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An Abstract of the 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, That a number of Troops, not exceeding sixteen Thousand three hundred and forty seven Men, for Guards and Garrisons in Great Britain, and for Jersey and Guernsey, be kept on foot for the Guard of His Majesties Royal Person, and the Safety of this Kingdom; and also a certain number of Troops for the Defence of His Majesty's Dominions beyond the Seas belonging to the Crown of Great Britain: And whereas no Man may be subjected in the time of Peace to any kind of Punishment within this Realm by Martial Law, or in any other manner than by the Judgment of his Peers; and according to the known and established Laws of this Realm; yet, nevertheless, it being requisite for the retaining such Forces in their Duties, that an exact Discipline be observed, and that Soldiers who shall Mutiny, or stir up Sedition, or shall Desert His Majesty's Service, be brought to a more exemplary Punishment than the Laws at present will allow: Be it therefore Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same.

That from 24 March 1717, every Officer or Soldier in the Army, who shall at any time before 25 March 1719, in Great Britain or Ireland, cause any Mutiny, or Desert, or Lift in any other Regiment, &c, without a Discharge, or shall refuse to obey any lawful Command of his Superior Officer, shall suffer Death, or such other Punishment, as by a Court-Martial shall be inflicted.

His Majesty may grant Commissions under His Royal Sign Manual to any Officer, not under the Degree of a Field Officer, for holding a General Court Martial within this Realm; and may grant his Warrant to the Lord Lieutenant of Ireland; or other Chief Governor there, to appoint Courts-Martial in that Kingdom, for Punishing the said Offences; and all other Offences hereafter specified.

Courts-Martial by their Sentence or Judgment may inflict Corporal Punishment, not extending to Life or Limb, on any Soldier, for Immoralities, Misbehaviour, or Neglect of Duty.

No such Court-Martial shall consist of less than 13, all Commission-Officers, and the President a Field-Officer, or the Commander in Chief of the Garrison where the Offender shall be Tried; and such Court-Martial may administer an Oath to any Witness in Order to the Examination or Tryal of the Offences that shall come before them.

In all Tryals by Courts-Martial, when the Offence may be punished by Death, every Officer at such Tryal, shall take an Oath before the Court and Judge-Advocate, &c. in the Words set down in the Act, for well and truly trying the same, according to the Evidence.

No Sentence of Death, unless Nine Officers concur; and if there be a greater Number, the Judgment shall pass by the Concurrence of the major part sworn, which shall not be less than Nine; and no Proceeding, &c. shall be had, but between the Hours of Eight of the Clock in the Morning, and one in the Afternoon.

Provided always, that nothing in this Act contained, shall extend or be construed to exempt any Officer or Soldier whatsoever, from being proceeded

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against by the ordinary course of Law; or be any ways construed to extend to any of the Militia-Forces of this Kingdom.

By this Act, a Penalty is laid off Persons, who give or procure false Certificates to excuse Soldiers from Musters.

Also a Penalty on Officers making false Musters, Names allowed by His Majesty's Order upon the Muster Rolls, for the Maintenance of Widows of Officers who lost their Lives in the Service, during the late War, or in the late Rebellion, are not to be construed to be a false Muster.

The Muster-Rolls to be Signed by the Mayor, or other Chief Magistrate of the Place where the Muster is made.

A Penalty laid on the Muster-Master, who shall neglect to give Notice of such Muster, to such Mayor or Chief Magistrate, &c.

Persons who shall be falsely Mustered, or offer themselves to be falsely mustered, to be sent to the House of Correction.

Horses falsely Mustered, are to be forfeited.

'Tis directed in what manner such Forfeitures shall be levied.

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

The Commanding Officers are enjoined to Certifie, who are Sick or raising Recruits.

A Penalty is laid on Officers Mustering Persons by a wrong Name.

It is Enacted, That for and during the Continuance of this Act, and no longer, it shall and may be Lawful for the Constables, Tythingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within England, Wales, and 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, to Quarter and Billet the Officers and Soldiers in His Majesty's Service, in Inns, Livery-Stables, Ale-Houses, Victualling-Houses, and all other Houses selling Brandy, Strong-Waters, Cyder, or Metheglin, by Retail, to be drunk in their Houses, other than and except the House or Houses of any Distillers, who keep Houses or Places of Distilling Brandy or Strong-Waters, and the House of any Shop Keeper, whose principal Dealings shall be more in other Goods and Merchandizes than in Brandy and Strong-Waters, who do not permit or suffer Tripling in his or their Houses, and no other; and in no Private Houses whatsoever; nor shall any more Billers 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 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.

A Penalty on any Officer that shall take upon him to quarter Soldiers contrary to this Act, or deter Civil Officers from doing their Duty.

Persons upon whom a greater Number of Soldiers are billeted than they ought to bear in Proportion to their Neighbours, may complain to one or more Justice or Justices of the Peace, who may remove part if they see Cause.

Provided nevertheless, and it is hereby Enacted, That the Officers and Soldiers so Quartered and Billeted, as aforesaid, shall be Received 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, and shall