

Souldiers, who Mutiny or stir up Sedition, or Desert the Kings service, or are guilty of Immoralities, Misbehaviour or Neglect of Duty, be brought to a more Exemplary and Speedy punishment than the Usual forms of the Law will allow: Temporary Acts of Parliament are frequently made for raising or Continuing forces in times of peace, and for punishing souldiers offending in Manner aforesaid and empowering his Majesty to grant Commissions to a General, Lieutenant General, or other officer not under the Degree of a Field officer or Commander and Chief of Garrison from time to time to call and assemble courts Martial for punishing such Military Crimes. Which do not allow Courts Martial do not extend to the Militia nor doth they Exempt any officer or souldier from the ordinary process of law: but an Acquittal or Conviction in a court Martial, is a full bar to any Judgment or proceeding for the same offences.

There are two sorts of courts Martial, viz. a particular Regimental court held in the several Regiments, and a General high court of War. The Business of the Regimental court, is to judge Criminally in such a Regiment and to decide Civil Controversies between souldiers and their officers, or between souldier and souldier relating to their Military Capacities: from which court parties Aggrieved by the sentence thereof in Civil causes, may Appeal to the General court Martial. It belongs to the General or high court Martial to determine in cases of greater Moment, as the Accusation of a General or Field officer &c. and Appeals from the Regimental courts.

The Judges in courts Martial must be all Commission-officers, and cannot be fewer than 13 whereof the Chief of the Garrison where the offender is tried, or a Field officer can be tried by any Under the Degree of a Captain. In all trials for Capital offences (which

must be held at the house of night in the Morning and one in the afternoon) each of the Judges must before any proceeding thereon take the following oath: I shall well and truly try and determine according to my Evidence, the Matter now before me between our sovereign Lord the Kings Majesty, and the person to be tried. I pray me Gods sentence of Death is not given unless Nine of 13 officers present concur therein: and if there be a greater Number present Judgment passeth by the Concurrence of the Major part, so be the same is no less than Nine. There are three officers besides the Judges belonging to these courts, viz. the Judge Martial or Judge Advocate, the Provoost Martial, and a sworn Clerk. The Judge Advocate in all Criminal cases informs the Court, and prosecutes the offender in Name of his Majesty. A Provoost Marshal is he who seizeth and Committeth all Transgressors of the Articles of War, till he present them to the Court and he sees the sentence of court put to Execution. The Clerk of Court is he who being sworn to Fidelity, record all their proceedings.

There is no fixed place for the sitting of this court, but is commonly held in the Lodging or tent of the president or General. In foreign Countries, as France, Holland &c. it is often kept in the open fields, where the cause is ordinarily soon discussed: and a Condemnatory sentence is immediately executed without allowing the party so much as to return within Doors to order his affairs.

Every Prince and State makes Articles of War for keeping their forces Under Exact Discipline. And the King of Britain may make and Establish Articles of War for the British forces any where beyond Sea except in Ireland, and constitute courts Martiall with power to try and determine any crime there, by such Articles. But temporary Acts of Parliament are aforesaid, and made from time to time for punishing Military offences committed within