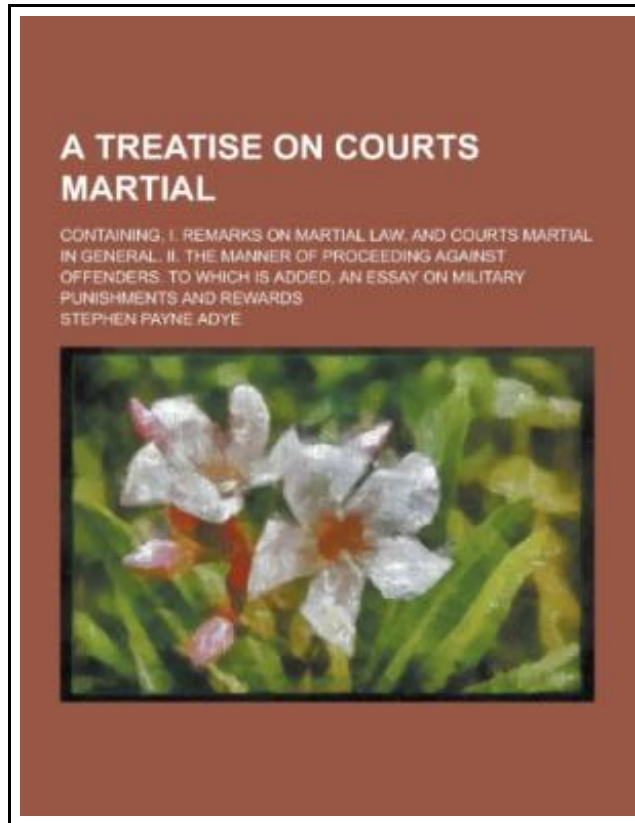


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Theclassics.us, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1769 edition. Excerpt: . A TREATISE O N Courts Martial. PART I. Of Martial Law, and Courts Martial in general. TH E Court of Chivalry, or, Marshal s Court, the Judges of which were the High Constable, and the Earl Marshal, is the Fountain of Martial Law in England. The High Constable was anciently a Person of the greatest Power, and the Post originally hereditary; but it being thought of too great Authority to be safely intrusted with any Subject, since* B thethe Reign of Henry the VIth, when the Duke of Buckingham, who then held it, was executed, he has only been appointed pro hac vice. The Office of Earl Marshal still subsists, but his Right of being one of the Judges of Martial Law seems to have long-since subsided. Neither the Origin, or the Extent of Power of the Court of Chivalry, are exactly ascertained, but from the Statute of 13th Richard II. which restrains its Jurisdiction to Things touching War, not determined by the common Law, and relative to these, requires the Constable to proceed according to ancient Usage, we may naturally conceive first, from the Restriction, that this Court had formerly a more general Jurisdiction; and, secondly, from the Reference to ancient Usage, that it had an ancient established Authority concerning these Matters; but whatever might be the original Institution of these Officers, or X Maddox s. Hist, of the Exchequer, Fol. 27, 28,29. or the Nature of their Authority, their Jurisdiction has...

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