; ſuch Military Officer ſhall, for every ſuch Offence (being thereof

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

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

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

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

thereof convicted before any Two or more of the next Juſtices of the Peace of the County, by the Oath of Two credible Witneſſes) be deemed and taken to be ipſo facto caſhiered, and ſhall be utterly diſabled to have or hold any Military Employment within this Kingdom, or in His Majeſty's Service; provided the ſaid Conviction be affirmed at the next Quarter Seſſions of the Peace of the ſaid County, and a Certificate thereof be tranſmitted to the Judge Advocate, who is hereby obliged to certify the ſame to the next Court-martial; and in caſe any Perſon ſhall find himſelf aggrieved, in that ſuch Conſtable, Tythingman, or Headborough, Chief Officer, or Magiſtrate (ſuch Chief Officer or Magiſtrate not being a Juſtice of the Peace) has quartered or billeted in his Houſe a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours; and ſhall complain thereof to One 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.

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

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

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

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

Officers and Soldiers to pay Rates for their Proviſions.

in

in after-mentioned to be payable out of the Subſiſtence-money for Diet and Small Beer.

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 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.

What Innholders may allow Men quarter'd on them, inſtead of Meat.

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 taking Money to excuſe any Perſon from quartering.

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

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

than Two Men where there ſhall be Four Horſes, and ſo in Proportion for a greater Number; and in ſuch Caſe each Man ſhall be billeted as near his Horſe as poſſible.

Manner of changing Men and Horſes.

And whereas ſome Doubts have ariſen, whether Commanding Officers of any Regiment, Troop, or Company, may exchange any Men or Horſes quartered in any Town or Place, with another Man or Horſe quartered in the ſame Place, for the Benefit of the Service; be it declared and enacted by the Authority aforeſaid, That ſuch Exchange as above-mentioned may be made by ſuch Commanding Officers reſpectively; provided the Number of Men, or Horſes, do not exceed the Number at that Time billeted on ſuch Houſe or Houſes; and the Conſtables, Tythingmen, Headboroughs, and other Chief Officers, and Magiſtrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company, ſhall be quartered, are hereby required to billet ſuch Men and Horſes ſo exchanged accordingly.

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

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

And

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

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

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

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

Exceptions.

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

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

Paymaſters to deduct the Off-reckonings.

And

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

And that the Quarters both of Officers and Soldiers in Great Britain, and in Jerſey, Guernſey, Alderney, Sark, and Man, and the Iſlands thereto belonging, may hereafter be duly paid and ſatisfied, and His Majeſty's Duties of Exciſe better anſwered, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of March, One thouſand ſeven hundred and ſixty ſeven, 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 are hereby required to accept of, and immediately pay the ſame, before any Part of the ſaid Pay or Subſiſtence be diſtributed either to the Officers or Soldiers: Provided the ſaid Accounts exceed not, for a Commiſſion Officer of Horſe, being under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, per Diem, Two Shillings; nor for One Commiſſion Officer of Dragoons, being under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, per Diem, One Shilling; nor for One Commiſſion Officer of Foot, under the Degree of a Captain, for ſuch Officer's Diet and Small Beer, per Diem, One Shilling; and if ſuch Officer ſhall have a Horſe or Horſes, for each Horſe or Horſes, for their Hay and Straw, per Diem, Six Pence; nor for One Light Horſeman's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horſe, per Diem, Six Pence; nor for One Dragoon's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horſe, per Diem, Six Pence; nor for One Foot Soldier's Diet and Small Beer, per Diem, Four Pence: And if any Officer or Officers, as aforeſaid, ſhall not give Notice as aforeſaid, and ſhall not

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

Penalty on Officers not paying Subſiſtence-money.

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 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 Acts 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 re-

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

quired 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.

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

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 before-mentioned Penalty; 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 impowered to sign the said Muster-rolls, and to take Cognizance of such Muster, and to examine the Truth thereof, before they sign the same.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the High Constables, Petty Constables, Headboroughs, and Tythingmen, within the said City and Liberties of Westminster, and Places adjacent, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's said Regiments of Foot-guards, in such Houses only, as by this Act are limited, in and about the said City and Liberties of Westminster, and Places adjacent (except the City of London) during the Continuance of this Act: And when any Order shall issue for the quartering or billeting any Officers or Soldiers within the said City and Liberties of Westminster, and Places adjacent, the High Constable shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tythingmen of each Parish, Ward, Hamlet, and District, within their respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot-guards on such Houses only as by this Act is limited within his respective Parish, Hamlet, or District; and such Petty Constables, Headboroughs, and Tythingmen shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act,

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

Act, equally and proportionably, according to the Number of ſuch Officers and Soldiers ſo to be billeted and quartered, and of the Houſes ſo ſubjected to receive them; and ſuch Officers and Soldiers of the Foot-guards ſhall be quartered within the ſaid City and Liberties of Weſtminſter, and the Places adjacent, in the ſame Manner, and under the ſame Regulations, as in other Parts of England, in all Caſes, for which particular Proviſion is not made by this Act.

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

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

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.

tively; ſuch Petty Conſtable, Headborough, and Tythingman, or any of them, ſo offending therein, ſhall, for each ſuch Offence, forfeit each the Sum of Five Pounds, to the Uſe of the Poor of ſuch reſpective Pariſhes, Wards, Hamlets, and Diſtricts, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of his Majeſty's Juſtice or Juſtices of the Peace for the ſaid City of Weſtminſter, or for the County of Middleſex (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to make and iſſue) and for want of ſufficient Diſtreſs to be found for that Purpoſe, the ſaid Juſtice or Juſtices is and are hereby impowered and required, by Warrant or Warrants under his or their Hands and Seals, to commit the Perſon or Perſons ſo offending to the Common Gaol of the ſaid City of Weſtminſter, or County of Middleſex, there to remain for any Time to be limited by ſuch Juſtice or Juſtices, not exceeding Three Months, and not leſs than One Month, without Bail or Mainprize.

How to be levied.

This Act to extend to *Jerſey*, &c.

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

Muſter-rolls to be cloſed on Day of Muſter,

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

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

Penalty.

Employments, and the Sum of Twenty Pounds, to any Perſon that will ſue for the ſame, for every ſuch Offence.

Juſtices may order Conſtables to provide Carriages.

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

Rates for Carriages.

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

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

And be it enacted by the Authority aforeſaid, That if any High Conſtable or Petty Conſtable ſhall wilfully neglect or refuſe to execute ſuch Warrants of the Juſtices of the Peace, as ſhall be directed unto them for providing Carriages as aforeſaid; or if any Perſon or Perſons, appointed by ſuch Conſtable or Petty Conſtable to provide or furniſh any Carriage and Man, ſhall refuſe or neglect to provide the ſame; or any other Perſon or Perſons whatſoever ſhall wilfully do any Act or Thing, whereby the Execution of the ſaid Warrant ſhall be hindered or fruſtrated; every ſuch Conſtable, or other Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, to the Uſe of the Poor of the Pariſh where any ſuch Offence ſhall be committed: And all and every ſuch Offence and Offences ſhall and may be enquired of, heard,

Penalty on Conſtables, &c. Neglect.

heard, and fully determined, by Two of his Majeſty's Juſtices of the Peace, dwelling in or near the Place where ſuch Offence ſhall be committed, who have hereby Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, rendering the Overplus (if any) to the Owner.

And whereas the reſpective Sums of Money by this Act appointed to be paid to the Conſtables by the Officers demanding ſuch Carriages, are not, in many Caſes, ſufficient to anſwer the Charge and Expence of providing the ſame, inſomuch that the ſaid Conſtables are frequently at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhip of which he is Conſtable, or elſe the Perſons 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.

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

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

The Money for thoſe Purpoſes how to be raiſed.

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

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

thing in this Act contained to the contrary notwithſtanding.

Carriages in *Scotland* how to be provided.

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.

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

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

Penalty.

Penalty on Officers or Soldiers deſtroying the Game.

And for the better Preſervation of the Game, in or near ſuch Place, where any Officers or Soldiers ſhall at any Time be quartered; be it enacted by the Authority aforeſaid, That if, from and after the ſaid Twenty fourth Day of March, One thouſand ſeven hundred and ſixty ſeven, any Officer or Soldier ſhall, without Leave of the Lord of the Manor, under his Hand and Seal, firſt had and obtained, take, kill, or deſtroy, any Hare, Coney, Pheaſant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fiſh, or His Majeſty's Game, within the Kingdom of Great Britain; and upon Complaint thereof ſhall be, upon Oath of One or more credible Witneſs or Witneſſes, convicted before any Juſtice or Juſtices of the Peace, who is and are hereby impowered and authorized to hear and determine the ſame; (that is to ſay) Every Officer ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, to be diſtributed among the Poor of the Place where ſuch Offence ſhall be committed; and every Officer commanding in Chief upon the Place, for every ſuch Offence committed by any Soldier under his Command, ſhall forfeit the Sum of Twenty Shillings, to be paid and diſtributed in Manner aforeſaid: And if, upon Conviction made by the Juſtices of the Peace, and

Demand

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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 be is hereby declared to have forfeited, his Commiſſion, and his Commiſſion is hereby declared to be null and void.

How the Account of every Regiment ſhall be kept.

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

Penalty on Paymaſters, &c.

Penalty on Colonels.

lonel of a Regiment ſhall offend therein, ſuch Colonel ſhall forfeit, for every ſuch Offence, One hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered as aforeſaid.

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

And be it further enacted by the Authority aforeſaid, That every Non-commiſſion Officer who ſhall be convicted at a General or Regimental Court-martial of having embezzled or miſapplied any Money with which he may have been intruſted for the Payment of the Men under his Command, or for inliſting Men into His Majeſty's Service, ſhall be reduced to ſerve in the Ranks as a Private Soldier, 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.

Juſtices may commit Deſerters.

And whereas ſeveral Soldiers being duly liſted do afterwards deſert, and are often found wandering, or otherwiſe abſenting themſelves illegally from His Majeſty's Service; it is hereby further enacted, That it ſhall and may be lawful to and for the Conſtable, Headborough, or Tythingman of the Town or Place, where any Perſon, who may be reaſonably ſuſpected to be ſuch a Deſerter, ſhall be found, to apprehend, or cauſe him to be apprehended, and to cauſe ſuch Perſon to be brought before any Juſtice of the Peace, living in or near ſuch Town or Place, who hath hereby Power to examine ſuch ſuſpected Perſon; and if by his Confeſſion, or the Teſtimony of One or more Witneſs or Witneſſes upon Oath, or by the Knowledge of ſuch Juſtice of the Peace, it ſhall appear or be found, that ſuch ſuſpected Perſon is a liſted Soldier, and ought to be with the Troop or Company to which he belongs; ſuch Juſtice of the Peace ſhall forthwith cauſe him to be conveyed to the Gaol of the County or Place where he ſhall be found; or to the Houſe of Correction, or other publick Priſon in ſuch Town or Place where ſuch Deſerter ſhall be apprehended; or to the Savoy, in caſe ſuch Deſerter ſhall be apprehended within the City of London, or Weſtminſter, or Places adjacent; and tranſmit an Account thereof to the Secretary at War for the time being, to the end ſuch Perſon may be proceeded againſt according to Law: And the Keeper of ſuch 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 intitled to any Fee or Reward, on account of the Impriſonment of ſuch Deſerter or Deſerters; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

And,

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 ſixty ſeven, into the Hands of ſuch Perſon who ſhall apprehend, or cauſe to be apprehended, any Deſerter from his Majeſty's Service, the Sum of Twenty Shillings for every Deſerter that ſhall be ſo apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector or Collectors to whom ſuch Warrant ſhall be directed, and allowed upon his Account, Reward for taking up Deſerters.

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

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

Penalty on Officer breaking open Houſe without Warrant.

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

His Majeſty impowered to make Articles of War.

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

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

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

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

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

Provided

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

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

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

Paymaſters, &c. to account with Executors.

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

Perſons ſued may plead the General Iſſue.

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

Treble Coſts.

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

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

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

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

Continuance of this Act.

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

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

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

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

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

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

Oath of the Debt to be made before a Judge,

and a Memorandum thereof marked on the Back of the Proceſs.

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 liſted as a Soldier in His Majeſty's Service, and arreſted contrary to the Intent of this Act, and alſo to award to the Party ſo complaining, ſuch Coſts as ſuch Judge or Judges ſhall think reaſonable: For the Recovery whereof, he ſhall have the like Remedy that the Perſon who takes out the ſaid Execution might have had for his Coſts, or the Plaintiff in the like Action might have had for the Recovery of his Coſts, in caſe Judgement had been given for him with Coſts againſt the Defendant in the ſaid Action.

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

Plaintiff may file a Common Appearance.

And be it further enacted by the Authority aforeſaid, That if any High Conſtable, Conſtable, Bedel, or other Officer or Perſon whatſoever, who, by virtue or colour of this Act, ſhall quarter or billet, or be employed in quartering or billeting, any Officers or Soldiers, ſhall neglect or refuſe, for the Space of Two Hours, to quarter or billet ſuch Officers or Soldiers when thereunto

Penalty on taking Money to excuſe any Perſon from quartering;

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

or Victuallers refuſing to quarter Soldiers.

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

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

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, Bedel, or other Officer, who ſhall quarter or billet any Soldiers in purſuance of this Act, to give an Account in Writing unto the ſaid Juſtice or Juſtices requiring the ſame, of the Number of Officers and Soldiers who ſhall be quartered or billeted by them; and alſo the Names of the Houſekeepers or Perſons upon whom every ſuch Officer or Soldier ſhall be quartered or billeted, together with an Account of the Street or Place where every ſuch Houſekeeper dwells; and of the Signs (if any) belonging to their Houſes; to the End it may appear to the ſaid Juſtice or Juſtices where ſuch Officers and Soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or puniſh all Abuſes in the quartering or billeting of them.

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

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

Clauſe for Relief of Perſons haſtily liſting themſelves.

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

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

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

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

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

againſt former Acts of Parliament, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; be it enacted by the Authority aforeſaid, That all Crimes and Offences which have been committed againſt any Act for the puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, ſhall and may, during the Continuation of this preſent 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 preſent Act, may be enquired of, heard, tried, determined, adjudged, and puniſhed.

Offences againſt former Mutiny Acts puniſhable by this Act.

Provided always, That no Perſon ſhall be liable to be tried or puniſhed for any Offence againſt any of the ſaid Acts, which ſhall appear to have been committed more than Three Years before the Iſſuing of the Commiſſion or Warrant for ſuch Trial; except only for the Offence of Deſertion.

None liable to be tried, &c. for Offences againſt former Acts, which were committed 3 Years before iſſuing the Warrant for Trial; except for Deſertion.

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

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

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

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

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

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

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

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

and under the ſame Regulations and Penalties.

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

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.

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

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

Provided alſo, That nothing in this Act contained ſhall extend, or be any ways conſtrued to extend, to concern any of the Militia Forces of this Kingdom, or of the Kingdom

Kingdom of Ireland, 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 of the Officers of the Militia and Private Militia Men, within the Part of Great Britain aforeſaid.

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

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.

FINIS.