

treating with him on all Hands: Even the Czar has condescended to treat with him in the Isle of *Aland*, after having first sent his Plenipotentiaries to *Abo*, where the King of *Sweden* refus'd to treat. In a Word, it is believ'd that the *Swede*, by having put his Affairs, into so powerful a Posture, will be able, even without Action, to bring all, or the greatest Part of his Enemies, to submit to his own Terms, and perhaps will have all his Territories in *Germany* restor'd to him.

Meanwhile the Czar having taken Umbrage at the Armament made by the States-General for the *Baltick*, as if it was design'd to compel *Sweden* to make a separate Peace with the King of *Great Britain*, order'd Prince *Kurakin*, his Ambassador at the *Hague*, to present a Memorial to the States-General on that Subject; by their Answer to which, it is evident that they were highly dissatisfy'd at some Expressions us'd by that Minister: The said Answer is in Substance as follows:

THE States-General having deliberated upon the Declaration which the *Russian* Minister made in Writing not long ago, concerning the Equipment of the Squadron which the States have determin'd to send to the *Baltick*; it has been resolv'd, that the Deputies of their High-Mightiness for foreign Affairs, shall make the following Answer to the said Declaration, which they have communicated accordingly, in a Conference which those Deputies have had with the *Russian* Minister, viz. ' That their High-Mightinesses
' are extremely surpriz'd at the Contents of the said
' Writing, and at the Information given to his Czar-
' rish Majesty, as if the Sea Armament of the State
' were made at the Instance of a foreign Potentate,
' to cause a separate Peace to be made in his Favour
' with the Crown of *Sweden*, and to engage, at the
' same Time, a Member of the grand Northern Alliance into a separate Peace: That their High-Mightinesses are oblig'd to complain of those who have
' given his Czarish Majesty an Information so abusive,
' and they can judge no otherwise than that such Informations must have been given by Persons who
' are ill-affected to this State, or are jealous of the
' good Understanding which their High-Mightinesses

' have the good Fortune to cultivate with his Czarish
 ' Majesty, and endeavouring thereby to excite a Diffi-
 ' dence and Misunderstanding between them. That
 ' their High-Mightinesses, to express their sincere Sen-
 ' timents thereupon, are oblig'd to declare, that they
 ' have not been solicited by any foreign Potentate
 ' whatsoever, to make the said naval Armament; but
 ' that the frequent Troubles that have been given to
 ' the Navigation and Commerce of their Subjects,
 ' and their just Complaints upon that Account, have
 ' given Occasion, and is the true Cause of this Ar-
 ' mament; and therefore it is design'd for no other
 ' Purpose than to protect their trading Subjects, and
 ' to maintain the Freedom of their Navigation and
 ' Trade to the Places of the North and in the *Baltick*
 ' Sea; and not at all to draw off from the Alliance
 ' any of his Czarish Majesty's Allies, nor to cause a
 ' separate Peace to be made for him, or for any other.
 ' That their High-Mightinesses have hitherto observ'd
 ' an exact Neutrality in Relation to the War in the
 ' North, and their Intention is to continue the same;
 ' but that the Damage they have hitherto suffer'd by
 ' that War, has made them always wish that it might
 ' be entirely terminated, the sooner the better, by a
 ' general Peace; and that if their High-Mightinesses
 ' could in any Manner contribute to it, with the
 ' Consent of all the Parties that are in the War, they
 ' should be extremely willing to do it.

We have taken Notice above of a Project concert-
 ed between the Courts of *Great Britain* and *France*,
 for accommodating Matters between the Emperor and
 the King of *Spain*: Those two Courts have likewise
 endeavour'd to bring the States-General into that
 Scheme: To this End the Marquis *de Chateaufeuf*,
 the *French* Ambassador at the *Hague*, in a Conference
 he had the Beginning of *May*, with the Deputies of
 the States-General, at which Mr. *Whitworth* the *Brit-
 ish* Minister assisted, spoke to them to the following
 Purpose: That he had Orders from his most Christi-
 an Majesty to communicate to them the Project that
 had been form'd at *London*, for the Preservation and
 Maintenance of the Peace and Tranquillity of *Eu-
 rope*, which was the Design of the late Treaties of
Utrecht and *Raden*; of which Project Mr. *Whitworth*
 would give them a Copy, desiring their High-Migh-
 tinesses

tinesses to concur therein with their *Britannick* and most Christian Majesties, and nothing doubting but they would find the Conditions of the same as reasonable as can be expected in Affairs of this Nature, and in the present Conjunction: That the Design and Intention of the said Project was what in all Appearance would be an Inducement to their High-Mightinesses to join in it, *viz.* to prevent a new War, which might indeed be kindled first in *Italy*, but afterwards would spread itself much farther: That these Considerations, the publick Peace and Tranquillity, were equally the Design of the Alliance made between their said Majesties and their High-Mightinesses about a Year ago, and therefore he had the greater Hope they would readily come into this Proposition, and join with *England* and *France* in so good a Work: That the King his Master and the Duke Regent, as well as his *Britannick* Majesty, had consider'd that by the Conventions and Treaties of *Utrecht*, a Neutrality was agreed upon for *Italy*; tho' the various Interests and Pretensions of the Emperor and the King of *Spain* were not settled at the same Time, but left undecided: That neither could any Thing be done herein by the Treaties of *Rastat* and *Baden*, so that his Imperial Majesty on the one Part, and his Catholic Majesty on the other, reserv'd each of them his Rights and Pretensions: That it was no more than probable, that sooner or later new Troubles would spring from this Source; that to prevent them, the King his Master and the Duke Regent, together with his *Britannick* Majesty, did endeavour to conclude an Accommodation, after the Peace of *Utrecht* and *Baden*, between the Emperor and *Spain*; but all their Attempts were render'd fruitless and abortive, by the *Spaniards* Enterprize upon *Sardinia*: That however, this Step was so far from discouraging their Majesties to persist in so wholesome a Design, that on the contrary it had even animated them more and more to seek some effectual Method to extinguish this Flame at it's first breaking out, and thereby obviate a new War. And forasmuch as the Parties concern'd did not appear dispos'd to pursue the ordinary Course of Negotiations to come to an Agreement, their Majesties had judg'd it necessary to find out themselves some Means of succeeding therein: That in order thereunto, they had conceiv'd it most expedient to form a

Project, by which the Peace might be establish'd and maintain'd. That this laudable Design had already had a happy Beginning, his Imperial Majesty having declar'd by his Embassador at the Court of *France*, that he would accept of the said Project; that for the rest, nothing could more contribute to make the King of *Spain* and the others acquiesce with it, than their High-Mightinesses Concurrence; that so it might be seen, that all Princes and States concern'd themselves in the Preservation of the Peace, and were all of the same Mind in that respect: That this ought even to be consider'd as a Consequence of the above-cited Triple Alliance, whose principal Design it was, to maintain the publick Tranquillity, and to prevent new Troubles and Wars. And lastly, that for these Reasons they hop'd and expected their High-Mightinesses would make no Difficulty to concur therein, pursuant to their Request. Then the *British* Minister, delivering to the Deputies a Copy of the said Project, refer'd them to what the Marquess *de Chateauneuf* had said, desiring their High-Mightinesses to come into it, and adding, that they had so often express'd their Zeal and Desire of the publick Tranquillity, and were so nearly concern'd therein, that he made no doubt they would contribute towards it on their Part. But their High-Mightinesses are not yet come to any Resolution in this Affair.

The other foreign Transactions are of little Moment, and therefore we will close this Register with the following Pieces, which, so long as a standing Army is kept on foot, it will concern most People to know.

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 judg'd 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 Majesty's Royal Person, and the Safety of this Kingdom; and also a certain

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 establish'd Laws of this Realm; yet, nevertheless, it being requisite for the retaining such Forces in their Duties, that an exact Discipline be observ'd, 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 list 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 specify'd.

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 12, all Commission'd Officers, and the President a Field Officer, or the Commander in Chief of the Garrison where the Offender shall be try'd: 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.

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In all Tryals by Courts Martial, when the Offence may be punish'd 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 contain'd, shall extend or be constru'd to exempt any Officer or Soldier whatsoever from being proceeded against by the ordinary Course of Law, or be any Ways constru'd to extend to any of the Militia-Forces of this Kingdom.

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

Also a Penalty on Officers making false Musters.

Names allow'd 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 constru'd to be a false Muster.

The Muster-Rolls to be sign'd 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 muster'd, or offer themselves to be falsely muster'd to be sent to the House of Correction.

Horses false muster'd 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 enjoin'd to certify who are sick or rising 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 Tipling in his or their Houses, and no other, and, in no private Houses whatsoever, nor shall any more Bilets at any Time be order'd than there are effective Soldiers present to be quarter'd. 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 quarter'd and billeted, as aforesaid, shall be receiv'd by the Owners of the Inns, Livery-Stables, Ale-Houses, Victualling-Houses, and other Houses, in which they are allow'd to be quarter'd and billeted by this Act, and shall pay such reasonable Prices as shall be appointed, from Time

Time to Time, by the Justices of the Peace in their general and Quarter-Sessions of each County, City, Division, or Place within their respective Jurisdictions; and the Justices of the Peace aforesaid, are hereby empower'd and requir'd to set and appoint in their general or Quarter-Sessions aforesaid, such reasonable Rates for all necessary Provisions for such Officers and Soldiers for one or more Nights, in their marching through their Cities, Towns, Villages, and other Places, as shall be appointed for their Residence and Quarters.

Provided always, and be it enacted, 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 allow'd by this Act, every such Officer shall be cashier'd, and be incapable of serving in any military Employment whatsoever.

And be it enacted, 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 quarter'd in; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quarter'd there, as by the Laws in *Scotland*, in Force at the Time of the Union, was provided; and that no Officer shall be oblig'd to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

No Paymaster, &c. to make Deductions out of Officers or Soldiers Pay, other than the usual Deductions for Clothing, *Chelsea Hospital*, &c.

Treasury may issue the Money due for Clothing every two Months.

The Paymasters to deduct the Off-Reckonings, to pay for the Clothing.

For better Payment of Quarters, it is enacted, That from and after the 24th Day of *March*, 1717, every Officer to whom it belongs to receive, or that doth 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, return'd, or come to his or their Hands, on account of Pay or Subsistence, give publick

publick Notice thereof to all Persons keeping Inns, or other Places where Officers or Soldiers are quarter'd by Virtue of this Act; and shall also appoint the said Inn-keepers 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 Inn-keepers, and others, shall then and there acquaint such Officer or Officers with the Accompts or Debts (if any shall be) between them and the Officers and Soldiers so quarter'd in their respective Houses; which Accompts the said Officer and Officers are hereby requir'd to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed, either to the Officers or Soldier.

The said Accompts are fix'd at the Sums which have been usually allow'd: And it is provided, That if any Officer or Officers as aforesaid, shall not give Notice as aforesaid, and shall not immediately upon producing such Accompts 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 authoriz'd and requir'd to administer) the Paymaster or Paymasters of his Majesty's Guards and Garrisons are hereby requir'd and authoriz'd (upon Certificate of the said Justices, before whom such Oath was made, of the Sum due upon such Accompts, 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 discharg'd 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 authoriz'd and requir'd 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 such their Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence Money, as aforesaid,

be deem'd and taken, and are declar'd *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 at present be remitted unto them, to make Payment as this Act directs, or they shall neglect to pay the same; in every such Case it is 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 Accompts, as this Act directs, with every Person with whom such Regiment, Troop, or Company, shall have quarter'd, before he leaves that Quarter, and give the said Certificate, so by him sign'd, 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, who is requir'd immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the End the same may be apply'd to such Regiment, Troop, or Company respectively, under Pain as is before in this Act directed for Non-payment of Quarters.

No Muster to be made in *Westminster* and *Southwark*, but in the Presence of two or more Justices of the Peace, not being Officers of the Army.

Constables, &c. may quarter Officers and Soldiers of his Majesty's Regiments of Foot-Guards, in such Houses only as by this Act are limited, in *Westminster*, and its Liberties and Places adjacent, (the City of *London* excepted) during the Continuance of this Act.

This Act to extend to *Jersey* and *Guernsey*.

Muster-Rolls to be clos'd on the Day of Muster, and to be return'd to the Paymaster of the Forces, &c. under a Penalty.

And be it further enacted, For the better and more regular Provision of Carriages for his Majesty's Forces in their Marches, or for their Arms, Cloaths, and Accoutrements, in *England*, *Wales*, and Town of *Berwick upon Tweed*, That all Justices of the Peace, within

their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly requir'd thereunto by an Order from his Majesty, or the General of his Forces, shall, as often as such Order is brought and shewn unto one or more of them (by the Quarter Master, Agent, or other Officer of the Regiment, Detachment, Troop, or Company, so order'd to march) issue out his or their Warrants to the Constables, or Petty-Constables of the Division, Riding, City, Liberty, Hundred, or Precinct, from, through, near, or to, which such Regiment, Detachment, Troop, or Company, shall be order'd to march, requiring them to make such Provision of Carriages, with able Men to drive the same, as is mention'd in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burden: 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 mention'd of the Constable to whom the Warrant is directed, is and are hereby requir'd; at the same Time, to pay down in Hand to the said 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: And such Constable, or Petty-Constable, shall order and appoint such Person and 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 requir'd 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 any more than one Day's Journey, or shall not discharge the same in due Time for their Return Home, or shall suffer or connive at his or their Soldiers or Servants, (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 threatening 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 shall, for every such Offence, 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 requir'd 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 empower'd to deduct the same out of such Officer's Pay.

A Penalty not exceeding 40*s*. nor less than 10*s*. to be levy'd upon Constables, &c. neglecting or refusing to execute the Warrants of the Justices for providing such Carriages, and on Persons not providing the same when order'd by the Constables, &c. and on all others hindering the Execution of such Warrants.

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 Expences of providing the same, insomuch that the said Constables are frequently at great Charges; over and above what is receiv'd by them of the said Officers, to the great Burden of the Township of which he is Constable, or else Persons performing such Carriages are grievously oppress'd: For Remedy whereof, and that the said Overplus Charge may be born by each County or Riding at the general Charge of such County or Riding, be it enacted, That the Treasurer or Treasurers of each respective County and Riding, shall, without Fee or Reward, pay unto such Constable or Constables, all and every such reasonable Sum and Sums of Money, so by him or them 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, or Directions, as the 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, or 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 thro' which such Carriages are to travel; 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 rais'd) to satisfy the extraordinary Charge of Carriages before mention'd, it is hereby farther 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 Money for County-Goals and Bridges, to satisfy the said extraordinary Charge of Carriages.

No Waggon to carry above twenty hundred Weight. Carriage for the Service of the Forces in *Scotland* shall be provided and paid at the Rates, and in such Manner, as by the Laws in Force in *Scotland*, at the Time of the Union.

And whereas great Abuses are frequently committed by the Liberty taken by some Officers and Soldiers to quarter their Wives, Children, and Maid Servants in their Quarters, contrary to the Purport and Meaning of this Act: Be it enacted, That if any Officer military or civil, by this Act authoriz'd 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, or Maid-Servants of Officer or Soldier, in any such Houses against the Consent of the Owners, the Party offending, if Officer or Soldier of the Army, shall, upon Complaint and Proof thereof made to the Commander in Chief of the Army, or Judge-Advocate, be *ipso facto* cashier'd: And if a Constable, or other civil Officer, he shall forfeit to the Party griev'd 20*s*. upon Complaint and Proof thereof made to the next Justice of the Peace, to be levy'd by Warrant of such Justice, by Distress and Sale of his Goods, rendring the Overplus to the Party, after deducting reasonable Charges in taking the same.

And for the better Preservation of the Game, in or near such Place where any Officers or Soldiers shall at any Time be quarter'd: Be it enacted, That if from and after the said 24th Day of *March*, 1717, any Officer or Soldier shall, without Leave of the Lord of the Manor, under his Hand and Seal first had and obtain'd, take, kill, or destroy, any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, of his Majesty's Game, within the King-

dom of *Great Britain*, and upon Complaint thereof, shall be, upon Oath of one or more Witnesses or Witnesses, convicted before any Justice of the Peace; who is hereby empower'd and authoriz'd 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 such Conviction made by the Justices of the Peace, and Demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within two Days pay the said respective Penalties, such Officer so refusing or neglecting, shall forfeit, and is hereby declar'd to have forfeited his Commission, and his Commission is hereby declar'd to be null and void.

Directions are given by the Act* how the Accompts of every Regiment shall be kept.

A Penalty is laid on Paymasters and Colonels offending therein.

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 farther enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tythingmen of the Town or Place where any Person, who may reasonably be suspected to be such a Defeater, 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 by the Testimony of one or more Witnesses 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 forthwith shall cause him to be convey'd to the Goal of the County, or Place where he shall be found, 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.

A Reward of 20*l*. is given for taking up a Deserter.

A Penalty of 5*l*. is laid on Persons concealing Deserters, or buying their Arms, Cloaths, &c. or causing the Colour of their Cloaths to be chang'd.

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 empower'd 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 20*l*.

His Majesty is authoriz'd by this Act to make Articles of War.

Deserters beyond Seas may be try'd here or in *Ireland*.

If any Person or Persons shall, in a Court-Martial constituted as aforesaid, be try'd, and acquitted, or convicted of any Crimes or Offences herein before mention'd, such Acquittal or Conviction shall be a full Bar to any Indictment or Proceedings for the same Offence. [*See the 16th and 44th Articles of War.*]

This Act to extend to Deserters or Mutineers in *Ireland*.

Paymasters, &c. to account with the Executors, &c. of every Officer or Soldier.

Persons su'd for any Thing directed to be done by this Act, may plead the general Issue.

This Act is to continue from the 24th of March, 1717, to the 25th of March, 1719.

And whereas by an Act of the first Year of his Majesty's Reign, entitled, *An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert, or, being Papists, shall enlist themselves in his Majesty's Service in Great Britain or Ireland, or in the Islands of Guernsey or Jersey*, it is enacted, That any Person or Persons whatsoever, who should directly or indirectly perswade or procure, or endeavour to perswade or procure any Soldier or Soldiers in the Service of his Majesty, or of his Heirs or Successors, to desert, such Person or

Persons so offending, and being thereof lawfully convicted, should forfeit the Sum of 40*l*. Now be it enacted, That for such Offences as shall be committed against the said recited Act within that Part of *Great Britain* call'd *England*, the Penalties thereby enacted, shall be su'd 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* call'd *Scotland*, the same shall be su'd for and recoverable 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 su'd for and recoverable in any of the four Courts at *Dublin*; any Thing in the said recited Act to the contrary thereof in any wise notwithstanding.

For preventing unjust and fraudulent Arrests of Soldiers, whereby his Majesty and the Publick may be depriv'd of their Service; it is enacted, That no Person whatsoever, who is listed or shall list and enter himself as a Volunteer into his Majesty's Service, as a Soldier, either in the Kingdom of *Great Britain* or *Ireland*, 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 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, That to his or their Knowledge the Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or the Cause of Action, on which such Process shall issue, or the Debt or Damages and Costs for which such Execution shall be issu'd out, amounts to the Value of 10*l*. at least, a Memorandum of which Oath shall be mark'd on the Back of such Process or Writ, for which Memorandum and Oath no Fee shall be taken; And if any Person shall be nevertheless 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 made thereof 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 said Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendant in the said Action.

For enabling honest Creditors to recover their just Debts from Soldiers, it is provided, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so listed, or left at his or their last Place of Residence before such Listing, to file a common Appearance in any Action to be brought for or upon Account of any Debt whatsoever, so as to entitle 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.

A Penalty not exceeding 5 *l.* nor less than 40 *s.* to be laid on Constables, &c. taking or agreeing for Money to excuse any Person from Quartering, and on Victuallers refusing to quarter Soldiers.

And for the better preventing Abuses in Quartering or Billeting of Soldiers in Pursuance of this Act, be it farther enacted, That it shall and may be lawful to and for any one or more Justice or Justices of the Peace, within their respective Counties, Cities, or Liberties, by Warrant or Order under his or their Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High-Constable, Constable, Beadle, or other Officers, 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 the Officers and Soldiers who shall be quarter'd or billeted by them, and also of the Names of the House-keepers or Persons upon

whom every such Officer or Soldier shall be quarter'd or billeted, together with an Account of the Street or Place where such House-keepers dwell, 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 quarter'd 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.

His Majesty has been pleas'd to establish Rules and Articles for the better Government of his Majesty's Land-Forces for the Year 1718, pursuant to the Act of Parliament for that Purpose. An Extract of which Articles follows, those only being omitted which relate to the Discipline of the Forces among themselves.

I. **A**LL Officers and Soldiers (not having just Impediment) shall diligently frequent divine Service and Sermon in such Places as shall be appointed for the Regiment, Troop, or Company, to which they belong; and such as either wilfully or negligently absent themselves from divine Service or Sermon, or else, being present, do behave themselves undecently or irreverently during the same, if they be Officers, they shall be severely reprehended at a Court Martial: but if private Soldiers, they shall for every such Offence forfeit each Man 1 s. to be deducted out of their next Pay; and for the second Offence shall forfeit 1 s. and be laid in Irons for twelve Hours; and for every like Offence afterwards shall suffer and pay in like Manner; and the Money so forfeited shall be apply'd to the Relief of the sick Soldiers of such Troop or Company to which the Offender does belong.

II. If any Sutler, in any of our Forts, Garrisons, Camps, Barricks, or Guards, shall, during divine Service or Sermon, presume to sell any Beer, Brandy, Wine, or other Liquors, or any kind of Victuals, or other Merchandize, he shall be deliver'd over to the civil Magistrate, to be punish'd according to Law.

III. Whosoever shall use any unlawful Oath or Execration (whether Officer or Soldier) shall incur the Penalties express'd in the first Article.

IV. If any Officer or Soldier shall presume to blaspheme the holy and undivided Trinity, or the Persons of God the Father, God the Son, or God the holy Ghost, or shall presume to speak against any known

Article of the Christian Faith, he shall be deliver'd over by the commanding Officer to the civil Magistrate, to be punish'd according to Law.

V. If any Officer or Soldier shall abuse or prophane any Place dedicated to the Worship of God, or shall offer Violence to any Chaplain of the Army, or any other Minister of God's Word, he shall be lyable to such Penalty or corporal Punishment as shall be inflicted on him by a Court-Martial.

VI. If any Officer or Soldier shall presume to use any traiterous or disrespectful Words against the sacred Person of his Majesty, his Royal Highness the Prince of *Wales*, or any of the Royal Family, or shall behave himself with Contempt or Disrespect towards the General or other Commander in Chief of the Forces, or speak Words tending to his Hurt or Dishonour, he shall be punish'd according to the Nature of his Offence, by the Judgment of a regimental or general Court-Martial.

VII. If any Officer or Soldier shall excite, cause, or join in any Mutiny or Sedition in the Company, Troop, or Regiment, to which he belongs, or in any other Company, Troop, or Regiment in his Majesty's Service, or on any Party or Post, where the Duty is done by Detachment from several Regiments, or otherwise in the Army, he shall suffer Death, or such other Punishment as a general Court-Martial shall inflict.

And if any Officer, Non-commission Officer, or Soldier, shall hear any Words tending to Mutiny or Sedition, or being any Way privy thereto, do not immediately use his utmost Endeavours to suppress the same, as also to discover to his Superiours, if an Officer he shall be cashier'd, and if a Non-commission Officer or Soldier, he shall be severely punish'd at the Discretion of a Court-Martial.

VIII. If any Officer or Soldier shall refuse to obey the lawful Orders of his superior Officer, he shall be punish'd with Death, or otherwise, as a general Court-Martial shall think fit.

X. All Officers and Soldiers who have receiv'd Pay, or have been duly list'd in our Service, and shall desert the same, either in the Field, upon a March, in Quarters, or in Garrison, and be convicted thereof before a general Court-Martial, shall suffer Death, or such other Punishment as by the said Court shall be inflicted.

XII. If any Officer or Soldier shall perswade or advise any other Officer or Soldier to desert our Service, he shall suffer such Punishment as shall be inflicted by the Sentence of a general Court-Martial.

XVI. If any Officer, Non-commission Officer, or Soldier, shall be accus'd of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of our Subjects, which is punishable by the known Laws of the Land, the commanding Officers of every Regiment, Troop, Company, or Party, are hereby requir'd to deliver over such accus'd Person to the civil Magistrate, so soon as apply'd to; and are also to be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender in order to bring him to Tryal, under Pain of our highest Displeasure.

XIX. No Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another, upon Pain of Imprisonment, and asking Pardon of the Party offended in Presence of his commanding Officer.

Nor shall any Officer or Soldier presume to send a Challenge to any other Officer or Soldier to fight a Duel, upon Pain of being cashier'd if he be an Officer, or suffering the severest corporal Punishment if a Non-commission Officer or private Soldier.

And if any Officer or Non-commission Officer commanding a Guard, shall wittingly and knowingly suffer any Person whatever to go forth to fight a Duel, he shall be punish'd above: And all Seconds also, and Carriers of Challenges in order to Duels, shall be taken as Principals, and punish'd accordingly.

All Officers of what Condition soever, have Power to part and quell all Quarrels, Frays, and other Disorders, tho' of another Company, Troop, or Regiment; and to command Officers to Arrest, and Soldiers to Prison, until their proper Officers be acquainted therewith.

And whoever shall refuse to obey such Officer (tho' of inferior Rank) or draw his Sword upon him, shall be punish'd as a general Court-Martial shall appoint.

Nor shall any Officer or Soldier upbraid another for refusing a Challenge, since, according to these our Orders, they but do the Duty of Soldiers, who ought to subject themselves to Discipline; and we do acquit and discharge all Men who have Quarrels offer'd or Challenges sent to them, of all Disgrace or Opinion of Disadvantage in the Obedience hereunto; and

whosoever shall upbraid them and offend in this case, shall be punish'd as a Challenger.

XXI. Every Non-commission Officer and Soldier who shall enlist himself in our Service, shall, at the Time of his so enlisting, or within a Month afterwards at the farthest, be taken before a Justice of the Peace by the enlisting Officer, or the Officer commanding the Troop or Company into which he is listed, and shall there take the Oath following:

I swear to be true to our Sovereign Lord King George, and to serve him honestly and faithfully in Defence of his Person, Crown, and Dignity, against all his Enemies and Opposers whatsoever, and to observe and obey his Majesty's Orders, and the Orders of the Generals and Officers set over by his Majesty. So help me God.

XXVIII. All Officers and Soldiers are to behave themselves orderly in Quarters and on the March; and whoever shall commit any Waste or Spoil, either on Walks of Trees, Parks, Warrens, Fish Ponds, Houses, or Gardens, Corn-Fields, Inclosures or Meadows, or shall maliciously destroy any Property whatever belonging to any of our Subjects, or belonging to any Person whatever, unless by Order of the then Commander in Chief of our Forces, to annoy Rebels, or other Enemies in Arms against us, he or they that shall be found guilty of offending herein, shall (besides such Penalties as they are liable to by Law) be punish'd according to the Nature and Degree of the Offence, by the Judgment of a regimental or general Court-Martial.

XXIX. No Officer shall demand Billets for Quartering of more than his effective Men, nor quarter any Women or Children in the House assign'd him for the Quartering of Officers and Soldiers, without the Consent of the Owner; nor shall take Money for freeing of Landlords from Quartering of Officers or Soldiers, under Pain of being cashier'd for it.

XXX. Every Officer commanding a Regiment, Troop, or Company, or Party, whether in settled Quarters, or on the March, shall see his own Quarters, and the Quarters of every Officer and Soldier under his Command, paid according to the Rates specify'd in the Act of Parliament now in Force.

And upon every Payment to be made in Quarters, the said Officer shall give publick Notice thereof to the Landlords, in Order to see them satisfy'd as aforesaid. And in case any such Regiment, Troop, Com-

pany or Party, shall be order'd to march, before Money may be come to the Hands of the commanding Officer, as aforesaid, he is hereby requir'd, before his Departure out of any Town or Village to make up the Accompts with all Persons concern'd in Money due to them for Quartering of Officers and Soldiers, for what Time soever he shall have happen'd to remain there; and grant to every such Party a sign'd Certificate for the same, therein specifying the Name of the Regiment Troop, or Company, such Officer or Soldiers do belong to, under Pain of being cashier'd for it, upon Proof of having wilfully offended herein.

XXXI. On Marches the commanding Officers are to apply to the proper Magistrates for the Carriages necessary for the Service, and to pay for them according to the Act of Parliament in that Behalf, taking Care not to abuse nor to suffer any under their Command to beat or abuse the Waggoners or other Persons attending such Carriages, nor to put more than 2000 Weight on any Wain or Waggon so furnish'd to them by the Country.

And whatever Officer shall be convicted of offending herein, or of refusing to grant Certificates in Case of Failure of Money, as in the preceeding Article, shall by the Judgment of a general Court-Martial be cashier'd, or otherwise punish'd according to the Degree of his Offence.

XXXII. All Officers commanding in Garrisons, in Quarters, or on Marches, shall keep good Order, and redress all such Abuses or Disorders as may happen to be committed by any Officer or Soldier under their Command: And if on Complaint made to any such commanding Officer, of beating of Landlords, or extorting of more from them than they are oblig'd by Law to furnish; of Soldiers disturbing of Fairs or Markets, or committing any other kind of Riots, to the disturbing or disquieting our People; he the said Commander who shall refuse or omit to see Justice done on the Offender, and Reparation made to the Party injur'd, so far as Part of the Offender's Pay can enable him, he shall, upon Proof thereof, be punish'd by a general Court Martial, as if he himself had personally committed the Crimes or Disorders complain'd of.

XXXVII. If any Officer shall protect any Person from his Creditors, otherwise than is allow'd by the present Act of Parliament; or any one who does not actually serve in the Ranks, and constantly do all the

Duties of a Soldier, (according to the true Intent and Meaning of the said Act) he shall be cashier'd for it.

XLIV. In Case any Officer, Non-commission Officer, or Soldier, be accus'd of any Violence or Offence against the Person, Estate, or Property of any of our Subjects, punishable by any of our civil Courts or Magistrates, the Officer to whom such Accusation is brought, shall not proceed to the Tryal of such Offender or Offenders by a Court-Martial within the Space of eight Days, unless at the Desire of the Person or Persons injur'd. And in Case no Application be made to the commanding Officer in Quarters, during the said Space of eight Days, by the Person or Persons injur'd, the Offender or Offenders may be try'd by a Court-Martial for any Offence mention'd in these Articles: provided that within the Space of the said eight Days, the Person injur'd hath not proceeded to the Prosecution of such Offender before a civil Court or Magistrate, and Notice given thereof to the Officer commanding in the Quarters where such Offence shall be committed.

XLV. These our Rules and Articles are to be observ'd by, and do in all Respects regard, our Troops and Regiments of Horse and Foot-Guards, as well as our other Forces.

XLVI. The foregoing Rules and Articles shall be read and publish'd at the Head of every Regiment, Troop, and Company, muster'd or to be muster'd in our Service, once every two Months at farthest, and are to be duly observ'd by all Officers and Soldiers in our Service: and also by our Companies of Gunners, and other Military Officers of our Trains of Artillery, with such Alterations only as relate to the Payment of Soldiers Quarters and Carriages, which in the Kingdom of *Ireland* are to be regulated by the Lord Lieutenant thereof, and in our Islands, Provinces, and Garrisons beyond the Seas, by the respective Governors of the same, according as the Nature of the Thing shall require: And notwithstanding it is express'd in the 12th Article of these our Rules and Orders, that every commanding Officer is requir'd to deliver up to the civil Magistrate all such Persons (under his Command) as shall be accus'd of any Crimes which are punishable by the known Laws of the Land, yet in our Garrison of *Gibraltar*, Island of *Minorca*, Ports of *Placencia* and *Anapolsa-Royal*, where our Forces now are, or in any other Place beyond the

Seas, to which any of our Troops may hereafter be commanded, and where there is no Form of our civil Judicature in Force, the Governors or Commanders respectively are to appoint general Courts-Martial to be held, who are to punish Criminals by their Sentence; as has been practis'd heretofore, and authoriz'd by former Articles of War.



Moneys advanc'd and paid off in the *Exchequer*, on the following Funds, to June 10, 1718.

<i>I.</i>	<i>Exchequer.</i>	<i>Advanc'd</i>	<i>Paid off.</i>	<i>Numb.</i>
6	16th & Shilling Aid	1880000	1869811	2651
4	5th 3 Shilling Aid	1419000	1108982	1552
6	Hops —————	180000	173778	681
	Malt 1717 —————	700000	213899	463
4	Lottery 1713, Civ. List	633000	51180	5th Paym. 2
4	Dit. 1714, Benefits	1876400	105270	8th Paym. 127
5	Dit. 1714, Blanks			
6	Subsidies 1710 —————	1210000	904052	2210
	Coals for Churches ———	133000	89900	350
	Sale of Tin —————	1214740	1164840	3404

Blanks 1710, of 14s. per Annum, for 26 Years, 10 l. 8 s.

Blanks 1710, due Sept. 29, 1717, are paid to 8982.

<i>Annuities for 99 Years.</i>	<i>Years Purchase.</i>
1693, 14 l. per Cent. Excise —————	19 $\frac{1}{2}$
1705, 3700 l. per Week Excise —————	20 $\frac{1}{2}$
1706, $\frac{1}{2}$ additional Customs and Excise ———	20 $\frac{1}{2}$
1707, Low Wines, Sweets, Pedlars, and Customs	20 $\frac{1}{2}$
1708, 80000 l. A Moiety of old Ton. & Pound.	20 $\frac{1}{2}$
1708, 40000 l. Surplusses —————	20 $\frac{1}{2}$
9 l. per C. 24 $\frac{1}{2}$ Years Excise, Raisins, Spices, Snuff	14 $\frac{1}{2}$
Prizes 1710, for 26 Years, Coals and Windows	14 $\frac{1}{2}$

F I N I S.

present them, you will be equally guilty of Perjury before God.

The Oath you have taken, to present such Matters as I shall give you in Charge, does more than hint to me my Duty, not to omit acquainting you with a full Account of what Offences y^e are to enquire and present: so that if Offences committed are not punish'd, for Want of Presentments, the Fault will lye at your Door, and not at mine.

The Trumpeter that blows the Trumpet, and gives Warning, is free from the Blood of him that is slain: Justice is painted blind; a good Emblem to shew us, that in Judgement we are neither to pity the Poor, nor favour the Rich, to shew Love to our Friends, or Hatred to our Enemies; to know no Man in Judgment, nor to fear the Face of any Man that is an Offender, be he never so great.

When you do your Duty on a Principle of Obedience to God, you are sure of the divine Protection: But when you positively transgress, or negatively omit it, for Fear or Love of Man, you put your selves out of the divine Protection, which is Almighty, and trust to Man, who is no better than a broken Reed.

I shall divide my Charge to you, for your better Remembrance, into three general Heads; and then subdivide them into proper Particulars, with as much Brevity as the Matter will admit. And to avoid Prolixity, I shall wave the Definitions of some Terms of Art, (which I must necessarily make Use of) presuming you understand them by your frequent Service in this Place.

The first Part of your Duty, and what you are to enquire of, is relating to the Divine Majesty. The second relates to his Vicegerent the King. The third to your Fellow-Subjects.

As to the first, you are to enquire and present all Persons that are guilty of Blaspheming the Name of God. Blasphemy is, in its general Sense, an Evil-speaking of any one, *Maledicentia*: But by Use and Custom (the Governor of the Sense of Words) it is appropriated to an Evil-speaking of God, and sometimes it is taken for prophane Curling and Swearing. By the Law of *Moses*, he that cursed his Father or Mother was to be put to Death, that is, who spoke Evil of, or wish'd Evil to his Father or Mother. What
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an heinous Crime then must it be, and what Punishment does he deserve, that speaks Evil of our Great Creator and most munificent Benefactor, that blasphemes his most holy Name! God himself pronounc'd Judgment against the Blasphemer, and bid *Moses* bring forth him that cursed, that he might be stoned to Death, which was accordingly done.

Under this Head, I think, prophane Cursing and Swearing by the Name of God, may be well comprehended; for the Divine Majesty has so adjudg'd it. Blasphemer and Curser are synonymous Terms in the Language of holy Writ. Had not God forbid this Sin by the third Commandment, the Light of Nature would have told us it were a great Crime: For Reason tells us, that Mankind should have such a Veneration for the Divine Majesty, our Creator, as not to use that Word, which forms an Idea of God in our Minds, but on solemn Occasions. The *Jews* were forbid, on Pain of Death, to pronounce the great and tremendous Name of God, *Jehovah*; it was lawful for the High Priest only to use it, and that but once a Year, at the solemn Benediction of the People, at the Feast of Expiation. The *Turks*, when they pronounce the Name of God, put their Hands to their Foreheads, and bow in Reverence to the Divine Majesty; they are so tender in this Point, that if they find a Piece of Paper on the Ground, on which the Name of God is writ, they take it up and lay it by carefully, that it may not be apply'd to an indecent Use. The Heathens never did, nor now do imprecate Damnation to themselves; or, in their common Conversation, curse themselves or others, by the Name of the true or false Gods, unless it be in some Parts of the Coast of *Africa*, where our Ships passing to the *Indies*, put in for fresh Provisions: Our naughty Mariners have taught the Natives, with a little *En-lis*, much prophane Cursing and Swearing, which poor Creatures are taught to think that such Oaths are an Embellishment to our Language; such is the Vileness of a bad Example! Our Saviour has forbid, in our common Conversation, all manner of Oaths, and has permitted us in our Asseverations to gain Belief, only a double Affirmative, or a double Negative, and to carry it no farther: If a Man can't be believ'd upon his Word, I am sure, he ought not

to gain Credit, by breaking the Laws of God to attain it.

He that has no Awe of the divine Laws, can have no Check or Restraint to keep him within the Bounds of Truth: No Principle of Honour can be of equal Tye or Force to keep Mankind within the Laws of Vertue and Truth like that of Religion, viz. The Fear and Love of God: For, as for Honour, alas! when the Candles are out, or in Masquerade, Honour is gone; but Vertue flowing from Religion, is chaste in the Dark. Such is the Difference between Religion and Honour. Is it not an Astonishment, that the People of *Great Britain*, who yet call themselves Christians, curse and damn themselves and others, by the Name of God, in a Morning fasting, in cool Blood, without any Provocation? The Jew that was stoned to Death, by the Command of God, for prophane Cursing, was in a great Passion, was contending with another Person, and might have had some Provocation to curse, which, though not excusable, yet might mitigate somewhat the Fault, in respect of humane Frailties. But many Christians, in their common and ordinary Conversation, invoke God to damn them, when they ask what o' th' Clock it is, or even one how the other does. The most senseless Practice in the World, and which nothing but the Excess of Folly and Wickedness could make Mankind ever be guilty of. Oh! that the Christian Religion, which is the best Religion in the World; and that this Nation, which is the purest Part of the Christian Church, should have such Miscreants for its Professors! The Sin of prophane Cursing and Swearing is so very great, and become so general amongst the common People, the Soldiery and Mariners, Hackney-Coachmen and Carmen especially, that 'tis much to be fear'd, if there is not some Stop put to it, it will draw down Vengeance from Heaven upon us: No wonder that our Ships so often miscarry, when our Mariners curse and damn themselves through the Sea to Hell. When the moral World is so much out of Order, why should we expect a Calm in the material? The Storm arose for *Jonah's* Sake, and even the Heathen idolatrous Mariners, (who did not curse and swear as ours do in a Storm, but call'd upon their several Gods) by the Light of Nature found out the Cause by the Effect, and adjudg'd *Jonah's* Crime to be the Cause, before

before God's Providence had confirm'd it. Why should not the Elements, made to serve us, oppose and resist our Designs, turn their Point and Edge against us, when we rebel against their Creator in so vile a Manner, as by blasphemous Oaths and Curses, even to affront the Divine Majesty to his Face? An habitual Swearer is a common Nuisance to the Place where he lives, worse than a Dunghil before one's Door. He has no Right to Credit in whatever he says or swears. This Sin comes not alone, for these People let themselves loose to Lewdness, and other Vices, in the highest Degree. They breathe Contagion where-ever they come, they defile humane Bodies by their corrupt and filthy Emanations, and they taint humane Souls by their execrable Oaths and Curses, which is the worst Sort of Plague. For the common Plague infects only the Body, which is only the Case or Instrument of the Soul; but these Miscreants taint even the Soul, the very Man himself, for the Soul is the very Man himself; they teach by their vile Example, even Women and Children to curse and swear.

There are particular Laws provided against this great and crying Sin.

The Statute 21 *Jac.* 1 *Cap.* 20. gives 1 *l.* for every prophane Oath or Curse.

The Statute 6 & 7 *W.* 3. confines the Penalty of 1 *l.* to Day-Labourers, Servants, common Soldiers and Seamen; and every other Person is to pay 2 *l.* for the first Offence, for the second double, for the third treble; the Prosecution of which is to be within ten Days after the Offence committed: You see what Penalty the Law hath put upon these Offenders; if you have any Regard for your Country, for the Honour of God, or for your own Souls, set your Faces against this Sin. You ought to complain of these vile Wretches to the Magistrates, that they may be brought to condign Punishment; so that where the Love of Virtue cannot restrain them, the Fear of Punishment may.

You are to present Persons that do not come to Church, or to some religious Meeting allow'd by Law, every Lord's Day, for the Act of 1 *Eliz.* which gives 1 *l.* a Sunday for absenting from the Church, is not taken away by the Toleration Act of 1 *W.* & 1 *M.*

Present all that follow their Trades on the Lord's Day, except in cases of Necessity or Mercy; for God hath reserv'd to himself a seventh Part of Time for his peculiar Service, and in infinite Goodness hath indulg'd us six Parts in seven for our honest secular Affairs: Remember that God himself gave Judgment to stone the Man to Death, that gather'd Sticks on the Sabbath Day: Now, though our Saviour, both by his Example and Doctrine, has abated of the Rigour of that Law, and justly expos'd the Folly of the *Jews*, in their superstitious Observance of that Day, so as to deny Mercy to a Man on that Day, and at the same Time to exercise it to a Beast; and though the seventh Day is transferr'd to the first Day of the Week, yet the Morality of that Law is eternal, and binds not only Christians, but the whole Race of Mankind duly inform'd, to set apart a seventh Portion of Time for the more solemn Service of God: And they who exercise their Trades or Employments on that Day, except in Acts of Necessity or Mercy, or spend their Time that Day in Sports or Games, (Gaming Assemblies especially) or in vain Diversions, may justly be said to be guilty of Sacrilege, in robbing God of the publick Honour more particularly due to his Majesty that Day. The World sticks too close to us, by our six Days Conversation with it, and 'tis well if we can direct ourselves of it, if with Sincerity we apply ourselves more intensely to the Business of our eternal Welfare on the seventh Day. That great Man the Lord Chief Justice *Hale*, made it his Observation, That the more strictly he kept that Day, the better Success he had the Week following. Try the Experiment of it in your Families, and you will find the same Effect as he did: for God is no Respector of Persons; but exercises the same providential Goodness, to all that equally love and obey him. The Heathens in *Malembo*, on the Coast of *Africa*, keep every fifth Day holy; and cannot we Christians afford to keep the seventh Day so? You are to take Care, that the Laws be put in Execution against Immorality and Prophaneness, as the Proclamation directs. Take Care of Religion, and suppress Vice: Present the Authors of Books writ against Religion; as for Atheism, such as that of *Spinoza* and other detestable Authors, or that are *contra bonas Mores*, or that revile the Scriptures; Authors that deny their Creator, and yet swear by him;

him; or if they acknowledge a God, they confine his Majesty to Heaven, and exclude a Providence, or that God governs the World, or presides over humane Affairs. Whereas the Scriptures assert, and good Sense attests, that not a Sparrow (one of the lowest in Value of the animal Creation) falls to the Ground, without a permissive or directive Providence. For what can be difficult to an Almighty Power, or what too low for infinite Goodness? If you can't find the Authors, present the Publishers or Printers of them.

Zeal in these Matters will never sink or deprave itself into Superstition: A Lukewarmness herein is a very great Sin, a Sort of Indifferency for the Honour of God, for which there can be no Excess of Zeal. Gentlemen, You will not act so in your own Affairs; have the same Zeal for the Creator of the World, as you have for the World, and you will not act amiss; though the Balance ought to turn on the Creator's Side.

Perjury is to be enquir'd into, which is a very heinous Crime, both with Respect to God and Man. To God; for he that takes an Oath judicially, calls God to attest or witness what he says is Truth. Now to invoke the God of Truth to attest or witness a Lie, is the greatest Affront both to the Purity and Truth of the Divine Majesty imaginable. To Man; for Perjury tends to pervert Justice, by which every Kingdom is establish'd, nor can any subsist without it.

Subornation of Perjury is a great Crime, for he that suborns a Man to commit Perjury, acts the Part of the Devil, in tempting one to commit a great Sin — Present such Offenders.

Forgery is to be enquir'd into, (which is generally a Concomitant with Perjury) punishable both at Common Law, and by the Statute of 5 Eliz. Cap. 14. and has two Divisions. 1. It's the falsly forging, or making, or assenting to the forging or making, of any entire Deed, Court-Roll, or Will of any Person, to the Intent the Free or Copyhold Estate of any Person may be molested. 2. The razing or altering a Deed after it is executed, in a material Point, is within the Statute. The publishing such a Deed, or Will, as true, knowing the same, either of his own Knowledge or Relation of another, to be false and forg'd is, by another Branch, within this Statute. If A alienates an Estate to B, and afterwards alienates the same Estate to C, with

with an Antedate to the Deed of *B*, he is a Forger within the Statute. The Punishment is Pillory, cutting off his Ears, flitting his Nostrils, searing them with an hot Iron, Forfeiture of Lands for Life, and Imprisonment for Life for the first Offence, and Felony for the second, after Conviction for the first. These Faults are the more heinous, and consequently deserve the greater Punishment, because they are committed with great Deliberation, and are always Sins of Wilfulness and Presumption, therefore the more carefully to be presented. This Crime was frequent before 5 *Eliz.* but the Punishment being so remarkable, has deterr'd Men from the Frequency of its Guilt. Thus wise Laws, duly executed, prevent much Evil.

As for Witchcraft, Sorcery, and Inchantments, which were anciently the common Topicks under this Head of Offences against God, by the Learned of old, I shall not trouble you with them, there being no such Practice now, blessed be God, within this Kingdom. And so much for my first general Head of Offences against God.

The second general Head relates to the King. And under this Head you are to enquire of High Treason, and the several Parts of it. Before the 25th of *Ed. 3.* what was High Treason by the Common Law, was very uncertain; but that Statute hath reduc'd the several Species of High Treason to a Certainty. They are of four Kinds, viz. 1. What concerns the King and his Royal Family. 2. What concerns his Officers in the Administration of Justice. 3. What concerns his Seal. 4. What concerns his Coin. 1. As to his Majesty and Royal Family: To compass, or even imagine the Death of the King, Queen, or Prince and declaring the same by some Overt Act, is High Treason. This Law comes the nighest to the divine Law, of any of our Laws; for the divine Law punishes the evil Thoughts and evil Intentions of the Heart: For from thence is the Spring of all our Actions, and God sees them as plainly before they break out into Overt Acts, as Men see them when they do. The Overt Act is but the Means whereby the Wickedness of the Heart is known and discover'd by the short Capacity of Man; but the Sin is in the Thought or Intention of the Heart, to contrive the Death of the King. The King is the Life and Soul of the
King-

Kingdom; therefore the utmost Care is to be taken for the Preservation of his Royal Person; and especially at this Time, when Apprentice Boys pretend to determine the Title and Right of Kings, and are blown up by the Disturbers of our Peace, into such an Height of Enthusiasm and Madness, into such a desperate Wickedness, as to think it lawful to murder his Majesty, whom God's Providence and the Laws of the Land have set over us, and blest us with being our King. A King, who has made the Laws of the Kingdom the Rule of his Government, and done no Act of Violence to the meanest of his Subjects. Is it not an unaccountable Thing, that Men who pretend to be Protestants, to love our Religion, Laws, and Liberties, should yet be so zealous for a *Papish* King? Whom, when ever for our Sins God suffers such a Prince to rule over us, with him will come in Superstition and Idolatry, Slavery, Oppression, and Tyranny, and I shall be contented when I am dead, to have that Sentence writ on my Tomb, with a *Hic jacet Auctor hujus sententia.*

Have a Care of the Lives of the Prince and Princess, in whose Preservation, next to that of the King, the Safety and Joy of the Nation, under God, consists. Declaring by an open Act a Design to depose or imprison the King, is an Overt Act to manifest a compassing of his Death: For the Prisons and Graves of Princes lie close to one another.

Conspiring the Death of the King, and providing Weapons to effect it; or sending Letters to second it; assembling People to take the King into his Power; writing Letters to a foreign Prince, inviting to an Invasion, are Overt Acts. Words put into Writing, are an Overt Act of compassing; but bare Words are not.

To levy War against the King is another Species of High Treason; but what is a levying a War needs some Explication. A raising a Force to burn or throw down a particular Inclosure, is only a Riot; but if it is to go from Town to Town, and cast in all Inclosures, or to change Religion, or to increase the Salaries of Labourers, these are respectively, by Construction of Law, a levying of War, because the Design is general.

So the London Apprentices breaking of Prisons, was adjudg'd a levying of War. *Reliance* 72. 1 Vent. 251.

Holding a Fort or Castle against the King's Forces, is a levying of War.

The third Species of Treason under the first Head, is adhering to the King's Enemies, which is explain'd by the Statute itself; and that is, a giving them Aid, within the Land or without. The Word *adhering* needs some farther Explication; the Writing and Sending the Secrets of the King to the Enemy, is adjudg'd an adhering to the King's Enemies, though Delivery not prov'd, if put into the *Post-Office* to be sent beyond Sea, as was lately adjudg'd in *Gregg's Case*, 6 *Annæ*.

Surrendering the King's Castle or Fortrefs for a Reward to an Enemy, is likewise an adhering.

But who is an Enemy? The King's Subject becoming a Rebel, is an Enemy; but he that succours him out of the Realm, is not an adhering within this Clause.

There are some other Species of High Treason relating to the Royal Family, within 25 *E. 3.* which, because you'll have no Occasion to enquire into, I need not trouble you with the Particulars; and therefore I shall apply my self to the other Branches of High Treason mention'd before, which are Treason by Interpretation only. As killing the Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assize, or of Oyer and Terminer, in their Places doing their Office.

That which concerns the Great Seal. The Counterfeiting the Great Seal, or Privy Seal, is High Treason. And Aiders and Consenters to such Treason, are within this Act.

The fourth and last Kind of High Treason, by this Statute, concerns the Coin of his Majesty. The Counterfeiting of which was Treason by the Common Law; so this Statute, as to this and some other Points, is but an Affirmance of the Common Law.

But the Clipping, Washing, and Filing the Money of the Realm, or of other Realms, allow'd to be current here by Proclamation, for Lucre or Gain, though it's not within 25 *E. 3.* yet it is made High Treason by 5 *Eliz.* And so is the Impairing, Diminishing, Falsifying, Scaling, or Lightening such Money, by 18 *Eliz.* And by 1 *Mar. 1.* the Forging and Counterfeiting Money, made current by Proclamation, is High Treason. By the Statute 1 & 2 *P. & M.* the bringing into this

this Realm from foreign Parts beyond the Seas any false or counterfeit Coin, knowing the same to be false and counterfeit, to the Intent to pay away the same, and their Procurers, Aiders, and Abettors, are guilty of High Treason. And the bare forging the King's Coin, without uttering, was declar'd High Treason by the Judges, 6 H. 7. As to Mill'd Money, it's High Treason to make or assist in making Punchcons, Edgers, or other Tools, for the coining of Mill'd Money, by 8 W. 3. cap. 26. And so much for the Coin.

There are some other Offences of another Nature made High Treason, by preceding and subsequent Statutes.

By the Statute 5 Eliz. cap. 1. they that maintain the Authority of the Bishop of Rome, by Writing or Printing in the King's Dominions; for the first Offence incur a Præmunire, and for the second Offence (a Conviction being had of the first) if they do it only by Words, it is High Treason. And the bringing in of Bulls, or putting them in Execution, or reconciling any to the See of Rome, is High Treason, by 13 Eliz. cap. 12. And the Aiders or Maintainers of such Offenders, or that maintain the Authority of the See of Rome within this Realm, incur a Præmunire by the same Law. And so do they who conceal an Offer of Absolution from, or Reconciliation to, the Church of Rome. Likewise they who bring into this Realm a Thing call'd an *Agnus Dei*, or any Crosses, Pictures, or Beads, from the Bishop of Rome, or from any Persons having Authority deriv'd from the See of Rome, and shall deliver them to any Subject of this Realm, incur a Præmunire. This Statute wisely calls these Things Vain and Superstitious, and takes Notice, that the Pope himself us'd to consecrate the *Agnus Dei*, and that the other Things were hallow'd by Bishops, and Substitutes from the Pope; and that the Pope granted divers Pardons, Immunities, and Exemptions, to such as should receive and use them. In the Days of Popish Ignorance, the foolish People were made to believe, that these Things worn by them, would fright away the Devil, and other evil Spirits; but the true Use was for the crafty Priests to gull the People out of their Money for them. So the crafty Spaniards, for broken Glass Beads, and other Trinkets, got Silver and Gold in Exchange from the foolish Indians.

By the Statute of, 23 *Eliz. cap. 1.* the absolving the King's Subjects from their Obedience to his Majesty, or reconciling them to the Obedience of the Pope, is High Treason in the Reconciler and Reconciled.

A Popish Priest that is a Native of the King's Dominions, coming into this Realm, and not submitting to his Majesty, by taking the Oaths appointed, within two Days after his Arrival, incurs the Penalty of High Treason, by 27 *Eliz.* And by the same Statute it's Felony without Clergy, to receive, retain, or maintain him knowingly.

These Laws may look severe to those who are not acquainted with the History of those Times. To vindicate therefore the Honour of the glorious Queen *Elizabeth*, and the Justice of the Nation, I will inform you of the Reasons for making these Laws. Pope *Pius V.* excommunicated Queen *Elizabeth* by a Bull dated in the Year 1569, whereby he depos'd the Queen, absolv'd her Subjects from their Oaths of Allegiance, and anathematized, i. e. curs'd those who continu'd in Obedience to her Majesty: This Bull of Excommunication was publish'd in *London*; and as for the *Agnus Dei*, Pictures, Beads, and such *Roman* Trinkets, they were us'd likewise to withdraw the Affections of those who were attach'd to *Rome* from their Allegiance to the Queen. This that great Man, Dr. *Burnet*, late Bishop of *Salisbury*, has made manifest by a Letter of Secretary *Walsingham's*, which he has perpetuated in his excellent History of the Reformation, and by a Copy of the Bull itself. And my Lord *Cole*, in his Treatise of Ecclesiastical Laws, hath confirm'd the same; where he shews, that in *Edward* the 11th Reign, the bringing a Bull of Excommunication from *Rome* into this Kingdom, by one Subject against another, was adjudg'd High Treason by the Common Law. This Pope *Pius V.* was that wicked Author of the Schism in *England*: For the Christians of all Perswasions here came to the publick Service of the Church, till the 11th Year of the Reign of Queen *Elizabeth*; but when that Bull of his came forth that depos'd the Queen, those who obey'd the Pope declin'd coming to our publick Devotions; and ever since the Schism has continu'd. Were it not common for the Bishops of *Rome* thus to do to Protestant Princes, whom they call Hereticks, it were an Impudence in

in this Pope never to be forgiven: That the Crown of *England*, which is an Imperial Crown, subject to none but the Divine Majesty, the Bishop of *Rome*, that hath no Jurisdiction here, shall pretend to take away from the Queen, absolve all her Subjects from their Allegiance, and curse them that paid their Duty of Obedience to her; which, besides the Law of Nature, and the express Law of God, by the Laws of the Land, and the Sanction of an Oath, solemnly taken in the Presence of God, they were oblig'd to perform, is an Affrontment: If these Things are not the Doings of Antichrist, there never was an Antichrist. Had the People of *England* been as wicked as the Bishop of *Rome*, to have obey'd his Decrees, what Bloodshed and Confusion would this Nation have been brought to? There were some Plots and Rebellions occasion'd thereby: But God preserv'd the Queen against all the Plots and Attempts of Popish Princes, the Pope, the Jesuits, and all the rest of their black Crew, through a Course of 44 Years glorious Reign, she having continu'd steadfast in the Protestant reform'd Religion, and trusted in her God: While at the same Time God suffer'd *Henry III* and *Henry IV* of *France*, her Contemporaries, both to be assassinated, who were Protestants in their Hearts; but vilely (*Henry IV* at least) turn'd Papist, in Hopes to enjoy the Crown of *France* more safely; the one being murder'd by *Clement* a Fryar, and the other by *Ravilliac*. Thus you see how much wiser and better it is to trust in the Arm of God, than in the Arm of Man. Excuse this Digression.

Putting in Practice to perswade any Person, or to absolve him from his Obedience to the King, or to reconcile him to the See of *Rome*, is High Treason in both; and so it is in all Aiders and Procurers, by 3 *Jac.* 1. *Cap.* 4. *Sec.* 22, 23. This Act was made soon after the Discovery of the Gunpowder-Treason Plot.

By the Act 6 *Anna* it is High Treason to maintain, that the King and Parliament cannot bind the Descent of the Crown. And so it is if any Person by Writing or Printing maintains, that the Pretender hath Right to the Crown; and if by Words, the Party incurs a Praemunire. And so much for High Treason.

You are to enquire of Misprision of Treason, that is, a Knowledge and Concealing of Treason, and not discover-

discovering it; but when the Knowledge and Consent ~~Accur~~, it's High Treason: As when one receives and comforts a Traytor knowingly, let him be a Counterfeiter of Coins, or any other Species of High Treason, such a one is a Principal; for there are no Accessories in the highest and lowest Offences, as in Treason, nor in Trespass, Riots, Routs, and forcible Entries.

The Counterfeiting of any foreign Coin of Gold or Silver, which is not permitted to be current in this Kingdom, is Misprision of Treason, by 14 *Eliz.*

My third general Head relates to your Fellow-Subjects

And first for Petty Treason, by 25 *E. 3.* it is Petty Treason for a Servant to kill his Master, or a Wife her Husband. This Law extends to similar Cases; as when a Servant kills his Mistress, that is a single Woman, or his Master's Wife; and where a Servant, upon Malice taken during his Service, kills his Master after Departure from his Service; these are Petty Treason. So if a Son that receives Meat, Drink, or Wages, from his Father or Mother; kills either of them, it's Petty Treason; for in these Respects, when of adult Age, he is look'd upon as a Servant.

You are to present all Persons guilty of Felonies, as Murderers, Burglars, Robbers on the Highway, Slitters of Noses, Cutters out of Tongues or Eyes, Poisoners, Pick-Pockets, Cut-Purses, Ravishers of Women, Burners of Houses, Barns with Corn, Sodomites, and all other Sorts of Felonies; and all Accessories to these Crimes, both before and after the Facts. But whoever are present and abetting are Principals; if two or more come to do an unlawful Act, and are present at a Felony committed, though one of them only doth it, they are all Principals in Law. In some Cases a Person absent may be Principal, as he that puts Poison into a Thing to poison another, and leaves it, and is absent when taken, he is a Principal in Law. Accessories before a Felony, are those who command or advise a Felony to be done, which accordingly is done in their Absence. Accessories after are those who know a Felony to be committed, and do not only not discover it, (for that is only a Misprision) but conceal and help the Felon, either to make his Escape, or otherwise assist him. A Felon fled to his Brother's House, who receiv'd him, and

and shut the Doors against the Pursuers; adjudg'd an Accessary.

An Adulterer advis'd a Woman to murder an Infant when born, the Adulterer is Accessary, though at the Time of the Advice the Infant was not in Being. 7 R. 2. Dyer 186. One may be Accessary before the Fact, that commands one Evil to be done, and the Principal does another, for Example, If A. commands one to rob such a Person, and he attempts to rob him; the Party resists, and they two fight, the Thief kills the other; A. shall be Accessary to the Murder, because in attempting to rob the other, the Thief pursued the Command of A. Then, if in Pursuance of the Command of A. and in Execution of it, another Thing ensues, A. shall be adjudg'd a Partaker of it, because his Command was the Occasion.

By the Statute 5 Anne Cap. 31. if any Person shall receive or buy stolen Goods knowingly, or shall harbour or conceal a Felon, knowing him to be such, he shall be taken as Accessary to the Fact, and suffer Death as a Felon. Though the Accessaries are not to be try'd till the Principal is convicted by Verdict or Outlawry; yet all Receivers of stolen Goods, by 1. Anna, knowing them to be stolen, may be prosecuted for a Misdemeanor, before the Principal is convicted.

You are to present all forcible Entries, Riots, and Breaches of the Peace.

The speaking of ill Words of his Majesty, for they are punishable at Common Law; the King not being within the Statute of *Scandalum Magnatum*.

Libels that are made Publick against the Ministry, or other great Men; present the Printers and Publishers, as well as the Authors.

Present Nuisances, for a Nuisance is an Offence of a publick Nature against the common Good. If publick Bridges are out of Repair, the County must repair them; unless by Prescription private Persons are to do it, you may present the County. So of Highways, the County, of common Right, is to repair them: You may present the Parishes in which they lye, if they are not kept in due Repair. The scouring of Ditches must be taken Care of.

All Nuisances in the River of Thames are presentable, for all publick Rivers are as the Kings Highway; throwing Filth, or any Thing else that may annoy Vessels pailing to or fro, are Nuisances.

Enquire

Enquire whether any Officers are guilty of Extortion, by taking more than their due and allow'd Fees. Whether the Clerk of the Market does his Duty; he ought twice a Year, to summon in all Weights and Measures, and break them that are less than they ought to be, according to the Standard. Holy Writ tells us, That false Measures, and false Weights are an Abomination to the Lord.

Enquire whether the Under-Sheriff performs his Duty, whether he takes more than he ought to do, or returns Jurors at the Instance of either Party. How his Bailiffs act, whether they extort.

Whether the Coroners perform their Duty. Whether Constables do theirs, if they neglect to make Presentments, Hue and Cry after Felons; whether they omit to execute Warrants deliver'd to them; or Watch and Ward.

Whether Gaolers extort from those unhappy Wretches their Prisoners; or hinder their Ordinaries from coming to Malefactors to prepare them for another Life.

You are to present all Forestallers, Regrators, and Ingrossers, for those enhance the Price of Victuals.

I hope you will not think it too minute to mention to you, that there are divers People that make their Cellar-Stairs come so far into the Street, that Passengers in dark Evenings are in Danger of falling in, and breaking their Legs and Arms, and even their Necks. These are publick Nuisances, and Incroachments on the King's Highway, which ought not to be obstructed by any one. And so is the setting of Forms or Benches in the Street, made use of to lay Goods on expos'd to Sale. This is a narrowing and straitening of the King's Highway, whereby the King's Subjects that pass along the Street are often in Danger, and sometimes thrown down by Hackney Coachmen, who drive furiously for a Fare, and lose their Lives thereby. Gentlemen, it is your Duty to present these Offenders, and ours to punish them for what is past, and thereby prevent the Evils for the Time to come.

You are to present all Rawdy-Houses, and all Ale-Houses, Brandy-Shops, and other Sellers of Drink that have not Licenses, and those that have, who keep Shovelboard-Tables, Bowling-Alleys, and Nine-Pins; for these Allurements keep Gentlemens Servants
and

and Apprentices too long from their Master's Service : Here they learn Gaming, lose their Money, then rob and pilfer from their Masters or Parents to recruit ; and by quick Progressions at last come to the Gallows : Nip this Vice in the Bud. Present all Night-walkers, Men and Women, that walk the Streets to pick up one another to commit Lewdness on Sight ; a Sin little less than that of *Sodom*.

Present all Play-Houses not duly licens'd by the 10 *Elizabeth*. all common Players of Interludes are adjudg'd Rogues, and to be punish'd as such : By this Statute, there was a Privilege given to all Barons of the Realm, and to all other Persons of a greater Quality, to authorize or license Players of Interludes, under their Hands and Seals, by way of Exception ; but the Parliament of *England* found that so very inconvenient to the Nation, that that Liberty continu'd but six Years. For in the 1st Year of King *James I.* the Privilege was taken away by Act of Parliament, and, to shew the Sense of the Nation continu'd the same, the Act of 12 *Annæ*, which renders all the Acts touching Rogues, Vagabonds, and Vagrants into one, in the enumerating the several Sorts of Persons call'd Rogues by that Statute, common Players of Interludes and Juglers are reckon'd among them as such, and to be punish'd accordingly. So that for 120 Years past, and to this Day, the Parliament of *England* have, and do call and esteem these common Players, Rogues. 'Tis for the Honour of some Gentlemen that sit here, that have suppress'd some of them. Men should not make themselves Monkeys to get Money ; or taint the Morals of those who see or hear them : It is below the Dignity of human Nature : Revere your self, is a good Rule. What Person ever frequented the Company of the Actors of either Sex, but was ruin'd in his Morals, Person, and Estate ? One Play-House ruins more Souls, than fifty Churches are able to save.

All Gaming-Houses and other disorderly Houses take Care to prevent ; and all common Gamesters, that draw in young Gentlemen of Fortune, they ruin many worthy Families ; they are common Nuisances, and a Pest to the Nation : When the young Heir, who has a great Estate, and an unequal Wit, has the Misfortune to fall in amongst them, they are so many Horse-Leeches, that suck out the Blood and Vitals of the

young Squire or Lord; who lose as much Money in one Night, nay at one Throw, as the industrious Ancellor had been gathering together in many Years.

Have an Eye to the *Drury-Lane* Houses, that receive young Women and Gentlemen to commit Lewdness therein; who being too near the Play House, have their Minds tainted by hearing lewd Plays; when the Mind is once tainted, the Body is soon prostituted: We have punish'd some of these naughty Houses lately by Fine and Imprisonment, and if the rest will not take Warning by them, to reform and amend, they ought to be extirpated. I cannot in this Place but commend those high Constables who, with the Assistance of other vertuous Men, and good Subjects, have been very instrumental in presenting some of these naughty Houses; I hope they will go on, and finish what they have so well begun? They may be sure of due Encouragement from this Court; for all good Men should set their Faces against all Manner of Wickedness, and zealously encourage the promoting Virtue and Piety, which so many excellent Persons, to the Honour of this Nation, have so worthily and successfully apply'd themselves to. There are Maskerades lately set up, even in Lent, near these Houses; these are a Scene of Lewdness, a Congress to an unequal End: The Debauchery is here begun, and finish'd in the Neighbourhood.

There is a Law made 4 Jac. 1. against Drunkards, &c. for the first Offence, and on Conviction a second Time the Party is to be bound to his good Behaviour for six Months. The Drunkard debases himself, and sinks below even the brutal Nature, for Brutes won't be drunk; Man, foolish Man, only by painful Trachice arrives at that Privilege; ill Men take more Pains to be excessively bad, than Men of good Dispositions do to attain to exalted Virtue: The Industry of the one will even shame the Slothfulness of the other at the last Day; the slothful Servant was call'd Wicked.

There is a Penalty on the Ale House-keepers, Inn-keepers, and Victuallers, that suffer People to continue Tippling in their Houses. These Houses were never intended to entertain loose and idle People, to squander away their Time and Money, by sitting guzzling here for many Hours: But for poor People, that are labouring

labouring Men; to refresh themselves after their Work, that cannot lay in Stock of their own, and to entertain Travellers in their Passage upon lawful Occasions.

You are to present all Parishes that have not Stocks, Whipping-Polls, and Cages in them: The Want of this last occasions, very often great Expences to Parishes remote from hence, and sometimes the Escape of Criminals, while the Facts are under Examination. And if there are any Things else of a publick Nature that are mischievous to Mankind, that I have omitted, you are to present them also, from the highest to the lowest Offences, from Treason to Trespass.

You see now, Gentlemen, how the Common and Statute Law have provided against all Manner of Wickedness. No Nation under Heaven has better Laws than we have; besides, we have every Session of Parliament, (which sits annually) new Laws made to redress emergent Evils; but yet the Nation is but little amended by them. What is the Reason of it? 'Tis because the Laws are not duly put in Execution; Foreigners may justly complain, that our Laws are very numerous, and ill executed, which is a Reproach to the Nation. If you, Gentlemen of the grand Inquest, would be industrious in presenting the Enormities you know of; what with the excellent Discourses and vertuous Lives of our learned Divines of the Church of England, what with your Presentments of Immoralities and Prophaneness, and the Justices of the Peace of the Kingdom executing speedy Justice against all such Offenders, and giving a good Example, it may still be hoped, that the Nation may be somewhat amended and reform'd; Atheism and Irreligion quite discountenanc'd, Vertue and Piety encourag'd, and thereby the Honour of God promoted, which will bring down Blessings from Heaven upon the Nation; for Holy Writ tells us, They that honour God, God will honour; but they that despise him, shall be lightly esteem'd. I pray God direct you in your Presentments.

FRANCE.

There has happen'd in this Country a very remarkable Misunderstanding between the Regency and the Parliament of *Paris*; the Occasion of which was as follows: The Government being sensible that it would be impossible to retrieve the Credit of the Nation, so long as there are any State Bills Abroad, resolv'd on a very extraordinary Method to sink those Bills; and on the 31st of *May* order'd to be register'd in the Court of the Mint an Edict of the King for Coining new Species of Gold and Silver: This Edict contains in Substance, That great Part of the Effects of the People consisting in State-Bills, his Majesty, to give his good Subjects an Opportunity of converting them into Money, had ordain'd, that all such Bills as should be brought into the Mint with Money of the old (and now current) Species, so that the Bills exceed not two fifths of the Sum so brought in, should be repaid both Money and Bills in full Value, in the new Species now to be coin'd. The Standard of which Species is as follows: The Louis d'or of 22 Carats [that is, 22 Carats old Standard, with 2 Carats Alloy] of the Weight of 7 Deniers, 16 Grains and 8 25ths the Piece, at the Rate of 25 to the Mark, [Note, the Mark contains 8 *French* Ounces, and is equal to 8 Ounces wanting 3 dwt. Troy of our Weight] to pass for 36 Livres; the Doubles and Halfs in Proportion. The Silver Crown-Piece, of the Title of 11 Deniers fine, and of the Weight of 6 Gros, 1 Denier 1 Fifth each, at the Rate of 10 to the Mark, with Remedy of 36 Grains, and of 2 Grains fine *per* Mark, to pass for six Livres a Piece; the Halfs, Quarters, &c. in Proportion; and all other Species are forbid to pass. 'Tis computed that at this Rate, the Species to be reform'd and new-coin'd will amount to 500 Millions of Livres; by which the Government will gain an immense Sum; for as they receive 2 Fifths above the Species in State-Bills, there will thereby sink about 200 Millions in the said Bills: But the Parliament having taken this Affair into Examination, found that the putting that Edict in Execution would be very prejudicial to the Publick, and therefore made the following Remonstrance against it to the Regent,

Regent, which was deliver'd to him the 19th of June last by *M. de Mesmes* the first President, and several Members deputed by the Parliament.

S I R,

THE Parliament should think themselves very unhappy, if you could suspect them that they ever had forgot their Duty so far, as to make any Step which would make them deviate from the profound Respect they owe to the King; and that they, who are establish'd to cause his Will to be put in Execution, should ever be wanting in giving to all his Majesty's Subjects the Example of the strictest Submission to his Orders.

The Parliament has had no other View in all the Steps they have taken in this present Occasion, than to render themselves able upon the best Informations to make the necessary Observations on an Edict, which they know only by the great Uneasiness it causes throughout this great Kingdom; and herein they have had nothing in view than the Good of the King and the State.

After having during several Years examin'd as nicely as possible into this Matter, the Parliament thought they could do nothing more conformable to their Intention to promote the Ease of the People, than to lay, by their most respectful Remonstrances, before a Prince of so great Penetration as you are, Sir, the numberless Circumstances in this Edict, both with Regard to the Manner after which it has been spread in Publick, as to the Dispositions contain'd therein.

Penetrated as we are by the Solidity of the Reflections which we have now the Honour to offer you, we should have been wanting in our Duty towards the King, the State, and you, Sir, (for these Interests are inseparable) if we had not most humbly intreated you to be pleas'd to give the necessary Orders to stop the Recoinning of the Species, which we are convinc'd in our Consciences must prove so considerable a Prejudice to the State.

We even almost flatter ourselves, that when you will be pleas'd to hear and weigh our Reasons with that natural Goodness of yours, and with that Penetration which is so much admir'd in you every Day by those who have the Honour to approach your Person, you will not take it amiss if we press you to grant

grant us the said Favour, and you will rest satisfy'd, that the Parliament does not act out of a Motive of Vanity, and that it is far from their Thoughts, to oppose the Royal Authority: God forbid! They acknowledge that they have no other Authority than what our Kings have been pleas'd to give them, and they are never to act but with a Design to serve the King; and with that profound Respect they owe to you. These are, Sir, the true Sentiments engraven in our Hearts.

The Shortness of the Time we have had since Yesterday in the Evening, not having permitted us to digest as well as we wish'd an Affair of such Importance, we desire you, Sir, to take in good Part, that we only offer you our Remonstrances by way of Articles without the Reasons, and almost without any Method of Reasoning, being perswaded that your Penetration will supply what we shall omit.

We have learn'd from our Fathers, that every Law comprizing a Regulation of a general Policy relating to the whole Kingdom, must be register'd in Parliament: and 'tis in this chief Court of Justice of the King, that the Publication thereof is made; 'tis by its Authority that the same is issu'd out to all the Bailliwicks and Seneschalcies of its Jurisdiction, and this Formality necessary for promulgating a Law, cannot be supply'd by any other Court: All that relates to the Disposition of State-Bills has been sent to and register'd in the Parliament.

The King sent to his Parliament an Edict of the Month of *December*, 1715, concerning the Species and the Value of Gold and Silver. All Sorts of Differences are brought before the Parliament, to whom the Decision thereof belongs. They must indispensibly judge of such as arise upon Occasion of Reimbursement or Payment in Species, of Disputes concerning State-Bills, or other Affairs of the like Nature, conformably to the Laws they are acquainted with, and which cannot be annull'd unless by Laws made with the same Solemnity: This is a Principle beyond Dispute.

Since 1551, that the King attributed to the Chamber of the Mint the Privileges of a Sovereign Court, abundance of Edicts have fallen under the Cognizance of the Parliament, relating to Coin; and amongst others, *November* 15, 1571 an Edict about Coin, directed

rected to and consider'd in Parliament in several Sit-
tings. In *June 1575*, an Edict consider'd in Parlia-
ment relating to Coin. In *1577* an Edict relating to
the general Reformation of the Coin, brought to the
Parliament, about which some Remonstrances were
made. *August 20*, and *November 15, 1609*, an Edict
consider'd in Parliament relating to Coin. Almost all
of those Examples are Edicts sent to the Parliament
in the Time of Majority.

As to the Inconveniencies attending several Dis-
positions made by the Edict in question, we beg Leave,
Sir, to represent to you, in the most respectful Man-
ner; that whereas the Edict is calculated for sinking
the State-Bills by procuring their Payment, those who
carry them to the Mint are absolutely Losers by it:
The Instance we are going to addreſs to you will make
good that Proportion.

A private Man carries to the Mint 125 Marks of
Silver, which make 5000 Livres, at the Rate of 40
Livres per Mark, and 2000 Livres in State-Bills; he
receives back 7000 Livres in new Species, which
weigh but 116 Marks; consequently he loses 9 Marks
out of 125 he carry'd thither and all his State-Bills
over and above.

This Law being general, one who has no State-Bills
has his Share in that Loss, as well as he who has of
those Bills, though the Payment of those Bills is a
privileged Debt of the State, particularly after they
have been so many Times reduc'd, and that the King
has taken upon himself to pay them.

The Proof, that all the Subjects of the King, of
what Condition soever they be, have a Share in that
Loss, is, that it may be said without any Exception,
that each private Man will find his Expences aug-
mented by a fourth Part through the raising of the
Price of Commodities, the Consumption whereof
will remain the same, and at the same Time will find
his Income less'n'd by a third Part, through the forc'd
Reduction of his Interest, or through the Purchase of
Lands beyond their true Value: Trade in general, and
chiefly foreign Trade will suffer an immense Loss by
the Difference between the Value the new Edict
gives to the Species, and their intrinsic Value.

As to Foreigners, if we draw upon them for one
Mark of Silver, which intrinsically is but worth 25
Livres, we shall be oblig'd to pay to them 60 Livres;
and

and they will pay us for what they purchase from us, in our own Money, which will cost them only its intrinsic Value.

Besides, we have Reason to apprehend, Sir, that a World of Species counterfeited in foreign Countries, will be brought into the Kingdom: Our Apprehensions are grounded upon the immense Profit which will accrue thereby to Foreigners, and upon the Experience of Times past.

All these Reasons convince us, that Foreigners only will get by the Loss, which will only fall heavy upon France. What remains after these Reflections, is, to desire you, Sir, to take them into your Consideration, as we believe they deserve, and to repeat to you those Protestations we have already made, of our being intirely devoted to the Service of the King and the State, of our perfect Submission to his Orders, and of the profound Respect we have for you, Sir, from which we shall never depart.

His Royal Highness return'd the following Answer to these Remonstrances of the Parliament.

I Did not send to the Parliament the last Edict concerning the Coin, because I thought I ought not to do it, by Reason that the Court of the Mint having been erected into a superiour Court, Matters of this Nature belong to them. And since 1650 which is one of the Examples you have quoted, no Edict concerning the Coin has been sent to the Parliament, except that of December 1715, at the Beginning of the Regency, which I was willing to send out of Deference and Friendship to the Parliament. However, I will cause the Example you have cited to be examin'd again.

As to the Inconveniencies, I was sensible of them, and weigh'd them, but could not forbear issuing out the Edict. However, I will cause them to be examin'd again, in order to remove them. Concerning the third Article relating to superseding of the Edict, Things are gone so far, that there would be an Impossibility to stop it. There is a very great Quantity of the new Coin distributed, and Debts which must necessarily be discharg'd.

The Parliament being not satisfy'd with this Answer; met the next Day, being the 20th of June, and gave the following Answer.

This

THis Day all the Chambers being assembled, after reading the Representation of Yesterday to the Lord Regent, made by the first President of the Parliament, and the Deputies of the Court, in Consequence of what was resolv'd the 18th, the Report of the said Deputies, and the Answer given by the Duke of Orleans being heard,

The Court continu'd their Deliberations of the preceeding Days, upon the new Edict which is spread abroad concerning the Coin; the King's Advocates being heard, and the Matter taken again into Consideration, and fully debated; it is determin'd and resolv'd, that without Delay, and as speedily as may be, most humble and respectful Remonstrances, both by Word of Mouth and by Writing, shall be made to the King, to obtain Letters Patent address'd to the Court, containing a Revocation of the new Edict concerning the Coin, which is not register'd in this Court, the said Edict being prejudicial to the King, to the State, to Trade, and to the Welfare and Estates of every one in particular.

And in the mean Time, the Court by Provision forbids all and every Person whatsoever, to tender, give out, or receive the Species of the new Coinage, upon the Penalty of suffering condign Punishment.

And in the mean Time, to relieve the Possessors of the new Species, and that they may receive due Satisfaction, the King shall be pray'd, that he will be pleas'd to cause to be taken in the Offices of his Receipts, so much of the said Species as are, on the Day of the Date of the present Arrest, spread abroad in publick, or have been given out of the Mint.

The said Court doth moreover most expressly forbid all Notaries to pass any Acts of Payment or Reimbursements, which are made in other Species than such as were current to the 30th of May last inclusive.

And considering the many Alterations that have been made in the Coins, the King shall be most humbly besought, that he will be pleas'd to send to the Court a new Regulation, that the Price thereof may be fix'd and establish'd; and to prevent Disorders in Trade, the Court doth provisionally ordain, that 'till such Time as the aforesaid Regulation be sent, consider'd, and register'd in the Court, the Species that

were current to the 30th of *May*, shall continue to be taken; the Silver Louis, or Crown, at 5 Livres, and the Gold Louis at 20 Livres, and the other Species in Proportion. And the present Arrest shall be read and publish'd wherever it is needful; collated Copies thereof shall be sent into the Bailiwicks of the Resort or Jurisdiction of this Court, to be there in like Manner read and publish'd, &c. &c. Done in Parliament, &c.

The Court had immediately Notice of this Arrest, and to prevent the Consequences thereof, the following Arrest of the Council of State was publish'd the same Day.

June 20, 1718.

THE King being inform'd that the Parliament of *Paris*, by an Arrest of this Day, in ordering that Remonstrances be made to his Majesty about the Edict of the Month of *May* last, which orders the Recoin-ing of the Money, and settles the Price at which the ancient and new Species are to be current in the Publick, makes provisional Prohibitions upon Penalties to all Persons to execute the said Edict, and receive the Species recoin'd, as it is order'd by the said Edict, to the Prejudice and in Contravention of which the Parliament orders, that their Arrest shall be read and publish'd, and Copies sent to the Bailiwicks of their Jurisdiction: And as this Arrest is an Attempt against the Royal Authority, his Majesty being in Council, with the Advice of Monsieur the Duke of *Orleans*, Regent, without having any Regard to the said Arrest, which he has annul'd and made void, has order'd and orders, That the Edict given in the Month of *May* last concerning the Coin, shall be executed according to its Form and Tenour, and that the present Arrest shall be read, publish'd, and affix'd, wherever Occasion shall require, that no Person may be ignorant thereof. Done in the King's Council of State, his Majesty being present, held at *Paris* the 20th Day of *June* 1718.

Sign'd,

THELYPEAUX.

Besides this Precaution, the Regent sent a Guard to the House of the Printer of the Parliament, to forbid the Printing the said Arrest, and People were appointed