Anno triceſimo

Georgii II. Regis.

An Act for the better Ordering of the Militia Forces in the ſeveral Counties of that Part of *Great Britain* called *England*.



WHEREAS a well-ordered and well-diſciplined Militia, is eſſentially neceſſary to the Safety, Peace, and Proſperity of this Kingdom: And whereas the Laws now in being for the Regulation of the Militia, are defective and ineffectual; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, That from and after the Firſt Day of May, One thouſand ſeven hundred and fifty ſeven, His Majeſty, His Heirs, and Succeſſors, may and ſhall iſſue forth Commiſſions of Lieutenancy for

Preamble.

The King to iſſue forth Letters of Lieutenancy for the reſpective Counties;

for the respective Counties, Ridings, and Places, herein after mentioned; and the respective Lieutenants thereby appointed, shall have full Power and Authority to call together all such Persons, and to arm and array them at such Times, and in such Manner, as is herein after expressed; and such respective Lieutenants shall, from time to time, constitute and appoint such Persons as they shall think fit, qualified as is herein after directed, and living within their respective Counties, Ridings, and Places, to be their Deputy Lieutenants; the Names of such Persons having been first presented to, and approved by, His Majesty, His Heirs, or Successors; and shall give Commissions to a proper Number of Colonels, Lieutenant Colonels, Majors, and other Officers, also qualified as is herein after directed, to train and discipline the Persons so to be armed and arrayed, according to the Rules, Orders, and Directions, herein after provided; and shall certify to His Majesty, His Heirs, and Successors, the Names of such Commission Officers, within One Month after they shall be so appointed, and shall have accepted their respective Commissions.

who are impowered thereupon to assemble and arm the Militia;

and appoint Deputy Lieutenants;

to be approved of by His Majesty;

and grant Commissions to a proper Number of Officers;

and certify their Names to His Majesty.

Provided always, and be it enacted, That nothing herein contained shall be construed to vacate any Commission of Lieutenancy already granted by His Majesty, nor any Deputations granted to Deputy Lieutenants; but that the same shall continue in full Force and Vigour for the Purposes of this Act, so as the said Deputy Lieutenants be qualified as is herein after directed.

Commissions of Lieutenancy, and Deputations, already granted, to stand good.

And be it enacted, That His Majesty's Lieutenant of every County, Riding, or Place, shall have the Chief Command of the Militia thereof, which shall be raised by virtue of this Act; and in every County, Riding, or Place, in England and Wales (except as is herein after excepted) there shall be appointed Twenty or more Deputy Lieutenants, if so many Persons, qualified as is herein before and after expressed, can be therein found; and if Twenty Persons so qualified cannot be therein found, then there shall be appointed so many Persons as can be therein found; and each Person so to be appointed a Deputy Lieutenant or Colonel, shall be seised or possessed, either in Law or Equity, for his own Use and Benefit, in Possession of a Freehold, Copyhold, or Customary Estate, for Life, or for some greater Estate, or of an Estate for some long Term of Years, determinable on One or more Life or Lives, in Manors, Messuages, Lands, Tenements, or Hereditaments, in England, Wales, or the Town of Berwick upon Tweed, of the yearly Value of

Lieutenants to have the Chief Command of the Militia.

The Number of Deputy Lieutenants to be appointed for every County;

their Qualification, and that of Colonels.

Four hundred Pounds, or shall be Heir Apparent of some Person who shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Eight hundred Pounds; and each Person so to be appointed a Lieutenant Colonel or Major, shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Three hundred Pounds, or shall be Heir Apparent of some Person who shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Six hundred Pounds; and each Person so to be appointed a Captain, shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Two hundred Pounds, or shall be Heir Apparent of some Person who shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Four hundred Pounds, or shall be a younger Son of some Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Six hundred Pounds; and that each Person so to be appointed a Lieutenant, shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred Pounds, or shall be Son of some Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Two hundred Pounds; and each Person so to be appointed an Ensign, shall be, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Fifty Pounds, or shall be Son of some Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred Pounds; One Moiety of which said Estates, required as Qualifications for each Deputy Lieutenant, Colonel, Lieutenant Colonel, Major, Captain, Lieutenant, and Ensign, respectively, shall be situate or arising within such respective County or Riding in which he shall be so appointed to serve.

Qualification of Lieutenant Colonel or Major,

of a Captain,

of a Lieutenant,

of an Ensign.

One Moiety of the Estates requisite to their several Qualifications, to be within the County for which they serve.

Provided always, and be it enacted, That for the Purposes of the respective Qualifications required by this Act, the immediate Reversion or Remainder of and in Manors, Messuages, Lands, Tenements, or Hereditaments, which are leased for One, Two, or Three Life or Lives, or for any Term of Years determinable upon the Death of One Two, or Three Life or Lives, on reserved Rents, and which are to the Lessee or Lessees of the clear yearly Value of Three hundred Pounds,

What shall be deemed equal to an Estate of 100 *l.* requisite to a Qualification.

shall be deemed equal to an Estate herein before described as a Qualification of the yearly Value of One hundred Pounds, and so in Proportion, be the said Qualifications of a greater or less Degree; any thing in this Act contained to the contrary notwithstanding.

Officers may be promoted, in extraordinary Occasions, on account of Merit,

Provided always, and be it enacted, That any Officer may be promoted on Account of Merit in the said Militia, when called out and assembled, in case of actual Invasion, or upon imminent Danger thereof, or in case of Rebellion, by the Lieutenant of any County, Riding, or Place, from a lower to an higher Commission, inclusive of that of Lieutenant Colonel, notwithstanding he should not have the Qualifications requisite for his first Admittance into such higher Rank of the Militia.

but none higher than Captains, who want a Qualification for that Rank.

Provided, That no Person, not having the Qualification herein before directed for a Captain, shall be promoted to an higher Rank than that of Captain.

Recited Qualifications not to extend to Commissions granted by the Constable of the *Tower*, or for the *Tower Hamlets*.

Provided also, That the Qualifications above recited, to enable any Person to be a Deputy Lieutenant, Lieutenant Colonel, Major, Captain, Lieutenant, or Ensign, shall not extend to such Commissions as shall be granted by His Majesty's Constable of the Tower, or Lieutenant of the Tower Hamlets.

Deputy Lieutenants and Officers may be displaced at His Majesty's Pleasure;

Provided always, and be it enacted, That His Majesty, His Heirs, and Successors, shall, from time to time, as He and They shall think fit, signify His and Their Pleasure to His and Their Lieutenants of any County, Riding, or Place, to displace all or any such Deputy Lieutenants and Officers; and thereupon His Majesty's respective Lieutenants shall appoint others within the same County, Riding, or Place, under the like Qualifications, to serve in their Stead.

on which others are to be appointed.

Their several Qualifications to be left with the Clerk of the Peace, and filed.

Provided always, and be it enacted, That every Deputy Lieutenant, and Commission Officer in the Militia, shall, within Six Months next after he shall have accepted his Commission, leave with the Clerk of the Peace of the County, Riding, or Place, in and for which he shall be so appointed, his Qualification in Writing, signed by himself; and such Clerk of the Peace is hereby required to enter the same upon a Roll to be kept for that Purpose; and every Deputy Lieutenant, and Commission Officer, shall, at some General Quarter Session holden for the County, Riding, or Place, for which he shall be so appointed, or in One of His Majesty's Courts of Record at Westminster, within Six Months after he shall have accepted his Commission, take the Oaths appointed to be taken in and by an Act passed in the First Year of the

They are to take the Oaths appointed by

Reign

Reign of His late Majesty King George, intituled, An Act for the further Security of His Majesty's Person and Government; and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors; and shall also make, repeat, and subscribe, the Declaration in the said Act mentioned.

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and subscribe, &c. the Declaration in the said Act.

And be it enacted, That if any Person shall execute any of the Powers hereby conferred on Deputy Lieutenants, Colonels, Lieutenant Colonels, or Majors, (not being qualified as aforesaid) or shall not, within the Time herein before limited, deliver in such Qualification, and take the Oaths, and make, repeat, and subscribe, the Declaration aforesaid, every such Person shall forfeit and pay the Sum of Two hundred Pounds; and if any Person shall execute any of the Powers hereby conferred on Captains, Lieutenants, or Ensigns (not being qualified as aforesaid) and shall not, within the Time herein before limited, deliver in such Qualification, and take the Oaths, and make, repeat, and subscribe, the Declaration aforesaid, every such Person shall forfeit and pay the Sum of One hundred Pounds; such several Penalties to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Wager of Law, or Protection, or more than One Imparlance shall be allowed; One Moiety whereof shall go to the Use of the Person who shall sue for the same, and the other Moiety to the Uses herein after directed.

200 *l.* Penalty on Deputy Lieutenants, and all above the Degree of Captains;

and 100 *l.* on Captains, and those under, acting, if not qualified, and not complying with the Regulations prescribed.

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to oblige any Peer of this Realm to serve in the Militia personally, or by Substitute; or to restrain His Majesty's Lieutenant of any County, Riding, or Place, from appointing any Peer of this Realm, or Heir Apparent of any such Peer, to be a Deputy Lieutenant, or Commission Officer in the Militia, within the County, Riding, or Place, where such Peer, or Heir Apparent of such Peer, shall respectively have some Place of Residence; or to oblige any Peer of this Realm, or Heir Apparent of such Peer (so appointed a Deputy Lieutenant, or Commission Officer respectively) to leave with the Clerk of the Peace for the County, Riding, or Place, for which he shall be so appointed, any Qualification in Writing as aforesaid; but it shall be lawful for every Peer of this Realm, or Heir Apparent of such

Peers exempted from serving by themselves, or Substitutes;

but they, and Heirs Apparent of Peers, may be appointed Deputy Lieutenants, or Commission Officers,

and their Qualifications not necessary to be left with the Clerk of the Peace;

but on taking the Oaths, &c. they may act without being otherwise qualified.

Peer, so appointed, and taking the Oaths, and making, repeating, and subscribing the Declaration aforesaid, to act as a Deputy Lieutenant or Commission Officer respectively, although he shall not be seised or possessed of any such Estate in Manors, Messuages, Lands, Tenements, or Hereditaments, as is required by this Act; any thing herein contained to the contrary notwithstanding.

Acceptance of a Commission, does not vacate a Seat in Parliament.

Provided always, and be it enacted, That the Acceptance of a Commission in the Militia shall not vacate the Seat of any Member returned to serve in Parliament.

At the End of every 4 Years, such a Number of Officers to be discharged, as shall be equal to the Number of those who are fit and willing to serve.

And be it enacted, That his Majesty's Lieutenant, together with Three or more Deputy Lieutenants of any County, Riding, or Place, and on the Death, or in the Absence, of his Majesty's Lieutenant, any Five or more of them shall, at the End of every Four Years, at their Annual Meeting, discharge such a Number of the Officers of the Militia (not exceeding One Field Officer of each Regiment or Battalion, and One Third Part of the whole Number of Officers of each inferior Rank respectively) as shall be equal to the Number of Persons who shall be fit and willing to serve as Officers in the Militia of such County, Riding, or Place, and shall be duly qualified for such Ranks according to the Directions of this Act; and such Lieutenant shall appoint such Persons to serve as Officers in the Room of the Officers so discharged as aforesaid.

Adjutant from the King's Forces to be appointed to each Regiment;

who is still to preserve his Rank in the Army;

Serjeants also to be appointed out of the Army.

And be it enacted, That his Majesty, his Heirs, and Successors, may and shall appoint One proper Person, who shall have served, or shall, at the Time of such Appointment, actually serve in some of his Majesty's other Forces, to be an Adjutant to each Regiment or Battalion of Militia in each County, Riding, or Place respectively; and such Adjutant shall, during his Service in the said Militia, preserve his Rank in the Army in the same Manner as if he had continued in that Service; and his Majesty, his Heirs, and Successors, may and shall also appoint, according to the Proportion of One Serjeant to Twenty private Men, Two or more proper Persons to be Serjeants to every Company in the said Militia, out of and from his Majesty's other Forces, such Persons having served in the said Forces for the Space of Three Years next preceding their Appointment to be Serjeants as aforesaid, or may appoint such other Persons to be Serjeants as aforesaid, as have formerly served for the Space of Three Years in his Majesty's said Forces; and the Service in the Militia of such Persons

so appointed out of His Majesty's said Forces, shall intitle them to the Benefit of Chelsea Hospital, in the same Manner as if they had continued to serve in the said Forces; and every Person appointed to be a Serjeant as aforesaid, out of the Pensioners on the Establishment of Chelsea Hospital, shall be intitled to be put again upon the said Establishment after he shall be discharged from the Service of the Militia, provided he brings a Certificate of his good Behaviour, under the Hand of the Colonel or Commanding Officer of the Regiment or Battalion in which he shall have served as aforesaid.

and to be intitled to *Chelsea Hospital.*

Serjeants appointed from thence, to be readmitted, on producing Certificates of good Behaviour.

And be it enacted, That no Person who shall keep any House of publick Entertainment, or who shall sell any Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of being or continuing a Serjeant in the Militia.

Alehouse-keepers, &c. disqualified from being Serjeants.

And be it enacted, That the Number of private Men to be raised by virtue of this Act, in that Part of Great Britain, called England, the Dominion of Wales, and Town of Berwick upon Tweed (exclusive of the Places herein after excepted) shall be

Number of private Men to be raised in each County.

For the County of Bedford, Four hundred.
For the County of Berks, Five hundred and sixty.
For the County of Bucks, Five hundred and sixty.
For the County of Cambridge, Four hundred and eighty.
For the County of Chester, with the City and County of the City of Chester, Five hundred and sixty.
For the County of Cornwall, Six hundred and forty.
For the County of Cumberland, Three hundred and twenty.
For the County of Derby, Five hundred and sixty.
For the County of Devon, with the City and County of the City of Exeter, One thousand six hundred.
For the County of Dorset, with the Town and County of the Town of Poole, Six hundred and forty.
For the County of Durham, Four hundred.
For the County of Essex, Nine hundred and sixty.
For the County of Gloucester, with the City and County of the City of Gloucester, and the City and County of the City of Bristol, Nine hundred and sixty.
For the County of Hereford, Four hundred and eighty.
For the County of Hertford, Five hundred and sixty.
For the County of Huntingdon, Three hundred and twenty.

For the County of Kent, with the City and County of the City of Canterbury, Nine hundred and sixty.

For the County of Lancaster, Eight hundred.

For the County of Leicester, Five hundred and sixty.

For the County of Lincoln, with the City and County of the City of Lincoln, One thousand two hundred.

For the Tower Division, in the County of Middlesex, commonly called The Tower Hamlets, One thousand one hundred and sixty.

And for the rest of the County of Middlesex, One thousand six hundred.

For the County of Monmouth, Two hundred and forty.

For the County of Norfolk, with the City and County of the City of Norwich, Nine hundred and sixty.

For the County of Northampton, Six hundred and forty.

For the County of Northumberland, with the Town and County of the Town of Newcastle upon Tyne, and the Town of Berwick, Five hundred and sixty.

For the County of Nottingham, with the Town and County of the Town of Nottingham, Four hundred and eighty.

For the County of Oxford, Five hundred and sixty.

For the County of Rutland, One hundred and twenty.

For the County of Salop, Six hundred and forty.

For the County of Somerset, Eight hundred and forty.

For the County of Southampton, with the Town and County of the Town of Southampton, Nine hundred and sixty.

For the County of Stafford, with the City and County of the City of Litchfield, Five hundred and sixty.

For the County of Suffolk, Nine hundred and sixty.

For the County of Surry, Eight hundred.

For the County of Sussex, Eight hundred.

For the County of Warwick, with the City and County of the City of Coventry, Six hundred and forty.

For the County of Westmoreland, Two hundred and forty.

For the County of Worcester, with the City and County of the City of Worcester, Five hundred and sixty.

For the County of Wilts, Eight hundred.

For the West Riding of the County of York, with the City and County of the City of York, One thousand two hundred and forty.

For the North Riding of the said County, Seven hundred and twenty.

And

And for the East Riding of the said County, with the Town and County of the Town of Kingston upon Hull, Four hundred.

For the County of Anglesea, Eighty.

For the County of Brecknock, One hundred and sixty.

For the County of Cardigan, One hundred and twenty.

For the County of Caermarthen, with the County Borough of Caermarthen, Two hundred.

For the County of Carnarvon, Eighty.

For the County of Denbigh, Two hundred and eighty.

For the County of Flint, One hundred and twenty.

For the County of Glamorgan, Three hundred and sixty.

For the County of Merioneth, Eighty.

For the County of Montgomery, Two hundred and forty.

For the County of Pembroke, with the Town and County of the Town of Haverford West, One hundred and sixty.

For the County of Radnor, One hundred and twenty.

Provided, That there shall not be more than Three Commission Officers (that is to say) One Captain, One Lieutenant, and One Ensign, to Eighty private Men; and so in Proportion, as near as may be, to any greater or lesser Number of private Men. Three Officers allowed to 80 private Men.

Provided always, and be it enacted, That if His Majesty's Lieutenant of any County, Riding, or Place, shall think that too large a Proportion of private Men is by this Act directed to be raised for such County, Riding, or Place, it shall be lawful for His Majesty's Privy Council, upon Application made to them by any such Lieutenant, to fix, as near as may be, the Number of private Men, which shall be furnished from the List of that County, Riding, or Place, so complaining, by the Proportion which the whole Number returned in all the Lists bears to the whole Number of the Militia by this Act directed to be raised; all which Lists His Majesty's Lieutenants of each County, Riding, or Place respectively, are hereby required to transmit to His Majesty's Privy Council. Where too large a Proportion of Men is directed to be raised in any County, the Privy Council, on Application, is to regulate the same.

And be it enacted, That His Majesty's Lieutenants, together with any Two or more Deputy Lieutenants, and on the Death or Removal, or, in the Absence of His Majesty's Lieutenants, the Deputy Lieutenants, or any Lieutenants and Deputy Lieutenants to meet annually, or oftener, to concert Measures for carrying the Act into Execution.

any Three or more of them, shall meet Once in every Year at some City, or principal Town of the County, Riding, or Place, for which they shall be commissioned, or oftener, if they shall think fit, there to concert such Measures as shall be most conducive to the faithful Execution of this Act; the First of which Meetings for the Year One thousand seven hundred and fifty seven, shall be on the Twelfth Day of July, and for every subsequent Year, on the First Tuesday in June; and shall, at their First Meeting, issue out their Orders to the Chief Constable, and where there is no Chief Constable, to some other Officer of the several Hundreds, Rapes, Laths, Wapentakes, or other Divisions, within their respective Counties, Ridings, or Places, to return to them upon a Day, and at a Place, therein to be mentioned, fair and true Lists in Writing of all Men usually, and at that Time, dwelling within their respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, between the Ages of Eighteen and Fifty Years (all Peers of this Realm; all Persons who shall serve or act as Deputy Lieutenants, or Commission Officers in the Militia; all Persons actually serving as Commission Officers in any Regiment, Troop, or Company, in His Majesty's other Forces, or in any of His Majesty's Castles or Forts; all Persons being Members of either of the Universities, Clergymen, Teachers and Preachers of separate Congregations, Constables, and other Peace Officers, and Parish Officers; articled Clerks, Apprentices, Seamen, and Sea-faring Men, excepted) distinguishing the Numbers in each Parish, Tything, or Place, and which of the Persons so returned labour under any Infirmities incapacitating them from serving as Militia Men; for which Purpose such Chief Constables, or other Officers, and every of them, are hereby authorized and required, by Order under their Hands, to require the Constable, Tythingman, Headborough, or other Officer, of each Parish, Tything, or Place, within their respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, to return to them upon a Day, and at a Place, in such Order to be mentioned, fair and true Lists in Writing of all such Men as aforesaid, usually, and at that Time, dwelling within their respective Parishes, Tythings, or Places, with the Distinctions before described; having first affixed a true Copy thereof on the Door of the Church or Chapel belonging to such Parish, Tything, or Place; and if any Place, being

First Meeting to be on 12 *July*, and for subsequent Years, on 1st *Tuesday* in *June*.

Orders to be then issued to the Constables to make Returns of all Persons within their Districts, between the Ages of 18 and 50 Years.

Persons excepted.

Chief Constables to order the Parish Officers to make such Returns accordingly.

Copy to be affixed on the Door of the Church,

being Extraparochial, shall have no Church or Chapel belonging thereto, on the Door of the Church or Chapel of some Parish or Place thereunto adjoining, on the Sunday Morning before they shall make such Return; and His Majesty's Lieutenants, together with any Two or more Deputy Lieutenants, or, in the Absence of His Majesty's said Lieutenant, any Three or more Deputy Lieutenants, shall, on the Day, and at the Place, on which they shall have so ordered such Lists to be returned, meet and appoint what Number of Persons in each respective Hundred, Rape, Lath, Wapentake, or other Division as aforesaid, shall serve in the said Militia, towards raising the Number of Militia Men hereby ordered and directed to be raised for such respective County, Riding, or Place, in Proportion to the whole Number contained in such Lists; and the said Deputy Lieutenants shall afterwards subdivide themselves; and any Three or more Deputy Lieutenants, or, in case Three Deputy Lieutenants shall not meet, then any Two Deputy Lieutenants, together with any One Justice of the Peace for such County, Riding, or Place, or any One Deputy Lieutenant, together with any Two such Justices of the Peace, shall, within One Month after the said Second General Meeting, meet within the respective Subdivisions, at a Time and Place to be appointed by the said Deputy Lieutenants, or One of them; and the said Deputy Lieutenants, or any One or more of them, shall, before such Meeting, issue out an Order to the Chief Constables or other Officers of the respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, to return, upon the Day, and at the Place of Meeting so appointed, true Copies of the Lists so by them returned, to His Majesty's said Lieutenant, and the said Deputy Lieutenants, at their Second General Meeting as aforesaid; and the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, so assembled in the said Subdivisions, shall (after hearing any Person who shall think himself aggrieved by having his Name inserted in such Lists, or by any others being omitted) direct such Lists to be amended, and appoint what Number of Men in each respective Parish, Tything, or Place, shall serve in the said Militia, in Proportion to the whole Number contained in the Lists for such Hundreds, Rapes, Laths, Wapentakes, or other Divisions, as aforesaid; and shall immediately

the *Sunday* before the Return is made.

Lieutenants and Deputy Lieutenants to meet thereupon, and appoint the Number of Men to serve.

Deputy Lieutenants afterwards to subdivide, and meet in their Subdivisions within a Month;

having first given Orders for Copies of the Returns made at their Second Meeting, to be then laid before them;

and after settling the Lists, and Number of Men to serve,

they are to cause them to be chosen by Lot.

ly cause them to be chosen by Lot out of the whole Number of Men liable to serve for each respective Parish, Tything, or Place; and the said Deputy Lieutenants, or any One or more of them, shall appoint

Another Meeting is to be held within 3 Weeks after, and Notice to be given to the Persons chosen, to attend;

another Meeting to be held within Three Weeks in the same Subdivision, and shall issue out an Order to the Chief Constables or other Officers of the respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, to direct the Constable, Tythingman, Headborough, or other Officer of each Parish, Tything, or Place, to give Notice to every Man so chosen to serve in the Militia, to appear at such Meeting; which Notice shall be given or left at his Place of Abode at least Seven Days before

who are then to take the Oaths, and subscribe the Declaration mentioned in Act 1 *Geo.* 1.

such Meeting; and every Person so chosen by Lot, shall, upon such Notice, appear at such Meeting, and there take the Oaths directed to be taken, and make, repeat, and subscribe the Declaration mentioned in and by the said Act passed in the First Year of His late Majesty King George; which Oaths and Declaration any One Deputy Lieutenant is hereby authorized then and there to administer; and shall be inrolled to serve in the Militia of such respective County, Riding, or Place, as a

and are to be inrolled to serve as private Men for 3 Years,

private Militia Man, for the Space of Three Years, in a Roll to be then and there prepared for that Purpose,

or provide fit Substitutes,

or shall provide a fit Person (to be approved by the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, then met) to serve as his Substitute; which Substitute,

who are likewise to take the Oaths, and subscribe the Declaration;

so provided and approved, shall take the said Oaths, and make, repeat, and subscribe, the said Declaration, and sign his Consent on the said Roll, to serve as his Substitute during the said Term; and if any Person so chosen by Lot to serve in the said Militia (not being One of the People called Quakers) shall refuse or neglect to take the Oaths, and make, repeat, and subscribe the Declaration aforesaid, and to serve in the said Militia, or to provide a Substitute to be approved as aforesaid, who shall take the Oaths, and make, repeat, and subscribe the said Declaration, and sign his Consent to serve as his Substitute; every such Person shall forfeit

and Persons refusing to serve, &c. forfeit 10 *l.*

and pay the Sum of Ten Pounds, and at the End of Three Years be appointed to serve again.

and at the End of 3 Years are liable to serve again.

And be it enacted, That the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace,

or any One Deputy Lieutenant, together with any Two Justices of the Peace, shall meet in the several Subdivisions, from time to time, as often as they shall think necessary, for the due Execution of this Act; and One of the said Meetings in every Year, shall be on Tuesday in the Week before Michaelmas Day; and if any Man serving in the said Militia, being of the Age of Thirty five Years or upwards, and having served Two Years in the Militia, shall desire his Discharge; or if any Person whatsoever shall shew any just Cause for his Discharge; it may and shall be lawful for the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, at their said annual Meetings for the respective Subdivisions, to discharge such Person from serving in the said Militia; and in the Stead of the Persons so discharged, and also if there shall be any other Vacancy by Death, or otherwise, such Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, shall cause a like Number of other Persons to be chosen by Lot out of the Lists of such Parishes, Tythings, or Places, where such Vacancies shall happen, unless the Person by whom any such Vacancy shall be made, served as a Substitute; in which Case the Person for whom he served shall himself serve, or provide another Substitute for the Remainder of the Three Years unexpired from his having provided his First Substitute; which Persons so chosen, or Substitutes so provided and approved as aforesaid, shall take the said Oaths, and make, repeat, and subscribe the said Declaration; and every Person so chosen shall be inrolled, and every Substitute so provided shall subscribe his Consent to serve, and shall serve in the said Militia, for the Space of Three Years, or for the Remainder of the Three Years unexpired, subject to the Directions, Provisions, and Penalties in this Act contained.

Deputy Lieutenants are also to meet occasionally, at other Times, and annually on the *Tuesday* before *Michaelmas*; at which Time they are to grant Discharges to such as have a Right to be discharged;

and to fill up by Lot all Vacancies occasioned thereby, or by Death;

and the Persons chosen are to take the Oaths, &c. and be inrolled.

Provided always, and be it enacted, That every Militia Man shall, if he change the Place of his Abode, continue actually bound to serve in the Militia of the Parish, Tything, or Place, to which he shall so have removed, until his Three Years Service shall be completed; and if the Quota to the Militia of the Parish, Tything, or Place, to which he shall so have removed, be full, he shall, on the First Vacancy, be inrolled to serve in the Militia thereof, until the whole Term of Three Years actual Service

Private Man, changing his Place of Residence, is to serve in the Place he removes to,

and he is to give previous Notice of his Removal to the Deputy Lieutenant,

Service be completed; and every such Militia Man shall, before he change the Place of his Abode, give Notice thereof to any Three or more Deputy Lieutenants, or to any Two Deputy Lieutenants, together with any One Justice of the Peace, or to any One Deputy Lieutenant, together with any Two Justices of the Peace, at some publick Meeting, or to One Deputy Lieutenant, who

and receive a Certificate of his Service.

shall give to such Militia Man a Certificate of the Time he shall have served in the Militia of the respective Parish, Tything, or Place, from his Inrollment to serve in the same; and if such Certificate shall have been given by One Deputy Lieutenant only, such Deputy Lieutenant shall certify the same to the Deputy Lieutenants and Justices of the Peace, at their next Meeting within such

On Neglect of giving such Notice, he forfeits 20s.

Subdivision; and if any Militia Man so changing the Place of his Abode, shall not give Notice as aforesaid, such Militia Man so neglecting, and thereof convicted on Oath before One or more Justice or Justices of the Peace, shall forfeit and pay the Sum of Twenty Shillings; and if such Offender shall refuse immediately to pay such Penalty, it shall be levied by Distress and Sale of his Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to such Offender, upon whom such Distress shall have been made as aforesaid; and for want of such Distress, such Justice or Justices shall commit such Offender to the House of Correction, there to be kept to hard Labour for the Space of One Month.

New Lists to be made out, and returned to the Deputy Lieutenants at their annual Meetings;

And be it enacted, That the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, in the several Subdivisions, shall yearly cause new Lists in the several Parishes, Tythings, or Places within the same, to be made as is before directed, and to be returned to them at their said annual Meetings, in the several Subdivisions; and shall, in every Third Year,

and every Third Year, the Number of Men to serve is to be appointed, and chosen by Lot, &c.

appoint what Number of Persons shall serve for each Parish, Tything, or Place; and shall cause a sufficient Number of Persons to be chosen by Lot, in the Room of such Persons as shall have served Three Years, and of those who shall have been discharged; which Persons so chosen shall take the said Oaths, make, repeat, and subscribe, the said Declaration, and be inrolled in Manner

ner aforesaid, so that by Rotation all Persons not excepted by this Act, living in such Parishes, Tythings, or Places, may serve Personally, or by Substitute, for the Space of Three Years; and shall be subject to, and under the Directions, Provisions, and Penalties, in this Act contained; and no Militia Man having served as a Substitute, shall, by such Service, be excused from serving for himself, when he shall be chosen by Lot as aforesaid; and the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any Dng Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, shall transmit to His Majesty's Lieutenant, true Copies of the said Rolls, within Fourteen Days after their respective Meetings for that Purpose; and if any Chief Constable, or other Officer of any Hundred, Rape, Lath, Wapentake, or other Division, or any Constable, Tythingman, Headborough, or other Officer, of any Parish, Tything, or Place, shall refuse or neglect to return such Lists, from time to time, or to comply with such Orders and Directions as he shall, from time to time, receive from His Majesty's Lieutenant, and the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, in pursuance of this Act, or shall, in making such Return, be guilty of any Fraud or wilful Partiality, any Three or more Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, are hereby impowered and required to imprison in the Common Gaol of the respective County or Place, such Chief Constable or other Officer of any Hundred, Rape, Lath, Wapentake, or other Division; or such Constable, Tythingman, Headborough, or other Officer of any Parish, Tything, or Place; there to be kept without Bail or Mainprize for the Space of One Month; or, at their Discretion, to fine such Officer in any Sum not exceeding Five Pounds, nor under Forty Shillings; such Fine to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of any Three or more Deputy Lieutenants, or of any Two Deputy Lieutenants, together with any One Justice of the Peace, or of any One Deputy Lieutenant, together with any

No Substitute to be excused from serving for himself when chosen.

Copies of the Rolls to be transmitted to the Lieutenant.

Constables or other Officers, neglecting their Duty, or being guilty of Fraud or Partiality therein,

may be imprisoned for 1 Month,

or fined, not exceeding 5 *l.* nor under 40 *s.*

Two Justices of the Peace, rendering the Overplus (if any) on Demand, after deducting the Charge of such Distress and Sale, to such Officer upon whom such Distress shall have been made as aforesaid.

Private Man serving or himself is exempted from several Duties and Offices.

Provided always, and be it enacted, That no private Man, personally serving for himself in the said Militia, during the Time of his serving as a Militia Man, shall be liable to do personally any Highway Duty, commonly called Statute-work, or to serve as a Peace Officer or Parish Officer; nor shall such private Man be liable to serve in any of His Majesty's Land Forces, by virtue of any Act for recruiting His Majesty's Land Forces, unless he shall consent thereto.

None having served 3 Years, is liable to serve again, but in Rotation.

Provided always, That no Person having personally or by Substitute served Three Years in the Militia, shall be obliged to serve again, until, by Rotation, it comes to his Turn.

The same Liberty is granted to Married Men, if called out in Cases of publick Danger, to set up Trades,

And be it enacted, That every Man having personally served in the Militia, when called out and assembled in case of actual Invasion, or upon imminent Danger thereof, or in case of Rebellion, and being a Married Man, may set up and exercise, any such Trade as he is apt and able for, in any Town or Place within the Kingdoms of Great Britain and Ireland, without any Let, Suit, or Molestation, of any Person or Persons whatsoever, for or by Reason of the using of such Trade, as freely, and with the same Provisions, and under the same Regulations, and with the like Exception in respect to the Two Universities of that Part of Great Britain called England, as any Mariner or Soldier may do, by an Act passed in the Twenty second Year of His Majesty's Reign, intituled, An Act to enable such Officers, Mariners, and Soldiers, as have been in His Majesty's Service since His Accession to the Throne, to exercise Trades.

as by Act 22 *Geo.* II. is granted to Mariners or Soldiers.

If a *Quaker* be chosen, and refuse to serve, or provide a Substitute,

And be it enacted, That if any Person, being One of the People called Quakers, shall be chosen by Lot to serve in the Militia, and shall refuse or neglect to appear and to take the Oaths, and make, repeat, and subscribe the Declaration aforesaid, and to serve in the said Militia, or to provide a Substitute, to be approved as aforesaid, who shall take the said Oaths, make, repeat, and subscribe the said Declaration, and subscribe his Consent to serve as the Substitute of such Quaker; then and in every such Case, any Three Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the

Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, shall, upon as reasonable Terms as may be, provide and hire a fit Person, who shall take the said Oaths, make, repeat, and subscribe the said Declaration, and subscribe his Consent to serve in the said Militia for the Space of Three Years, as the Substitute of such Quaker; and any Three Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, are hereby impowered and required to levy by Distress and Sale of the Goods and Chattles of such Quaker, by Warrant under the Hands and Seals of any Three Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, such Sum or Sums as shall be necessary to defray the Expence of providing and hiring such Person to serve in the said Militia, for the Space of Three Years, as the Substitute of such Quaker, so refusing or neglecting as aforesaid; rendering the Overplus, if any, after deducting the Charges of such Distress and Sale, to such Quaker, upon whom such Distress shall have been made as aforesaid; and in case any Measures shall be used in making Distress as aforesaid, which may be by any such Quaker thought oppressive, it shall be lawful for such Quaker to complain thereof to the Deputy Lieutenants and Justices of the Peace, at their next Meeting, who are hereby impowered and required to hear and finally determine the same.

Deputy Lieutenants are to provide one, and levy the Expence by Distress and Sale.

If oppressive Measures be used in making the Distress, *Quaker*, upon Complaint, to be redressed.

And be it enacted, That within One Month after the said Rolls are so returned from the Deputy Lieutenants, and Justices of the Peace, as aforesaid, His Majesty's Lieutenant, together with any Two or more Deputy Lieutenants, or, in the Absence of the said Lieutenant, any Three or more Deputy Lieutenants shall meet together, and form and order the Militia for their respective Counties, Ridings, or Places, into Regiments, consisting, where the Number of Militia Men will admit the same, of Twelve, but in no Case of less than Seven Companies, of Forty Men each at the least, of Persons living as near to each other as conveniently can be; and shall post to each Company proper Officers commissioned and qualified as aforesaid, and other proper Non-commission Officers; and the Militia

Within One Month after Return of the Rolls, the Lieutenant and Deputy Lieutenants are to meet, and form the Militia into Regiments;

and post proper Commission and Non commission Officers to each Company.

Manner of training and exerciſing the Militia.

Militia ſo formed and ordered, ſhall be trained and exerciſed in Manner following; that is to ſay, In Half Companies on the Firſt Monday in the Months of March, April, May, June, July, Auguſt, September, and October, and in Companies on the Third Monday in the ſaid Months, at each Place of Exerciſe, or ſo many, not amounting to Half Companies or Companies reſpectively, living within the Diſtances herein after mentioned, as can be conveniently brought together; and in Regiments or by Battalions on the Tueſday, Wedneſday, Thurſday, and Friday, in Whitſun Week, in every Year, at Places of Exerciſe to be appointed within the reſpective Counties, Ridings, or Places, by His Majeſty's Lieutenant, together with any Two or more Deputy Lieutenants, or in the Abſence of the ſaid Lieutenant, by any Three or more Deputy Lieutenants, as convenient with regard to the reſpective Abodes of the Militia Men as may be, and ſo as ſuch Militia Men may not be obliged to go above Six Miles from Home to perform ſuch Exerciſe in Half Companies or Companies; and Notice of the ſeveral Places of Exerciſe to which the Militia Men of each Pariſh, Tything, or Place, are to reſort, ſhall be ſent to the Chief Conſtables, or other Officers of the ſeveral Hundreds, Rapes, Laths, Wapentakes, or other Diviſions, with Directions to forward the ſame to the Conſtables, Tythingmen, Headboroughs, or other Officers of the ſeveral Pariſhes, Tythings, or Places, within their reſpective Hundreds, Rapes, Laths, Wapentakes, or other Diviſions; which Conſtables, Tythingmen, Headboroughs, or other Pariſh Officers, ſhall cauſe ſuch Notice to be fixed on the Doors of the Churches or Chapels belonging to their reſpective Pariſhes, Tythings, or Places; or if any Place being Extraparochial, ſhall have no Church or Chapel belonging thereto, on the Door of the Church or Chapel of ſome Pariſh, Tything, or Place, thereunto adjoining; and all ſuch Militia Men ſhall duly attend on the Days herein before mentioned, at the Times and Places of Exerciſe ſo to be appointed; and His Majeſty's Lieutenant ſhall, from time to time, as Occaſion ſhall require, appoint a Clerk, and alſo a Serjeant Major out of the Serjeants, and a Drum Major out of the Drummers, to each Regiment or Battalion.

Notice of the Places of Exerciſe is to be ſent to the Chief Conſtables, &c. and by them to the Pariſh Officers, who are to fix the ſame on the Church Doors.

Militia to attend on the ſaid Days.

A Clerk, Serjeant Major, and Drum Major, to be appointed to each Regiment.

Provided always, That if the principal Inhabitants of any Pariſh, Town, or Place, or any Five or more of them, ſhall repreſent to the Lieutenant, or any Three

or more Deputy Lieutenants, or to any Two Deputy Lieutenants, together with any One Justice of the Peace, or to any One Deputy Lieutenant, together with any Two Justices of the Peace, at any Meeting in their Subdivision, in which such Parish, Town, or Place is situate, that it is upon account of Fairs or Markets inconvenient to exercise the Militia Men on the Day appointed by this Act, it shall be lawful for any Three Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, to order and direct the Militia Men within such Parish, Town, or Place, to be exercised upon any other Day within that Week, Sunday excepted.

If it is thought inconvenient on Account of Fairs or Markets to exercise the Militia on the Day set by this Act,

Order may be made for exercising them on any other Day but *Sunday*.

Provided also, That in any County, Riding, or Place, where the Number of Men to be raised, shall not amount to Seven Companies, and therefore not be sufficient to form a Regiment, such Companies shall be formed into a Battalion, and shall be under the Command of His Majesty's Lieutenant of such County, Riding, or Place, and One Field Officer, One Adjutant (who shall not be of higher Rank in the Army than a Subaltern) One Serjeant Major, One Drum Major, and One Clerk, shall be appointed for the Battalion of Militia of such County, Riding, or Place; and the whole Militia of such County, Riding, or Place, shall, on the Tuesday, Wednesday, Thursday, and Friday, in Whitsun Week in every Year, be trained and exercised in the same Manner, as Regiments in other Counties are by this Act directed to be brought together, trained, and exercised.

Where the Numbers are insufficient to be regimented, they are to be formed into a Battalion, with proper Officers,

and are to be exercised for 4 Days in *Whitsun* Week, annually.

Provided also, That where, by reason of the Distance from the appointed Place of Exercise, a whole Company, or Half Company of Militia Men cannot be got together, His Majesty's Lieutenant, together with any One or more Deputy Lieutenants, or, in the Absence of His Majesty's Lieutenant, any Two or more Deputy Lieutenants, shall order such smaller Numbers to be trained and exercised by such Person or Persons, and in such Place or Places, as they shall think fit.

Smaller Bodies of Men to be exercised as shall be thought fit by the Lieutenant, &c.

And be it enacted, That One Commission Officer in every Company shall attend the Exercise of his Men, when in Companies or in Half Companies, as often as convenient, and shall then inspect the State of their Arms, Clothes, and Accoutrements, a Report whereof he shall forthwith transmit in Writing to His Majesty's

Commission Officer to attend the Exercise of his Men, when in Companies or Half Companies, and inspect, and report, the State of their Arms, Clothes, &c.

Lieutenant, or to the Commanding Officer of the Regiment or Battalion.

Captain to have the Charge of the Arms and Clothes, &c. of his Company;

And be it enacted, That the Captain of each Company of Militia shall keep in his own Custody, or leave and deposit with the several Serjeants belonging to his Company, or with such Persons as the said Captain shall appoint for that Purpose, the Arms, Clothes, and Accoutrements provided for his Company of Militia; and

and Churchwardens to provide Chests for the safe keeping thereof;

the Churchwardens of every Parish or Place where the said Arms, Clothes, and Accoutrements, are so deposited, or One of them, is and are hereby required to provide, at the Expence of such Parish or Place, a Chest, in which such Captain, Serjeant, or other Person so appointed as aforesaid, shall keep the said Arms in some dry Part of his House or Dwelling, under Lock and Key, and another Chest, in which he shall keep under Lock and Key, the said Clothes and Accoutrements; and

and Care is to be taken that the Men return them in good Order after Exercise.

the Serjeant, or such other Person as shall be appointed to train and discipline the Men, is hereby required to take Care, that after Exercise every Militia Man cleans and returns his Arms, Clothes, and Accoutrements, to his Captain, or to such Person as shall be appointed as aforesaid to receive the same.

The King's Lieutenant, or the Colonel, may seize and remove the Arms, &c. when necessary to the publick Peace.

Provided always, and be it enacted, That His Majesty's Lieutenant of any County, Riding, or Place, or the Colonel of any Regiment of Militia, is hereby authorized, by Warrant under his Hand and Seal, to employ such Person or Persons as he shall think fit, to seize and remove the Arms, Clothes, and Accoutrements, belonging to the Militia, whenever His Majesty's said Lieutenant, or the said Colonel, shall judge it necessary to the Peace of the Kingdom, and to deliver the said Arms, Clothes, and Accoutrements, into the Custody of such Person or Persons as His Majesty's said Lieutenant, or the said Colonel, shall appoint to receive the same, for the Purposes of this Act.

Person intrusted with Custody of the Arms, &c. delivering out the same, unless for Exercise, or by proper Command, may be committed for 6 Months.

And be it enacted, That if any Serjeant, or any other Person intrusted by the Captain with the Custody of any Arms, Clothes, or Accoutrements, belonging to the Militia, shall deliver out any such Arms, Clothes, or Accoutrements, unless for exercising the Men, or by the Command of his superior Officer, or by the Order of any Justice of the Peace under his Hand and Seal, it may and shall be lawful for any Two or more Justices of the Peace to commit such Offender to the Common Gaol of the County, Riding, or Place, where the Offence shall be committed, there to remain without

out Bail or Mainprize, for any Time not exceeding Six Months.

And be it further enacted by the Authority aforesaid, That no Pay, Arms, Accoutrements, or Clothing, shall be issued, and that no Adjutant or Serjeants shall be appointed for the Militia of any County, Riding, or Place, till it shall appear by a Return signed by his Majesty's Lieutenant, or, in his Absence, by Three Deputy Lieutenants, that Four Fifths of the Militia Men of the said County, Riding, or Place, have been chosen; and that Four Fifths of the Commission Officers have been appointed; and that they have taken out their Commissions, and entered their Qualifications.

No Pay, Arms, or Clothing, to be issued, nor Adjutant or Serjeant to be appointed, till Four Fifths of the Men, and Officers, have been appointed, &c.

And be it enacted, That the Serjeant, or such other Person as shall be appointed to train and discipline the Men, shall call over the Names of the Militia Men so appointed to be exercised; and within One Week after every such Exercise, shall certify in Writing to some neighbouring Justice of the Peace, the Names of the Militia Men absent from Exercise, with the Reasons of their Absence, if known to him; and the said Serjeant, or other Person appointed to train and discipline the Men, shall also certify at the same Time, if any of the said Militia Men be disobedient, or otherwise misbehave themselves; and such Justice of the Peace is hereby impowered and required, upon Proof thereof made upon Oath, to fine every such absent Militia Man, whose Excuse he shall not allow of, for the First Time of his being so absent, Two Shillings; and if such Militia Man shall refuse immediately to pay such Fine, such Militia Man shall, by Order of the said Justice, be set in the Stocks for the Space of One Hour; and for the Second Offence, such Militia Man so convicted as aforesaid, shall forfeit and pay Four Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of Four Days; and for the Third and every other Offence, such Militia Man so convicted, shall forfeit and pay Six Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for any Time not exceeding One Month, or until such Penalty shall be paid; and if any Militia Man shall be drunk at the Time of his exercising,

Names of the Men to be called over at Exercise,

and a Return made to a Justice of the Absentees,

and of such as be disobedient or misbehave;

and the Justice may fine such Absentee for the 1st Offence 2 s.

for the 2d Offence 4 s.

for the 3d, and every other Offence 6 s.

and if any Militia Man shall be drunk on his Duty, he forfeits 10s

exercising, such Militia Man, being thereof convicted on Oath before some Justice of the Peace, shall forfeit and pay Ten Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, such Militia Man shall be, by Order of such Justice, set in the Stocks for the Space of One Hour; and if any Militia Man shall be disobedient or insolent to his Officer, and be convicted thereof as aforesaid, such Militia Man shall, for the First Offence, forfeit and pay Two Shillings and Six Pence; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of Four Days; and, for the Second Offence, such Militia Man so convicted as aforesaid, shall forfeit and pay Five Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of Seven Days; and for the Third and every other Offence, such Militia Man so convicted as aforesaid, shall forfeit and pay Forty Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction, for any Time not less than Fourteen Days, nor exceeding One Month: And if any Militia Man shall sell, pawn, or lose, any of his Arms, Clothes, or Accoutrements, such Militia Man, being thereof convicted in manner aforesaid, shall forfeit and pay a Sum not exceeding Three Pounds; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of One Month, and until Satisfaction be made for the same; and if he shall not be of Ability to make such Satisfaction, then for the Space of Three Months: And if any Militia Man shall refuse or neglect to return his Arms, Clothes, and Accoutrements, in good Order, to his Captain, or to such Person as shall be appointed as aforesaid to receive the same, on the Day of Exercise, or the next Day, such Militia Man, being thereof convicted as aforesaid, shall, for every such Offence,

if disobedient, or insolent, for the 1st Offence 2s. 6d.

for the 2d Offence 5s.

and for the 3d and every other Offence 40s.

and if he sell, pawn, or lose his Arms, Clothes, &c. he forfeits 3l.

if he neglect to return his Arms, &c.

fence, forfeit and pay Two Shillings and Six Pence; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of Seven Days; and if any Militia Man shall refuse or neglect to return his Arms, Clothes, and Accoutrements, in good Order, to his Captain, or to such Person as shall be appointed as aforesaid to receive the same, on or before the Monday after Whitsun Week, and be thereof convicted as aforesaid, such Militia Man shall forfeit and pay Five Shillings; and if such Militia Man shall refuse immediately to pay such Penalty, the Justice of the Peace before whom such Militia Man shall be so convicted as aforesaid, shall, by Warrant, commit such Militia Man to the House of Correction for the Space of Fourteen Days.

and if he neglect to return them by Monday after Whitsun Week, 5 s.

And be it enacted, That if the Serjeant or other Person appointed by any Captain of the Militia, to receive and keep in his Custody the Arms, Clothes, and Accoutrements, thereto belonging, shall refuse or neglect to complain within Three Days to some neighbouring Justice of the Peace of any Militia Man's not having returned his Arms, Clothes, and Accoutrements, as before directed, such Serjeant or other Person appointed as aforesaid, being thereof convicted on Oath before One of his Majesty's Justices of the Peace, shall forfeit and pay the Sum of Twenty Shillings; which Penalty, if the Offender shall refuse immediately to pay the same, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of the Justice of the Peace before whom such Offender shall be so convicted as aforesaid, rendering the Overplus, if any, on Demand, after deducting the Charges of such Distress and Sale, to such Offender, upon whom such Distress shall have been made as aforesaid.

If the Person entrusted therewith, shall not complain to a Justice within 3 Days, of any Arms or Cloathing not being returned,

forfeits 20 s.

And be it enacted, That if any Non-commission Officer of the Militia, or private Militia Man, shall be absent from the annual Meeting of the Militia, to which he shall belong, without just Cause shewn, such Non-commission Officer or private Militia Man, being thereof convicted upon Oath, before One or more Justice or Justices of the Peace, shall forfeit and pay Ten Shillings for each Day of such Absence; and if such Non-commission Officer or private Militia Man, shall refuse immediately to pay such Penalty, the Justice or Justices

Non commission Officer or private Man absent, without just Cause, from the annual Meeting, forfeits 10 s. *per Diem*.

of the Peace before whom such Non-commission Officer or private Militia Man shall be so convicted, shall, by Warrant, commit such Non-commission Officer or private Militia Man to the House of Correction for the Space of One Month.

Non-commission Officer being negligent, insolent, or disobedient, forfeits any Sum not exceeding 30 *s.*

And be it enacted, That if any Non-commission Officer shall be negligent in his Duty, or insolent, or disobedient to the Orders of the Adjutant, or other his Superior Officer, and be thereof convicted as aforesaid upon the Oath of the Adjutant, or other Superior Officer, before One or more Justice or Justices of the Peace, such Non-commission Officer shall forfeit and pay any Sum not exceeding Thirty Shillings, at the Discretion of such Justice or Justices; and if such Non-commission Officer shall refuse immediately to pay such Penalty, the Justice or Justices of the Peace before whom such Non-commission Officer shall be so convicted as aforesaid, shall, by Warrant, commit such Non-commission Officer to the House of Correction for the Space of Fourteen Days, and his Majesty's Lieutenant may discharge such Non-commission Officer out of the Militia, if he shall think fit.

If any Person shall unlawfully, buy, exchange, conceal, or receive, any of the Arms or Clothing, he forfeits 5 *l.* for every such Offence.

And be it enacted, That if any Person shall knowingly and willingly buy, take in Exchange, conceal, or otherwise receive, contrary to the true Intent and Meaning of this Act, any Arms, Clothes, or Accoutrements, belonging to the Militia, upon any Account or Pretence whatsoever, the Person so offending, being convicted thereof upon Oath, before One or more Justice or Justices of the Peace, shall forfeit and pay, for every such Offence, the Sum of Five Pounds; and if such Offender shall refuse immediately to pay such Penalty, the Justice or Justices of the Peace before whom such Offender shall be so convicted as aforesaid, shall, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, levy the same by Distress and Sale of the Offender's Goods and Chattles, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to such Offender upon whom such Distress shall have been made as aforesaid; and for want of such Distress, shall commit such Offender to the Common Gaol of the County, Riding, or Place, where the Offence shall have been committed, there to remain, without Bail or Mainprize, for the Space of Three Months, or shall cause such Offender to be publickly whipt, at the Discretion of such Justice or Justices.

Provided

Provided always, and be it enacted, That no Officer of the Militia, or private Militia Man, shall be liable to any Penalty for or on account of his Absence during the Time he shall be going to vote at any Election of a Member to serve in Parliament, or during the Time he shall be returning from such Election.

None liable to Penalty for Absence, during the Time of going to vote for a Member, or returning.

And be it enacted, That all the Muskets delivered for the Service of the Militia, shall be marked distinctly in some visible Place, with the Letter M, and the Name of the County, Riding, or Place, to which they belong.

Muskets to be marked with an (M) and the Name of the County, &c.

And be it enacted, That the several Serjeants shall receive all their Military Orders, with respect to the Training the Militia Men under their Care, from the Adjutant, and their Superior Officers; and are hereby required to report, from time to time, all Crimes and Misdemeanours of the several Militia Men under their Command to their Adjutant, or Superior Officers, or to some Civil Magistrate, as the Case shall require.

Serjeants to receive their Military Orders from the Adjutant, &c. and to report to him, &c. the Crimes and Misdemeanours of the Men.

Provided always, and be it enacted, That all Chief Constables, Petty Constables, Tythingmen, Headboroughs, and other Officers of Hundreds, Rapes, Laths, Wapentakes, Parishes, Tythings, and Places, within that Part of Great Britain called England, and the Dominion of Wales, shall, and they are hereby required to be aiding and assisting to the Justices of the Peace, and to His Majesty's said respective Lieutenants, and their Deputy Lieutenants, and to any of them, and to all to whom any Power or Authority is by this Act given, in the Execution of the Premisses.

All Constables, and other Peace Officers, required to be assisting in Execution of the Premisses.

And be it enacted, That in case of actual Invasion, or upon imminent Danger thereof, or in case of Rebellion, it may and shall be lawful for His Majesty, His Heirs, and Successors (the Occasion being first communicated to Parliament, if the Parliament shall be then Sitting, or declared in Council, and notified by Proclamation, if no Parliament shall be then Sitting or in Being) to order and direct His or Their Lieutenants, and on their Death or Removal, or in their Absence from their respective Counties, Ridings, or Places, any Three or more Deputy Lieutenants, with all convenient Speed, to draw out and embody all the Regiments and Battalions of Militia of their respective Counties, Ridings, or Places, herein appointed to be raised and trained, or so many of them as His Majesty, His Heirs, and Successors, shall in His or Their great Wisdom judge necessary, in such Manner as shall be best adapted to the Circumstances of

In case of Invasion or Rebellion, &c. the King may order the Militia to be drawn out and embodyed;

and put them under Command of General Officers,

and direct them to be led to any Parts of the Kingdom;

and they are to receive like Pay as the King's Forces,

and their Officers to have equal Rank with the Officers in the Army;

and they are to be subject to like Rules and Articles of War;

and being maimed or wounded are equally intitled to *Chelsea Hospital*.

Private Man not appearing, or refusing to march according to such Order, forfeits 40 *l.*

the Danger; and to put the said Forces under the Command of such General Officers as His Majesty, His Heirs, and Successors, shall be pleased to appoint over them; and to direct them to be led by their respective Officers into any Parts of this Kingdom, for the Suppression of such Invasions and Rebellions: And the said Officers of the Militia, and private Militia Men, shall, from the Time of their being drawn out and embodied as aforesaid, and until they shall be returned again, by Order of their Commanding Officers, to their respective Parishes or Places of Abode, remain under the Command of such General Officers, and shall be intitled to the same Pay as the Officers and private Men in His Majesty's other Regiments of Foot receive, and no other; and the Officers of the Militia shall, during such Time as aforesaid, rank with the Officers of His Majesty's other Forces of equal Degree with them as the youngest of their Rank; and the Officers of the Militia, and private Militia Men, shall be hereby, during such Time as aforesaid, subjected and made liable to all such Articles of War, Rules, and Regulations, as shall be then by Act of Parliament in Force, for the Discipline and good Government of any of His Majesty's Forces in Great Britain; any thing herein contained to the contrary notwithstanding; and when they shall be returned again to their respective Parishes or Places of Abode, they shall be under the same Orders and Directions only, as they were before they were drawn out and embodied as aforesaid: And if any Non-commission Officer of the Militia, or private Militia Man, shall be maimed or wounded in actual Service, he shall be equally intitled to the Benefit of Chelsea Hospital, with any Non-commission Officer, or private Soldier, belonging to His Majesty's other Forces: And if any Militia Man so ordered to be drawn out and embodied as aforesaid (not labouring under any Infirmity incapacitating him to serve as a Militia Man) shall not appear and march in pursuance of such Order, every such Militia Man, being convicted thereof upon Oath, before Two or more Justices of the Peace, shall forfeit and pay the Sum of Forty Pounds; and if such Militia Man shall refuse immediately to pay such Penalty, the Justices of the Peace before whom such Militia Man shall be so convicted, shall, by Warrant, commit such Militia Man to the Common Gaol of the County, Riding, or Place, where he shall have been

so convicted, there to remain without Bail or Mainprize for the Space of Twelve Months, or until he shall have paid the Penalty aforesaid.

In case of Invasion, or Rebellion, the Parliament is to be summoned to meet, &c.

And be it further enacted, That if at any Time (in case of actual Invasion, or upon imminent Danger thereof, or in case of Rebellion) the Parliament shall happen to be separated by such Adjournment or Prorogation as will not expire within Fourteen Days, it shall be lawful for His Majesty, His Heirs, and Successors, to issue a Proclamation for the Meeting of the Parliament, upon such Day as He or They shall thereby appoint, giving Fourteen Days Notice of such Appointment; and the Parliament shall accordingly meet upon such Day, and continue to sit and act in like Manner to all Intents and Purposes, as if it had stood adjourned or prorogued to the same Day.

Officers in the Militia and Army, are not to sit indiscriminately on Trials for Offences committed by the different Corps.

And be it enacted, That no Officer serving in the Militia, when called out into actual Service, shall sit in any Court-martial upon the Trial of any Officer or Soldier serving in any of His Majesty's other Forces; nor shall any Officer serving in any of His Majesty's other Forces, sit in any Court-martial upon the Trial of any Officer or private Man serving in the Militia.

Officers and private Men, when called out to their annual Exercise, are to be quartered on Publick Houses, &c.

And be it enacted, That it may and shall be lawful for the Mayors, Bailiffs, Constables, Tythingmen, Headboroughs, and other Chief Magistrates, and Officers of Cities, Towns, Parishes, Tythings, Villages, and other Places, within that Part of Great Britain called England, the Dominion of Wales, and the Town of Berwick upon Tweed, and in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Parish, Tything, Village, or Place, and for no others; and they are hereby required to quarter and billet the Officers and private Men serving in the Militia, at the Times when they shall be called out to their annual Exercise, in Inns, Livery Stables, Ale-houses, Victualling-houses, and all Houses of Persons selling Brandy, Strong Waters, Cyder, or Metheglin, by Retail.

In case of Invasion, or Rebellion, Justices, upon Order from the King, or Commanding Officer, &c. are to issue Warrants for Provision of Carriages for the Use of the Troops.

And be it enacted, That in case of actual Invasion, or upon imminent Danger thereof, or in case of Rebellion as aforesaid, it may and shall be lawful for any Justice of the Peace of any County, Riding, or Place, being duly thereunto required by an Order from His Majesty, or from His Majesty's Lieutenant, or from any Deputy Lieutenant of the County, Riding, or Place, or from the Colonel, or other Chief Commission Officer upon

upon the Place, of any Regiment, Company, or Detachment of Militia, to issue out his Warrant under his Hand, to the Chief Constables of Hundreds, Rapes, Laths, Wapentakes, or Divisions, or to the Constables, Tythingmen, Headboroughs, or other Officers, of the Parishes, Tythings, or Places, from, through, near, or to which, any such Regiment or Company of Militia Men, or any Detachment or Troop thereof, shall be ordered to march, requiring such Chief Constables, Constables, Tythingmen, Headboroughs, or other Officers, to make such Provision for Carriages of the Arms, Clothes, Accoutrements, Powder, Match, Bullets, or other Warlike Materials, with able Men to drive such Carriages, as is and are mentioned in the said Order; but in case such sufficient Carriages and Men cannot be provided within any such County, Riding, Hundred, Rape, Lath, Wapentake, Division, Parish, Tything, or Place, then the next Justice or Justices of the Peace shall, upon such Order as aforesaid being shewn unto him or them, issue his or their Warrant to the Chief Constables, Constables, Tythingmen, Headboroughs, or other such Officers, of the next County, Riding, Hundred, Rape, Lath, Wapentake, Division, Parish, Tything, or Place, for the Purposes aforesaid, to make up such Deficiency of Carriages; and such Lieutenant, Deputy Lieutenant, Colonel, or other Chief Commission Officer upon the Place, who, by virtue of the aforesaid Warrant from the said Justice of the Peace, shall demand such Carriages of such Chief Constable, Constable, Tythingman, Headborough, or other Officer, is and are hereby required at the same Time to pay down in Hand to the said Chief Constable, Constable, Tythingman, Headborough, or other Officer, 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 with Four Oxen and 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 Carriages drawn by a less Number of Horses or Oxen; for which respective Sums so received, the said Chief Constable, Constable, Tythingman, Headborough, or other Officer, is hereby required to give a Receipt in Writing, to the Person or Persons paying the same; and such Chief Constable, Constable, Tythingman, Headborough, or other Officer, shall order and appoint such Person or Persons, having Carriages

Officer is to pay down the following Rates for the Use of such Carriages;

for which a Receipt is to be given him,

and the Constables are to order Carriages to be furnished accordingly;

2

riages within their respective Hundreds, Rapes, Laths, Wapentakes, Parishes, Tythings, or Places, as they shall think proper, to provide and furnish such Carriages and Men according to the Warrant aforesaid; which Persons so ordered, are hereby required to provide and furnish the same accordingly, for One Day's Journey, and no more; and in case the said Chief Constables, Constables, Tythingmen, Headboroughs, or other Officers, shall be at any Charges for such Carriages over and above what is so received by them of His Majesty's said Lieutenant, the said Deputy Lieutenant, Colonel, or other Chief Officer as aforesaid, such Overplus shall be borne by each County, Riding, or Place, where such additional Expence shall be incurred, and be repaid to them without Fee or Reward, by the Treasurer of each respective County, Riding, or Place, out of the publick Stock.

the same to be for 1 Day's Journey; and any Additional Expences thereof are to be repaid out of the County Stock.

And be it enacted, That if any such Chief Constable, Constable, Tythingman, Headborough, or other Officer, shall wilfully neglect or refuse to execute any such Warrant of any Justice of the Peace; or if any Person appointed by such Chief Constable, Constable, Tythingman, Headborough, or other Officer, to provide or furnish any such Carriage and Man, shall wilfully neglect or refuse to provide the same, every such Offender shall forfeit a Sum not exceeding Forty Shillings, nor less than Twenty Shillings, to the Use of the Poor of the Parish, Tything, or Place, where such Offence shall be committed; and every such Offence shall and may be heard and determined by Two Justices of the Peace within the County, Riding, or Place, where such Offence shall be committed; which Justices shall, by Warrant under their Hands and Seals, cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattles, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to such Offender upon whom such Distress shall have been made as aforesaid.

Constables, &c. neglecting their Duty in the Premisses, forfeit not exceeding 40 *s.* nor less than 20 *s.*

Provided always, and be it enacted, That neither this Act, nor any Matter or Thing herein contained, shall be deemed or construed to extend to the giving or declaring any Power for the transporting any of the Militia of this Realm, or any way compelling them to march out of this Kingdom.

Militia not liable to be marched out of the Kingdom.

Provided always, and be it enacted, That His Majesty's Lieutenants of the several Counties of Cumberland, Huntingdon, Monmouth, Westmoreland, and Rutland,

Lieutenants for *Cumberland, Huntingdon, Monmouth, Westmoreland,*

Rutland, and Counties in *Wales*, to have Command of the Militia there.

land, and of every County and Place in the Dominion of Wales, shall respectively have the Chief Command of the Militia thereof, which shall be raised by virtue of this Act; and in all the said Counties of Cumberland, Huntingdon, Monmouth, Westmoreland, and Rutland, and in every County and Place within the Dominion of Wales respectively, there shall be Five or more Deputy Lieutenants appointed (if so many, qualified as herein after expressed, can be therein found) and the Estates requisite for the Qualification of the respective Deputy Lieutenants and Officers of the Militia therein, shall be as follows; that is to say, They shall be seised or possessed of such an Estate as is in this Act mentioned, as a Qualification for a Deputy Lieutenant, Colonel, or other Officer of the Militia, in that Part of Great Britain shall England, in the Proportions following: A Deputy Lieutenant or Colonel shall be in like Manner seised or possessed of a like Estate as aforesaid of the yearly Value of Three hundred Pounds, or shall be Heir Apparent of a Person who shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Five hundred Pounds; a Lieutenant Colonel, or Major, shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Two hundred Pounds, or shall be Heir Apparent of a Person who shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Four hundred Pounds; a Captain shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred and fifty Pounds, or shall be Son of a Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Three hundred Pounds; a Lieutenant shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred Pounds, or shall be Son of a Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of Two hundred Pounds; an Ensign shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Fifty Pounds, or shall be Son of a Person who shall be, or, at the Time of his Death, was, in like Manner, seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred Pounds; One Half of all which respective Estates shall be situate or arising within the said

The Number of Deputy Lieutenants to be appointed for each County;

their Qualification, and that of the respective Officers, *viz.*

of a Deputy Lieutenant, or Colonel,

Lieutenant Colonel, or Major,

Captain,

Lieutenant,

and Ensign.

A Moiety of the respective Estates to lie in the County for which they act.

Counties and Places respectively: And in all the said Counties of Cumberland, Huntingdon, Monmouth, Westmoreland, and Rutland, and in all the said several Counties and Places within the said Dominion of Wales respectively, the Penalties for acting, not being duly qualified, or not having delivered in such Qualification, and taken the Oaths, and made, repeated, and subscribed, the Declaration aforesaid, shall be, For a Deputy Lieutenant or Field Officer, One hundred Pounds; and for a Captain, Lieutenant, or Ensign, Fifty Pounds; such several Penalties to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Wager of Law, or Protection, or more than One Imparlance, shall be allowed; One Moiety whereof shall go to the Use of the Person who shall sue for the same, and the other Moiety to the Uses herein after directed; and any Two or more Deputy Lieutenants, within the said Counties of Cumberland, Huntingdon, Monmouth, Westmoreland, and Rutland, and within all the said several Counties and Places within the said Dominion of Wales respectively, shall have and exercise all and every the Powers conferred by this Act on any Three Deputy Lieutenants, or on any Two Deputy Lieutenants, together with any One Justice of the Peace, or on any One Deputy Lieutenant, together with any Two Justices of the Peace, of any County, Riding, or Place, within that Part of Great Britain called England.

and the Penalties for acting, not being qualified, &c. are, for a Deputy Lieutenant, or Field Officer, 100*l.* and for all under, 50*l.*

Full Powers given to Two Deputy Lieutenants to act.

And whereas the Ordering the Militia in the Isle of Wight, has always been in the Governor or Lieutenant Governor of the said Island: And whereas from the Length of Time since the Militia thereof was raised, the raising the same in Manner heretofore accustomed, may be attended with many Difficulties; be it enacted, That the Governor of the said Island shall appoint the Officers of the Militia to be raised in the said Island, and shall and is hereby impowered and required to act, in the Execution of this Act, in the same Manner as his Majesty's Lieutenants of Counties are hereby impowered and required to act; and shall appoint Five or more Deputies to act with him in and for the said Island; which Deputies and Officers of the Militia shall be qualified in the same Manner, and are hereby impowered and required to act, in the Execution of this Act, in the same Manner, and under the same Directions, Provisions, and Penalties, as Deputy Lieutenants

Governor of the Isle of *Wight*, is to appoint his Officers, and is to act as Lieutenants of Counties may do; and appoint Deputies; who are severally to be qualified, and act, as is prescribed with respect to like Officers for *Wales*.

nants and Officers of the Militia in the several Counties within the Dominion of Wales, are by this Act subject to; and the Militia of the said Island shall be raised in the same Manner as the Militia of the County of Southampton, and shall be deemed a Part of the Militia of the said County; and after the same shall be so raised, the said Governor, Lieutenant Governor, and Deputies, shall order and direct the training and exercising the said Militia within the said Island, in the same Manner as his Majesty's Lieutenants, and the Deputy Lieutenants, are by this Act authorized and directed to do in any County within that Part of Great Britain called England.

and the Militia is to be raised as in the County of *Southampton*, and deemed a Part thereof, &c.

Militia of *Purbeck*, is to be separate from that of the County of *Dorset*; and 80 Men are to be raised therein, with a Field Officer, and other proper Officers.

Provided always, and be it enacted, That the Militia of the Island of Purbeck shall remain separate from that of the County of Dorset, as heretofore has been used; and the Number of Militia Men to be raised for the said Island, shall be Eighty, Part of Six hundred and forty appointed by this Act to be raised for the County of Dorset, with the County of the Town of Poole, with a Field Officer, and other proper Officers; and the said Island shall, as to all the Purposes of this Act, be considered as if it were a distinct County of itself; and all the Powers given and Provisions made by this Act with Respect to Counties, and the Militia thereof, shall take Place and be in Force with Respect to the said Island and the Militia thereof, except only as to the several Particulars herein expressed, and otherwise provided for; that is to say, The Number of Deputy Lieutenants to be appointed for the said Island shall be Three, or more (if so many duly qualified can be therein found) any Two of which said Deputy Lieutenants shall have and exercise all the Powers conferred by this Act on any Three Deputy Lieutenants of any County, or on any Two Deputy Lieutenants, together with any One Justice of the Peace, or on any One Deputy Lieutenant, together with any Two Justices of the Peace, of any County; and the Estates requisite for the Qualification of the Deputy Lieutenants and Officers of the Militia in the said Island, shall be as follows; A Deputy Lieutenant and Field Officer shall be seised or possessed of such an Estate, and in like Manner, as is in this Act before mentioned, as a Qualification for a Deputy Lieutenant, Colonel, or other Officer of the Militia, of the yearly Value of Two hundred Pounds; a Captain shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of

Three or more Deputy Lieutenants to be appointed;

their Power,

and Qualification, *viz.*

for a Deputy Lieutenant, or Field Officer,

Captain,

One

One hundred Pounds, or be Heir Apparent of a Person who shall be in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of Two hundred Pounds; a Lieutenant or Ensign shall be in like Manner seised or possessed of a like Estate, as aforesaid, of the yearly Value of Fifty Pounds, or be Son of a Person who shall be, or at the Time of his Death, was, in like Manner seised or possessed of a like Estate as aforesaid, of the yearly Value of One hundred Pounds; One Half of all which Estates respectively shall be situate or arising within the said Island; and the Penalties for acting as Deputy Lieutenants, and other Officers, of the Militia of the said Island, not being duly qualified, or not having delivered in their Qualification, and taken the Oaths, and made, repeated, and subscribed, the Declaration as aforesaid, shall be, For a Deputy Lieutenant, or Field Officer, Sixty Pounds; and for a Captain, Lieutenant, or Ensign, Thirty Pounds; such several Penalties to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Wager of Law, Protection, or more than One Imparlance, shall be allowed; One Moiety whereof shall go to the Use of the Person who shall sue for the same, and the other Moiety to the Uses herein after directed.

Lieutenant, or Ensign;

and the Penalties for acting, not being qualified, &c. are,

for a Deputy Lieutenant, or Field Officer, 60*l.*

for all under, 30*l.*

Provided always, and be it enacted, That in all Cities or Towns which are Counties within themselves, and have heretofore been impowered by Law, or ancient Usage, to raise and train a separate Militia within their several Precincts and Liberties, and which are by this Act united with, and made Part of, any County or Counties for the Purposes of this Act only, His Majesty's Lieutenants of such Cities or Towns, or where there is no Lieutenant appointed by His Majesty, the Chief Magistrate of such City or Town, shall appoint Five or more Deputy Lieutenants (if so many Persons, qualified as is herein after expressed, can therein be found) and shall also appoint Officers of the Militia, whose Number and Rank shall be proportionable to the Number of Militia Men which such City or Town shall raise, as their Quota towards the Militia of the County to which such City or Town is, by this Act, united, for the Purposes aforesaid, the Qualification of which Officers respectively shall be as is herein after mentioned; and all Powers given, and Provisions made, by this Act, with Respect to Counties at large, and the Militia thereof,

The Lieutenants of Cities and Towns, which are Counties within themselves,

or where there are none such, the Chief Magistrate, is to appoint Deputy Lieutenants, and Officers, &c.

thereof, and the registring the Qualifications of Deputy Lieutenants and Officers, shall take Place and be in Force with Respect to the said Cities and Towns, and the Militia thereof, and the registring the said Qualifications, except only as to the Particulars herein expressed, and otherwise provided for; that is to say, After the Number of Persons which such City or Town is to furnish to the Militia shall have been appointed, as aforesaid, by His Majesty's Lieutenant, and the Deputy Lieutenants, or by the Deputy Lieutenants of the County at large, of the Militia, whereof the Militia of such City or Town is by this Act made a Part, any Two or more of the Deputy Lieutenants within such City or Town shall have and exercise all the Powers conferred by this Act on any Three Deputy Lieutenants, or on any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, of any County at large: And the Value of the respective Qualifications of the Deputy Lieutenants, and Officers of the Militia of such Cities or Towns, shall be as follows; Every Deputy Lieutenant and Field Officer shall respectively be seised or possessed of such an Estate, and in like Manner, as is in this Act before mentioned, as a Qualification for a Deputy Lieutenant, Colonel, or other Officer of the Militia, in Manors, Messuages, Lands, Tenements, or Hereditaments, in England, Wales, or the Town of Berwick upon Tweed, of the yearly Value of Three hundred Pounds, or shall be possessed of a Personal Estate alone, to the Amount or Value of Five thousand Pounds; and the Qualification of a Captain shall be a like Estate as aforesaid, of the yearly Value of One hundred and fifty Pounds, in Manors, Messuages, Lands, Tenements, or Hereditaments, or Personal Estate alone, to the Amount or Value of Two thousand five hundred Pounds; and the Qualification of a Lieutenant or Ensign shall be a like Estate as aforesaid, of the yearly Value of Fifty Pounds, in Manors, Messuages, Lands, Tenements, or Hereditaments, or Personal Estate alone, to the Amount or Value of Seven hundred and fifty Pounds; One Half of all which Real Estates respectively shall be situate or arising within such City or Town, or within the County at large to which such City or Town is, by this Act, united, for the Purposes aforesaid; and in all such Cities and Towns, the Penalties for acting, not being duly qualified, or not having delivered in such Qualification,

Power of Deputy Lieutenants.

Qualification of a Deputy Lieutenant and Field Officer,

Captain,

Lieutenant, or Ensign;

and the Penalties for acting if not qualified, &c.

tion, or not having taken the Oaths, and made, repeated, and subscribed, the Declaration aforesaid, shall be, For a Deputy Lieutenant or Field Officer, One hundred Pounds; and for a Captain, Lieutenant, or Ensign, Fifty Pounds; such several Penalties to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; wherein no Essoin, Wager of Law, or Protection, or more than One Imparlance, shall be allowed; One Moiety whereof shall go to the Use of the Person who shall sue for the same, and the other Moiety to the Uses herein after directed; and His Majesty's Lieutenants, and the Chief Magistrates of such Cities or Towns, being Counties in themselves respectively, shall, and they are hereby required to put the Powers conferred by this Act, for raising and training the Militia within such Cities or Towns, into Execution; but the Militia of such Cities and Towns as aforesaid, being by this Act declared to be Part of the Militia of the Counties to which such Cities and Towns are united, for the Purposes aforesaid, the Militia of such Cities or Towns shall annually join the Militia of the County to which such Cities or Towns are so united for the Purposes aforesaid, and the whole Militia so joined together, shall be exercised together at the General annual Exercise in Whitsun Week, and shall then, and also in Time of actual Service, be deemed the Militia of the County to which such Cities or Towns are so united, for the Purposes aforesaid.

for a Deputy Lieutenant or Field Officer 100 *l.* for all under 50 *l.*

Lieutenants and Chief Magistrates to execute the Powers of this Act, within the said Cities and Towns;

but the Militia is to join that of the County to which they are united, at the General Exercise in *Whitsun* Week.

And be it enacted, That all Fines, Penalties, and Forfeitures, by this Act imposed, the Manner of Recovery whereof is not in this Act particularly provided for, shall on Proof upon Oath of the Offence before any Justice of the Peace of the County, Riding, or Place, where the Offence shall be committed, be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to the Offender, upon whom such Distress shall have been made; and where the Goods and Chattles of such Offender shall not be sufficient to answer such Distress, such Justice is hereby required to commit such Offender to the Common Gaol of the County, Riding, or Place, where the Offence shall have been committed, for any Time not exceeding Three Months: And all Fines, Penalties, and Forfeitures, by this Act imposed, the Applica-

Recovery of Penalties not otherwise provided for.

Fines and Penalties not otherwise provided for, are to be paid to the Clerk of the Regiment, and made a common Stock, and to be accounted for by him;

and to be applied in erecting Butts, and providing Powder and Ball,

and in Prizes to the best Marksmen,

and to other Contingencies.

tion whereof is not otherwise particularly provided for, shall be paid to the Clerk of the Regiment or Battalion, and shall be made a Common Stock in each Subdivision wherein the same shall so arise; and the said Clerk shall give a particular Account thereof, as it shall arise, to any Three Deputy Lieutenants, or to any Two Deputy Lieutenants, together with any One Justice of the Peace, or to any One Deputy Lieutenant, together with any Two Justices of the Peace, at their next Meeting within the several Subdivisions; and the said Deputy Lieutenants, or any Three of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, shall cause Butts to be erected in some convenient Place or Places, and shall direct the Clerk of the Regiment or Battalion to buy and provide, with some Part of the Money so arising, a proper Quantity of Gunpowder and Ball, to be used at proper Times by the Militia Men in shooting at Marks, and to apply and dispose of such other Part of the Money aforesaid, as they shall think reasonable, in some Prize or Prizes to be given to such Militia Man or Men as shall, by the Commanding Officer then present, be adjudged to be the best Marksman or Marksmen, and to apply the Residue thereof to other Contingencies relating to the Militia within such Subdivision; and that in all Cases when any Person shall be committed to the House of Correction by virtue of this Act, he shall, during the Time of such Commitment, be kept to hard Labour in such House of Correction.

Persons committed to the House of Correction, to be kept to hard Labour.

Proof of Qualification, in all Suits, is to be on the Defendant.

And be it enacted, That in every Action, Suit, or Information, brought against any Person for acting as a Deputy Lieutenant, Colonel, Lieutenant Colonel, Major, Captain, Lieutenant, or Ensign, not being qualified as herein before is directed, the Proof of his Qualification shall lie upon such Person against whom the same is brought.

Orders of the Lieutenants, &c. not removeable by *Certiorari*,

Provided also, and be it enacted, That no Order made by any of His Majesty's Lieutenants, or by any One or more Deputy Lieutenants, or by any Two Deputy Lieutenants, together with any One Justice of the Peace, or by any One Deputy Lieutenant, together with any Two Justices of the Peace, or by any Justice or Justices of the Peace, by virtue of this Act, shall be removed by Certiorari out of the County, Riding, Division, Place,

City, or Town, wherein such Order was made, into any Court; and that no Writ or Writs of Certiorari shall supersede Execution or other Proceedings, upon any such Order so made in pursuance of this Act, but that Execution and other Proceedings shall and may be had and made thereupon; any such Writ or Writs, or Allowance thereof, notwithstanding. nor Execution to be superseded thereby.

Provided always, and be it enacted, That where any Parish shall lie in more Counties or Ridings than One, the Inhabitants of such Parish shall serve in the Militia of that County or Riding wherein the Church belonging to such Parish is situated. Provision where a Town lies in Two Counties.

Provided always, and be it enacted, That the Inhabitants of the Town and Parish of Wokingham shall serve in, and be trained and exercised with, the Militia of the County of Berks. Inhabitants of *Wokingham* to be trained with the Militia of *Berks*;

Provided always, and be it enacted, That the Inhabitants of the Township of Filey, shall serve in the Militia of the East Riding of the County of York; any thing herein contained to the contrary notwithstanding. of *Filey*, to serve in that of the East Riding of *York*,

Provided always, and be it enacted, That the Inhabitants of Threapwood, shall serve in the Militia of the County of Flint, and shall be trained and exercised with the Militia of the Parish of Worthenbury, within the said County. of *Threapwood*, in that of *Flint*, and to be exercised with that of *Worthenbury*;

Provided always, and be it enacted, That the Inhabitants of and in the Parish of Saint Martin, called Stamford Baron, in the Suburbs of the Borough and Town of Stamford, on the South Side of the Waters there, called Welland, shall serve in the Militia of the County of Lincoln. and of Saint *Martin, Stamford Baron*, &c. to serve in that of *Lincoln*.

Provided always, and be it enacted, That nothing in this Act contained shall extend to the Tinners in the Counties of Devon and Cornwall, but the Lord Warden of the Stannaries for the time being, in pursuance of his Majesty's Commission in that Behalf, and such as he shall commissionate and authorize under him, may and shall have and use the like Powers, and array, assess, arm, muster, and exercise the said Tinners, within the said Counties, and either of them, as hath been heretofore used, and according to the ancient Privileges and Customs of the said Stannaries. The Tinners in *Devon* and *Cornwall* to be under Lord Warden of the Stannaries.

Provided always, and be it enacted, That His Majesty's Lieutenants who are or shall be commissioned for the Militia of the City of London, may and shall continue to list and levy the Trained Bands and Auxiliaries of the said City in Manner as heretofore. Lieutenants for *London* to list and levy Trained Bands, as heretofore.

Provided

Provided also, and be it enacted, That whereas the Militia of the Tower Division in the County of Middlesex, commonly known by the Name of the Tower Hamlets, is and always has been under the Command of His Majesty's Constable of the Tower, or Lieutenant of the Tower Hamlets, for the Service and Preservation of that Royal Fort; it shall be lawful for His Majesty's said Constable or Lieutenant for the time being, from time to time, to appoint His Deputy Lieutenants, and to give Commissions to a proper Number of Officers, to train and discipline the Militia to be raised within and for the said Division or Hamlets, pursuant to this Act; and to form the same into Two Regiments of Seven Companies each, in such Manner as the said Constable or Lieutenant hath used to do; and to appoint a Serjeant Major, a Drum Major, and a Clerk, for the said Militia; and also, that for defraying the necessary Charge of Trophies and other incident Expences of the Militia of the same Division or Hamlets, it shall be lawful for His Majesty's said Constable or Lieutenant, to continue to raise in every Year, the Proportion of a Fourth Part of One Month's Assessment of Trophy Money, within the said Division or Hamlets, in such Manner as he hath used to do by virtue and in pursuance of an Act of the Thirteenth and Fourteenth Years of the Reign of King Charles the Second, intituled, An Act for Ordering the Forces in the several Counties of this Kingdom; any thing in this Act contained to the contrary in any wise notwithstanding.

Militia of the *Tower Hamlets* to be under the Constable of the Tower, who is to appoint his Deputy Lieutenants, and Officers, and regiment the Men;

and is to raise, as usual, Trophy Money to defray incidental Charges,

And be it further enacted, That His Majesty's said Constable of the Tower, or Lieutenant of the Tower Hamlets, shall appoint a Treasurer of the said Trophy Money, for receiving and paying such Monies as shall be levied by virtue hereof; which said Treasurer shall yearly account in Writing, and upon Oath, for the same, to the said Lieutenant, or his Deputy Lieutenants, or any Three or more of them; which Oath they shall have Power to administer; and which Accounts for the same shall be certified to the Justices of the Peace for the said Division at their next General or Quarter Sessions; and that the said Lieutenant shall not issue out Warrants for raising any Trophy Money, until the Justices of the Peace, or the major Part of them, at such Sessions, shall have examined, stated, and allowed the Accounts of the Trophy Money, raised, levied, and collected, for the preceding Year, and certified the same under the Hands and Seals of Four or more such Justices,

and to appoint a Treasurer thereof,

who is to account yearly, on Oath;

and the Accounts are to be certified to the Justices;

and no Money may be raised, till the Accounts of the preceding Year, are allowed.

tices, unless in case where it shall appear to such Justices, that by reason of the Death of such Treasurer, or otherwise, such Accounts cannot be passed.

Powers granted by former Acts to the Lord Warden of the Cinque Ports, and his Lieutenants, reserved;

Provided always, and be it enacted, That the Lord Warden of the Cinque Ports, Two ancient Towns, and their Members, and in his Absence his Lieutenant or Lieutenants, may and shall put in Execution within the said Ports, Towns, and Members, all the Powers and Authorities given and granted by any former Act or Acts; and may and shall execute and perform all and every the Things therein contained, in like Manner as his Majesty's respective Lieutenants of Counties and their Deputy Lieutenants may do; and may keep up and continue the usual Number of Soldiers in the said Ports, Towns, and Members, unless he or they find cause to lessen the same; and the Militia of the said Ports, Towns, and Members, shall remain separate from the Militia of the several Counties within which the said Ports, Towns, and Members, are situate; any thing herein contained to the contrary notwithstanding.

and the Militia of the said Ports to remain separate from that of the County.

Persons doing Duty in the King's Docks, are exempted from serving in the Militia.

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to subject any Persons mustered, trained, and doing Duty in any of his Majesty's Docks, for the Defence thereof, to the Service in the Militia; any thing herein contained to the contrary notwithstanding.

Repeal of all former Acts for raising of the Militia.

And be it enacted, That all former Acts relating to the raising of the Militia within that Part of Great Britain called England, and the Dominion of Wales, shall, from and after the First Day of May, One thousand seven hundred and fifty seven, be repealed, except in such Cases as are herein specially directed to be subject to the Provisions of the said former Acts, or any of them.

On Death of a Lieutenant, Deputy is to act till a new one is appointed.

Provided always, and be it enacted, That on the Death of any of his Majesty's Lieutenants, his Deputy Lieutenants shall continue to act and exercise all the Authorities by this Act committed to them, until his Majesty shall have appointed another Lieutenant, and until Commissions of Deputy Lieutenancy shall be by him issued.

Limitation of Actions.

Provided always, and be it enacted, That if any Suit or Suits shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, the Action shall be laid in the County where such Action did arise, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act, and the

General Issue.

Special Matter, in Evidence; and if the Jury shall find for the Defendant or Defendants in such Action or Actions; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases to recover Costs by Law.

Treble Costs.

Act to be in Force for 5 Years.

Provided always, and be it enacted by the Authority aforesaid, That this Act shall continue and be in Force for the Space of Five Years, and from thence to the End of the then next Session of Parliament, and no longer.

FINIS.