Anno triceſimo

Georgii II. Regis.

An Act for the ſpeedy and effectual Recruiting of His Majeſty's Land Forces and Marines.



WHEREAS for recruiting His Majeſty's Land Forces and Marines, it is neceſſary that a new Supply of Men be forthwith raiſed within the Kingdom of Great Britain, by common Conſent and Grant in Parliament; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That within and throughout the ſeveral and reſpective Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque Ports, Pariſhes, Towns, and Preamble.

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A Levy of Able-bodied Men to be made throughout *Great Britain*.

and Places of Great Britain, a speedy and effectual Levy of Able-bodied Men to serve His Majesty as Soldiers, shall be forthwith had, made, practised, and put in Execution, according to the Rules and Directions of this present Act.

Justices of the Peace, Commissioners of the Land Tax, and Magistrates of Corporations and Burghs, to put this Act in Execution;

And it is hereby further enacted, That the Justices of the Peace of every County, Shire, Stewartry, Riding, Liberty, or Place, within Great Britain, and all and every the Persons who were named, or otherwise appointed to be Commissioners for putting in Execution an Act of Parliament made and passed at Westminster, in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act for granting an Aid to His Majesty by a Land Tax, to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and fifty five; and for the Relief of the Inhabitants of certain Places in the County of *Lincoln*, in respect of Arrears of the Land Tax, or any subsequent Act or Acts of Parliament for that Purpose, within the several and respective Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque Ports, Towns, and Places, therein particularly expressed, who are still living, and have duly qualified themselves according to the said Acts, or shall duly qualify themselves according to this present Act in that Behalf, shall be Commissioners for putting in Execution this present Act, and the Powers therein contained, within and for the same Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque Ports, Towns, and Places of Great Britain, for which they were so named or appointed respectively; and that all and every the other Persons who are named or otherwise appointed to be Commissioners for putting in Execution an Act passed in the present Session of Parliament, intituled, An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain* for the Service of the Year One thousand seven hundred and fifty seven; and for discharging certain Arrears of Land Taxes incurred before the Time therein mentioned; and for the more effectual collecting of Arrears for the future, within or for the said Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque Ports, Towns, and Places, or any of them respectively, or such of the Persons last-mentioned, as shall also duly qualify themselves according to this Act in that Behalf, shall also be Commissioners for putting in Execution this present Act, and the Powers therein contained, within and for the same respective Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque Ports, Towns, and Places of Great

Britain, for which they are so named or appointed respectively; and that all and every the Justices of the Peace, and Magistrates of Corporations and Burghs in any Part of Great Britain, who are or shall be in any of His Majesty's Commissions of the Peace, or in the Magistracy of such Corporation or Burgh, at any Time during the Execution of this Act, who shall duly qualify themselves according to this present Act in that Behalf (although not specially named or appointed Commissioners by the said Act) shall be likewise Commissioners for putting in Execution this present Act, and all the Powers therein contained, within the Limits of their Commissions and Jurisdictions respectively: All which Commissioners by this Act intrusted with the Execution of the same, are hereby strictly enjoined and required to use their utmost Care and Diligence that His Majesty's Service, in making such Levies as aforesaid, be not disappointed or neglected.

and to take Care, that His Majesty's Service be not neglected.

And be it further enacted by the Authority aforesaid, That the High Sheriff of every County, or his Deputy, immediately upon receiving Notice for that Purpose from the Secretary at War, shall send Precepts to the respective Bailiffs, or others who are usually employed to summon Juries, although in Liberties out of the Ordinary Jurisdiction of the said High Sheriff, directing them to summon the several Justices of the Peace, and Commissioners of the Land Tax, within their respective Divisions and Liberties, to attend at the usual Place of Meeting in every Division, upon a certain Day in the said Precepts named, within the Time limited by the Secretary at War (Notice of which Day shall be sent to the War Office and Admiralty, upon the issuing of the Precepts by the Sheriff) to qualify themselves for the Execution of this Act; and the said Commissioners shall then and there appoint the several Times and Places for the succeeding Meetings in each of their respective Sub-divisions during the Continuance of this Act; and the said Justices of the Peace, and Commissioners of the Land Tax, at such their First Meeting, or at some other Meeting to be held as soon as it can be conveniently, shall issue their Precepts to the High Constables, Headboroughs, or other proper Officers for the respective Hundreds, Lathes, Rapes, Wapentakes, or other Subdivisions, within the said Counties, Shires, Stewartries, Ridings, or Divisions, as aforesaid; which Precept shall contain an Account of the Times and Places appointed for the succeeding Meetings, and shall be returnable on a Day therein to be named, within Twenty

High Sheriffs, &c. upon Notice from the Secretary at War, to issue Precepts for summoning the Commissioners to meet, and qualify themselves.

Notice of the Day of Meeting to be sent to the War Office.

Commissioners to appoint the Times and Places of their succeeding Meetings, and issue Precepts for that Purpose to the High Constables, &c.

Days, and not less than Fourteen Days, from the Time of issuing thereof; and such High Constables, Headboroughs, or other proper Officers, are hereby required forthwith to signify the Times and Places appointed for such Meetings, to the several Commissioners residing within their respective Districts; and the said Commissioners assembled at such First Meeting to qualify themselves as aforesaid, shall also give Notice of the Time and Place of all and every succeeding Meeting to be appointed as aforesaid, to the Military Officer whom they shall have learned, by Notice from the Secretary at War, to be directed to attend this Service.

and to give Notice thereof also to such Military Officers as shall attend this Service.

Sheriffs to be allowed by the Exchequer the Expences incurred in the Execution of this Act.

Provided always, and it is hereby enacted, That all reasonable Charges or Expences incurred by any Sheriff or Deputy Sheriff in the Execution of this Act, shall be allowed in the Accounts of such Sheriff at the Receipt of his Majesty's Exchequer.

Every Person voluntarily inlisting himself, intitled to 3 *l.* Bounty money.

And, for the Encouragement of fit and able Persons voluntarily to enter into His Majesty's Service, be it enacted, That every such Person who shall, on or before the First Day of May, One thousand seven hundred and fifty seven, voluntarily enter himself into His Majesty's Service, before the said Commissioners, at their First or any subsequent Meeting, shall, by Warrant of any Three or more of the said Commissioners, receive the Sum of Three Pounds out of the Money of the Land Tax, arisen or to arise in the Years One thousand seven hundred and fifty six, and One thousand seven hundred and fifty seven, or either of them, then being in the Hands of any Receiver-general, or of any Collector thereof, within the County or Place for which the said Commissioners are appointed; and thereupon the Commissioners then present, or any Three of them, shall forthwith cause such Volunteers to be delivered to the Officers appointed to receive them; and shall cause an Entry to be made in some Book to be kept by the said Commissioners, or such Clerk as they shall appoint, of the Names of such Volunteers, and of the Parishes or Places of their last Abode (if they can be known) and of the Time and Place when and where they did so enter themselves, and of the Sums paid to them, and by whom such Payments were made, and of the Names of the Officers or Persons who received such Volunteers, and for what Regiment or Company they were received; and shall cause true Copies or Duplicates of such Entries, attested by Three or more of the said Commissioners then present, within Forty Days after the

Volunteers to be delivered over to the Military Officers; and an Entry to be made of their Names, Places of Abode, Sums paid them, and the Officers receiving them.

Duplicates thereof to be transmitted to the War Office.

Delivery

Delivery of such Volunteers, to be transmitted into the Office of His Majesty's Secretary at War for the time being, to be compared with the Muster-rolls.

Volunteers to receive Pay from the Time of their entering;

And it is hereby declared, That the Pay of every such Volunteer shall commence from the Time that he shall so enter himself into His Majesty's Service; and that every such Volunteer, after he shall have continued in the Military Service of His Majesty, His Heirs, and Successors, during the Space of Three Years, if the War shall then be ended, or otherwise at the End of the War, shall be at Liberty (if he think fit) to demand his Discharge from the Colonel or Commanding Officer of the Regiment or Company to which he shall belong; and such Discharge shall be granted to him gratis in Writing under the Hand of such Colonel or Commanding Officer, who is hereby impowered and required to give the same accordingly, on Pain of suffering the Penalties usually inflicted for Disobedience to Orders; any thing herein contained to the contrary notwithstanding.

and to be discharged at the End of Three Years, or of the War, if they demand it.

Warrants for Bounty-money to be paid without any Deduction.

And it is hereby further enacted, That the Warrants by this Act directed to be issued by the said Commissioners for the Encouragement of Volunteers as aforesaid, shall be satisfied by such Receivers or Collectors as aforesaid, to whom such Warrants shall be directed, without any Abatement for Fees, Gratuities, Charges, Poundage, or any other Pretence whatsoever, and shall be allowed upon their Accounts; any Law or Statute to the contrary notwithstanding; and the said Receivers-general, and their respective Deputies, and the said Collectors of the Land Tax Money, or any of them, upon the Summons of the said Commissioners, or any Three or more of them, shall attend at the said Meetings for receiving Volunteers as aforesaid, and duly pay to the said Volunteers the Rewards prescribed by this Act, as they will answer at their Peril any Delay or Obstruction to His Majesty's Service which may happen by their Defaults.

Receivers-general, and Collectors, to attend Meeting of Commissioners, to pay the Bounty.

40 *s.* of every Pound paid out of the Land Tax, to be repaid into the Exchequer by the Paymasters of the Forces.

Provided always, and it is hereby enacted, That it shall be lawful for the Lord High Treasurer, or Commissioners of the Treasury for the time being, to cause Forty Shillings of every Pound of the Money which shall be supplied out of the Land Tax Money for the Year One thousand seven hundred and fifty six, and One thousand seven hundred and fifty seven, or either of them, for Payment of the Encouragements aforesaid, to be repaid into His Majesty's Exchequer by the respective Paymasters of His Majesty's Forces, out of such Money as

they shall receive for the said Forces, to make good the respective Credits on the said Land Taxes, and to be applied to the Satisfaction of such Principal and Interest (if any) as shall be remaining thereupon.

Three Commissioners impowered to levy such Men as are herein described;

And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, in their respective Places or Stations, shall be, and are hereby authorized and impowered to raise and levy, and to cause to be raised and levied, at any Time or Times during the Continuance of this Act, within their several Limits and Jurisdictions, all able-bodied, idle, and disorderly Persons, who cannot, upon Examination, prove themselves to exercise and industriously follow some lawful Trade or Employment, or to have some Substance sufficient for their Support and Maintenance, to serve His Majesty as Soldiers; and to require and command all and every the High Constables, Churchwardens, Overseers of the Poor, Petty Constables, Headboroughs, and Tythingmen, and other Parish and Town Officers, or any of them, within their respective Limits and Jurisdictions, to be aiding and assisting to them the said Commissioners, or any Three or more of them, in the Performance of this his Majesty's Service; and for that Purpose the said Commissioners, or any Three of them, are to meet in their respective Sub-divisions, according to the Appointment of the Justices and Commissioners as aforesaid, and to issue out their Warrants, under their Hands and Seals, thereby requiring and commanding such Churchwardens, Overseers of the Poor, Petty Constables, Headboroughs, Tythingmen, or other Parish or Town Officers, or else requiring and commanding the said High Constables to issue their Precepts to such Churchwardens, Overseers, Petty Constables, Headboroughs, Tythingmen, and other Parish and Town Officers as aforesaid, every or any of them, to make or cause to be made a General Search within their respective Parishes, Townships, Constablewicks, or other Places, for all such Persons as they can find, who are or shall appear to them to be within the Description of this Act, and to bring all such Persons before the Commissioners, who have Power to execute this Act, in and for such County, Shire, Stewartry, Riding, or Division, at such Time and Place as shall have been appointed by the Justices and Commissioners as aforesaid, for the Second Meeting of the said Commissioners, in their respective Sub-divisions, which Time and Place shall be mentioned in the said Warrants and Precepts respectively; and afterwards the said

and to call in the Assistance of Parish and Town Officers;

and to meet in their Sub-divisions,

and issue General Search Warrants, &c. for bringing Persons within the Description of this Act before them at their Second Meeting.

said Commissioners, within their respective Limits and Divisions, shall meet at such convenient Time or Times as they shall think fit, in order to issue their like Warrants or Precepts, for making General Searches for Persons within the said Description, and for bringing them before the Commissioners at any future Times and Places appointed by the Justices and Commissioners as aforesaid, during the Continuance of this Act.

Subsequent Meetings for those Purposes, to be at such convenient Times and Places as shall be thought fit.

Provided always, That in case the Second Meeting appointed to be held in any Sub-division, shall be at so great a Distance of Time, as may render it inconvenient to issue Warrants for bringing Persons before such Commissioners at the Second Meeting, then the Commissioners of such Sub-division respectively may adjourn themselves to some convenient Day, previous to such Second Meeting, in order to issue their Warrants as aforesaid.

If the Second Meeting be too distant, Commissioners in their Sub-divisions may adjourn to a previous Day.

Provided always, and it is hereby enacted, That it shall and may be lawful to and for the Churchwardens, Overseers of the Poor, Constables, Headboroughs, Tythingmen, and other Officers of any Parish or Township, or any of them, at any Time after the said Second Meeting of the said Commissioners, without tarrying for any such Warrant or Precept as aforesaid, to search for, and apprehend all, or any such Persons as they, or any of them shall find, or shall appear to them, or any of them, to be within the Description of this Act, and to secure such Persons (in case they shall think it necessary) in the Gaol or House of Correction, or publick Prison where Debtors are not usually confined, of the County, Town, or Place, where such Persons shall be apprehended, and the Keeper of such Gaol, House of Correction, or Prison, shall receive such Persons without Fee or Reward, and the Parish Officers shall allow such Keeper Six Pence by the Day for each Person, during the Time that they shall remain there, and shall convey them before the Commissioners, at their next Meeting for listing of Soldiers, to be examined, and (if judged within the Description of this Act) to be listed and delivered into His Majesty's Service, according to the true Intent and Meaning hereof.

After such Second Meeting, the Parish and Town Officers may search for and secure such Persons as come within the Description of this Act, and convey them before Commissioners to be listed.

And be it further enacted by the Authority aforesaid, That the Commissioners for executing this Act, who shall attend this Service at the Place or Places for listing Soldiers as aforesaid, shall strictly examine the Persons who shall be brought before them, by the said Churchwardens, Overseers, Constables, Headboroughs, Tythingmen,

Commissioners to examine the said Persons,

ingmen, or other Parish or Town Officers, as aforesaid; and in case the said Commissioners, or the major Part of them then present, upon Examination of the Persons so brought before them, shall find that such Persons shall come within the Descriptions herein mentioned, and the said Commissioners, and the Officer or Officers who shall be appointed to receive the impressed Men, shall judge them to be such as are hereby intended to be entertained as Soldiers in His Majesty's Service, then and in such Case, the said Commissioners shall cause such Persons to be delivered over by the said Churchwardens, Overseers, Constables, Headboroughs, Tythingmen, or other Parish or Town Officers, to such Officers or Persons as shall be appointed to receive such Recruits as aforesaid, such Officers or Persons giving a Receipt under their Hands, acknowledging what Men are so delivered to him or them, which Receipt they are hereby required to give.

and if found proper for the Service,

to deliver them over to the Military Officers;

Officers to give Receipts for them;

And be it further enacted, That the respective Officers who shall receive such new raised Men, shall pay to the Clerk appointed by the Commissioners, for the Use of the Officers of the Parish or Town so employed in the raising such Men, for their Pains and Services therein, Twenty Shillings of lawful Money of Great Britain, for every Man so raised; and shall also pay for every such new raised Man, who shall have a Wife or Family, any Sum not exceeding Forty Shillings, nor less than Ten Shillings of lawful Money of Great Britain, to the said Clerk, to be by him paid over as is herein after directed, into the Hands of the Churchwardens or Overseers of the Poor, for the Benefit of such Parish or Township, in which such new raised Man shall have gained a Settlement, and whose Wife or Family may become chargeable to such Parish or Township respectively; which Sum shall be settled by the Commissioners present at the Meeting when such Person shall be inlisted, or any Three or more of them, Regard being had to the Number of Children, or other particular Circumstances of such Person so inlisted, for both which Payments the Clerk shall give a Receipt, and the Sum of Six Pence per Diem, for keeping every such new raised Man who shall be delivered as aforesaid, according to the Number of Days that the Officers of the said Parish or Town shall have kept him in Custody, pursuant to the Powers granted by this Act, until such Delivery; the said Allowances of Twenty Shillings, and of Six Pence per Diem, in case of Dispute, to be ascertained and distributed to or amongst the said

and to pay to the Parish and Town Officers for their Trouble, 20 s. for every such Man;

and to the Churchwardens, a Sum not exceeding 40 s. nor less than 10 s. if such Man have a Wife or Family;

as shall be settled by the Commissioners;

and 6 d. per Diem to the Parish Officers, &c. for the Time they shall have kept him.

Disputes relating thereto to be settled by the Commissioners.

said Churchwardens, Overseers, Constables, Headboroughs, Tythingmen, and such other Parish and Town Officers, or any of them, according to the Judgement and Direction of the said Commissioners, or the major Part of them then present.

Commissioners may allot, out of the Money allowed to the Parish Officers, 2s. to the Constables for their Trouble.

Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, in their respective Divisions, are hereby authorized and impowered, by and out of the said Sum of Twenty Shillings, herein before directed to be paid for the Use of the Officers of the Parish or Town so employed in the raising of such Men, to allot and order such Sum as they shall think fit, to the respective High Constables within their respective Limits and Jurisdictions, for their Pains and Service in the Execution of this Act, not exceeding the Sum of Two Shillings.

Able-bodied Men only to be inlisted

Provided always, That no Person shall be inlisted by the said Commissioners by virtue of this Act, who is not such an Able-bodied Man as is fit to serve His Majesty, and is free from Ruptures and every other Distemper, or bodily Weakness or Infirmity, which may render him unfit to perform the Duty of a Soldier; and that no Man be inlisted for His Majesty's Service by virtue of this Act, who shall appear in the Opinion of the Commissioners, or Officer or Officers appointed to receive the impressed Men, to be under the Age of Seventeen Years, or above the Age of Forty five Years, or a known Papist, or who shall be under the Size of Five Feet Four Inches without Shoes.

and none under 17, nor above 45 Years of Age, nor Papists, nor who are under 5 Feet 4 Inches.

And for the better preventing any Disputes which may arise about paying for the Subsistence of those Persons, who, having been apprehended and detained by virtue of this Act, may afterwards be discharged upon Examination before the Commissioners and Military Officers; be it further enacted, by the Authority aforesaid, That if any Person being judged by the Commissioners not to be within the Description of this Act, shall be by them discharged, the Officers of the Parish or Town shall be intitled to no Consideration, for their Expences in keeping such Person; and if any Person being judged by the Commissioners to be within the Description of this Act, shall be rejected by the Military Officer, such Officer shall pay to the Officers of the Parish or Town Six Pence per Diem, for the whole Time that they shall have kept every such Person, to be charged to the Account of his respective Regiment or Company; and every Officer who shall object to any

Persons discharged as not within the Description of the Act, Parish not to be allowed their Expences:

if within the Description, and rejected by Officer, Officer to pay the Expences of keeping them.

Objections to be specified, and enquired into by Commissioners.

Person delivered to him by the Commissioners, shall specify his Objection to such Person, whether it shall be to his Age or Size, or bodily Disability, and the Grounds of such Objection shall be forthwith (as far as may be) enquired into by the said Commissioners, and they shall proceed accordingly; and every Officer who shall refuse or discharge any Person delivered to him by the Commissioners, as fit to serve his Majesty within the Description of this Act, shall without Delay transmit to his Majesty's Secretary at War, his Reason for such Refusal or Discharge, in Writing, attested by himself.

Reasons of Discharge to be transmitted to the Secretary at War.

All Inhabitants required to be assisting herein.

And it is hereby enacted and strictly enjoined by the Authority aforesaid, That the Inhabitants of every Parish and Township, where any Persons described as aforesaid do abide, or are to be found, at the Instance of any One or more of the Commissioners appointed for the Execution of this Act, or of any Churchwarden, Overseer of the Poor, or Constable of the same Parish or Township, shall (not having a lawful or reasonable Excuse to the contrary) be aiding and assisting in the Furtherance of his Majesty's Service by this Act described.

10 s. Premium to such as shall discover any proper Person, so as he be inlisted.

And to encourage such Inhabitants and others to assist in discovering and apprehending such Persons described as aforesaid; it is hereby further enacted by the Authority aforesaid, That if any Person shall discover and give Information of any able bodied Man fit to serve his Majesty within the Description of this Act, so that he shall be apprehended and inlisted before the Commissioners as aforesaid, such Person, for every Man so discovered and inlisted, shall receive from the Officer to whom such Man shall be delivered, the Sum of Ten Shillings, out of the Twenty Shillings, which he is elsewhere directed to pay to the Officers of the Parish or Town, for every Man inlisted by virtue of this Act, and the Remainder only of the said Twenty Shillings shall in that Case be paid to such Officers.

Clerks to be appointed by the Commissioners at their First General Meeting.

Clerks to be appointed for attending the Meeting of Commissioners in their Sub-divisions.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, at their First General Meeting assembled, to appoint a Clerk to attend them, then and at each of their subsequent Meetings, and for the Commissioners of the several Sub-divisions, to appoint a Clerk to attend them at their respective Meetings in each Sub-division wherein Soldiers are to be listed as aforesaid; and such respective Clerks, as a Reward for their Labour and Pains in the Execution of this Act, shall be inlisted to and shall receive for every Man who shall be listed

in Pursuance of this Act, at the Meetings whereon they shall respectively attend, the Sum of Two Shillings of lawful Money of Great Britain, to be paid by the respective Officer who shall receive such new raised Men respectively.

Clerks to be paid by the Officer 2 s. for every Man listed.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or such of them as shall be present at such Meeting for listing of Soldiers as aforesaid, shall cause the Second and Sixth Sections of the Articles of War against Mutiny and Desertion, to be read to such new raised Men, in the Presence of the said Commissioners then there; and the said Commissioners, or the major Part of them present, shall forthwith cause an Entry or Memorial to be made, in a Book or Books to be kept by them or their Clerks for that Purpose, of the Names of such new raised Men, and of the Parishes or Places of their last Abode (if they can be known), and of the Time and Place when and where such Men were delivered to the said Officers or Persons appointed to receive them, and the Names of the Officers or Persons who received them, and for what Regiment or Company they were so received, and the Sums paid, and shall cause true Copies or Duplicates of such Entries, attested by the said Commissioners or any Three or more of them then present, within Forty Days after the delivering such Men as aforesaid, to be transmitted into the Admiralty or Office of His Majesty's Secretary at War for the time being, to be compared with the Muster-roll; and every Clerk for every Neglect or Default, in not transmitting the said Copies or Duplicates of such Entries, to the Admiralty or Office of the Secretary at War as aforesaid, shall forfeit the Sum of Ten Pounds, One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety to such Person or Persons who shall inform or sue for the same, in some of the Courts of Record at Westminster, or the Court of Sessions in Scotland; and it is hereby declared, that the Pay of every such new raised Man, so delivered to the Officers or Persons appointed to receive them as aforesaid, shall commence from the Time of his being taken and secured as aforesaid; and from and after such Delivery as aforesaid, and reading the said Articles of War, every Person so raised, shall be deemed a listed Soldier to all Intents and Purposes, and shall be subject to the Discipline of War, and in case of Desertion, shall be proceeded against as a Deserter by any Law now in

The Second and Sixth Sections of the Articles of War to be read before Commissioners to new raised Men.

Names of the Men, Parish, Time of inlisting, &c. to be entered in a Book.

Attested Copy thereof to be transmitted within 40 Days, to the Admiralty, or Office of Secretary at War,

on Penalty of 10 l.

Application of the Penalty.

Commencement of Soldier's Pay.

After Articles of War read, Soldiers deemed to be listed, and subject to Martial Law.

Force, or by any Law to be made for Punishment of Deserters; and no Person so listed, shall be liable to be taken out of His Majesty's Service, by any Process other than for some Criminal Matter.

No listed Person to be taken out of the Service, but for some criminal Matter.

Provided nevertheless, and be it enacted by the Authority aforesaid, That it shall be lawful for the Commissioners, who shall have been present at any such Meeting where any new raised Man shall have been delivered over, as aforesaid, or for the major Part of them, upon the Demand of such Man, or of any other Person on his Behalf, signified to their Clerk within Four Days after such Meeting, and by him notified to each of the said Commissioners, to appoint a further Meeting of the same Commissioners, to be holden within Six Days after the making of such Demand; and if upon further and more certain Information, the said Commissioners, or the major Part of them at such further Meeting, shall find that such new raised Man was not, at the Time of his being delivered over as aforesaid, within the Description of this Act, they are hereby required to certify the same under their Hands and Seals to His Majesty's Secretary at War, who on the Receipt of such Certificate shall cause the Man to be forthwith discharged, upon his paying to the Officer to whom he was delivered over, the Sum of Six Pence for his Maintenance for each Day that he shall have been detained, under the Authority of this Act; and the Clerk appointed by the Commissioners shall repay to such Officer (without Fee or other Deduction) the several Sums before paid to him by the said Officer, and shall give back the Receipts taken as above directed, in exchange for a Copy of the Man's Discharge; and in case no such Discharge shall have been obtained as aforesaid, then the said Clerk shall, after the Expiration of Fourteen Days, from the Time that such new raised Man was delivered over as aforesaid, pay over, without Fee or Deduction, to the Persons respectively intitled thereto, under the Directions of this Act, the several Sums deposited in his Hands for that Purpose.

Commissioners present at the delivering over any Recruit, may, upon Demand made in his Behalf, appoint a further Meeting;

and finding him not to be within the Description of the Act, are to certify the same to the Secretary at War, and the Man to be discharged, upon Payment of his subsistence-money.

Officer to be repaid, and Receipts to be returned.

If no Discharge be obtained, Clerk to pay over the Sums deposited to the proper Persons.

Provided always, That nothing in this Act contained shall be construed to extend to impower the said Commissioners to inlist any Person as a Soldier until the several Sums herein directed to be paid by the respective Officers appointed to receive such new raised Men, shall be first paid to the Person or Persons respectively authorized to receive the same.

None to be inlisted 'till the Sums payable by the Officers are first paid.

And be it further enacted by the Authority aforesaid, That the Officer or Officers, and other Person or Persons appointed

appointed to attend the said Commissioners, and to receive such impressed Men, shall in case he or they shall find it necessary, secure such impressed Men in some secure House or Place to be provided by the Justices of the Peace in their Petty or Special Sessions for that Purpose; but in case no such House or Place shall be so provided, then in the Gaol of the County, Town, or Place where such Man shall be received into His Majesty's Service, or in the House of Correction, or other publick Prison of such County, Town, or Place where Debtors are not usually confined; and the Keeper of such Gaol, House of Correction, or Prison, shall receive such impressed Men until they can be removed, without Fee or Reward; and such Keeper shall be allowed the usual Subsistence for such Men during the Time they shall remain there, from the Officer by whom they shall be delivered as aforesaid; and the Constables, Headboroughs, and other Civil Officers, shall (if required) be assisting to such Officer in conveying such Man or Men, to such secure Place, Gaol, or House of Correction; and shall be allowed such reasonable Sum or Sums as the major Part of the Commissioners then present, shall appoint to be paid by the Officer or Officers who shall require such Assistance.

Officers may secure impressed Men.

Keeper to be allowed their Subsistence Money.

Civil Officers, if required, to be aiding in securing them, and to be allowed for their Trouble.

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to impose upon any Gaoler or Keeper of a House of Correction or Prison, who shall suffer any Person committed to his Custody in pursuance of this Act to escape; or upon any High Constable, Churchwarden, Overseer, Petty Constable, Headborough, Tythingman, or other Parish or Town Officer, for every wilful Neglect or Default in the Execution of any Warrant, Order, or Precept, to them or any of them directed in pursuance of this Act, a Fine not exceeding Ten Pounds; and to cause every such Fine to be levied by Distress and Sale of the Offenders Goods, rendering the Overplus (if any be) to the Owners, and to pay the said Fine to the Informer or Informers.

Commissioners may levy a Fine not exceeding 10*l.* on Gaoler for Escape of Men,

and on Parish Officers for Neglect of Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall wilfully do any Act or Thing whereby the Execution of this Act, in the searching for, taking, and securing such able-bodied Men as aforesaid, shall be hindered or frustrated, every such Person shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, to the Use of the Informer or Informers; and all and every such Offences may

Persons obstructing the Execution of this Act to forfeit 10*l.*

may be enquired of, heard, and finally determined, by any Two or more of His Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offenders Goods and Chattles, rendering the Overplus (if any be) to the Owners; and if the Offenders have no Goods and Chattles sufficient to answer the said Penalty, then to commit him or her to the County Gaol or House of Correction, there to remain for the Space of Three Months, without Bail or Mainprize.

For want of Distress, Offender to be committed.

Persons who have a Vote in the Election of Members of Parliament, not liable to be listed.

Provided always, and it is hereby declared, That this Act shall not extend to the taking or levying any Person to serve as a Soldier, who shall make it appear to the Satisfaction of the Commissioners then present, that he hath any Vote in the Election of any Member or Members to serve in Parliament, in any County, City, Borough, Town, Port, or Place, within the Kingdom of Great Britain.

No Military Officer may be a Commissioner.

And it is hereby enacted, That no Person who at the Time of the Execution of this Act, shall have any Military Office or Employment in Great Britain (other than in the Militia) shall execute any Power or Authority by this Act given to Commissioners as aforesaid.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Plaint, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, for what he or they shall do in Pursuance or Execution of this Act, the same shall be commenced within Six Months after the Offence committed, and such Person or Persons so sued in any Court whatsoever, shall and

General Issue.

may plead the General Issue, Not Guilty, and upon any Issue joined, may give this Act and the Special Matter in Evidence; and if the Plaintiff or Prosecutor shall become Nonsuit, or forbear further Prosecution, or suffer a Discontinuance, or if a Verdict pass against him, the

Treble Costs.

Defendant shall recover Treble Costs; for which they shall have the like Remedy, as in any Case where Costs by the Law are given to Defendants.

No Soldier or Marine to be discharged without a Certificate from his Colonel, &c.

And, for the better obviating such Frauds and Abuses as may be practised in discharging of Soldiers; it is hereby further enacted by the Authority aforesaid, That no private Soldier who shall be duly listed into His Majesty's Service by virtue of this Act (during the Time such Soldier shall remain in Great Britain) shall be discharged from His Majesty's Service, without the Consent of the Colonel, or in his Absence, the Field Officer

commanding in Chief the Regiment, first had and obtained in Writing under their Hands and Seals for that Purpose, in which Writing the Cause of his Discharge shall be expressed, and a Duplicate or Copy of every such Discharge, forthwith transmitted to the Secretary at War, to be by him kept and entered in a Book; or if a Marine, without the Consent of the Lord High Admiral, or the Commissioners of the Admiralty for the time being first had and obtained; and any Officer that shall presume to discharge any Soldier inlisted pursuant to this Act, in any other manner contrary to this Act, shall for such Offence be cashiered.

of which a Duplicate to be transmitted to the Secretary at War.

Officer breaking this Order, to be cashiered.

Provided always, and it is hereby enacted, That every Person who shall be impressed upon this Act, after he shall have continued in the Military Service of his Majesty, his Heirs, and Successors, during the Space of Five Years, if the War shall then be ended, or otherwise at the End of the War, shall be at Liberty, if he think fit, to demand his Discharge from the Colonel, or, in his Absence, the Officer commanding the Regiment or Company to which he shall belong, and such Discharge shall be granted to him gratis in Writing under the Hand of such Colonel or Officer, who is hereby impowered and required to give the same accordingly; any thing herein contained to the contrary notwithstanding.

Impressed Men, after 5 Years Service, to be discharged, if they demand it.

And be it further enacted, That the said several Clerks to the said Commissioners, provided the said Copies or Duplicates be duly transmitted into the Office of the Admiralty, or Secretary at War, as aforesaid, shall have and receive, by the Hands of the Paymasters of his Majesty's Land Forces and Marines, or One of them, such Rewards as the Lord High Treasurer, or Commissioners of the Treasury for the time being, upon Consideration of the Numbers of Men listed in the several Counties, Cities, Boroughs, or other Places, and the Pains and Charges of the several Clerks in this Service, shall judge the said Clerks severally and respectively to deserve.

Clerks to be rewarded for their Trouble, in transmitting the Duplicates required, to the respective Offices.

Provided always, That his Majesty, when he shall be satisfied by the said Returns of the Commissioners, or otherwise, that a sufficient Number of Recruits in the Whole shall be raised for his present Service, may be graciously pleased to suspend or stop the further Execution of this Act by Proclamation, or Order in Council, or other publick Notice in the London Gazette; any thing herein contained to the contrary notwithstanding.

His Majesty, when a sufficient Number of Men shall be raised, may suspend by Proclamation, &c. the Execution of this Act;

Provided also, That his Majesty, when he shall judge it expedient for his Service, may at any Time suspend

or may suspend or inforce the Act,

in any County or Place.

or enforce the Execution of this Act, in any County or Place of Great Britain, by Justice from His Majesty's Secretary of State; any thing herein contained to the contrary notwithstanding.

Persons employed in the Execution of this Act, exempted from the Penalties of Act 25 Car. II,

Provided always, and be it further enacted by the Authority aforesaid, That no Commissioner, Churchwarden, Overseer, Constable, Headborough, Tythingman, or other Parish or Town Officer, who shall be employed in the Execution of this Act, shall be liable for or by reason of such Execution, to any of the Penalties mentioned in an Act made in the Twenty fifth Year of the Reign of King Charles the Second, For preventing Dangers which may happen from Popish Recusants; or in One other Act made in the first Year of the Reign of King William and Queen Mary, intituled, An Act for abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths; or in One other Act made in the Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the late King William the Third, intituled, An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line; and for the extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors.

1 *Will. & Mary*,

and 13 & 14 *Will. III.*

Commissioners in *England*, not to act till they have taken the Oaths appointed by

Provided always, and be it enacted, That no Person or Persons hereby appointed to be a Commissioner or Commissioners for any County, Riding, City, Borough, Cinque Port, or Place, of England, Wales, or Berwick upon Tweed (except such as duly qualified themselves to be Justices of the Peace, or Commissioners for executing the said Act for the Land Tax made and passed in the Twenty eighth Year of his present Majesty's Reign, or any subsequent Act or Acts of Parliament for that Purpose) shall be capable, in England, Wales, or Berwick upon Tweed, of acting as a Commissioner or Commissioners in the Execution of this Act, or executing any the Powers of the Commissioners therein mentioned (unless it be the Power hereby given of administering Oaths) until such Time as he or they respectively shall have taken the Oaths appointed by an Act of Parliament made in the first Year of the Reign of King William and Queen Mary, intituled, An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; and also in the said Act, intituled, An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors; which Oaths

1 *Will. & Mary*;

it

it shall and may be lawful to and for any Two or more of the said Commissioners to administer, and they are hereby required to administer the same to any other of the said Commissioners; and that no Person or Persons hereby appointed to be a Commissioner or Commissioners for any Part of Scotland (except such as duly qualified themselves, according to the Laws of Scotland, to be Commissioners there for executing the said Act for the Land Tax made and passed in the Twenty eighth Year of His present Majesty's Reign, or any subsequent Act or Acts of Parliament for that Purpose) shall be capable of acting as a Commissioner or Commissioners in the Execution of this present Act in any Part of Scotland, until such Time as he or they respectively shall have duly qualified themselves according to the Laws of Scotland for that Purpose.

nor Commissioners in *Scotland*, till they have qualified themselves as the Laws there direct.

Provided always, and be it enacted, That if any Person hereby appointed a Commissioner for any County, City, Town, or Place, in England, Wales, or Berwick upon Tweed (except as before excepted) shall presume to act as a Commissioner in the Execution of this Act, before he shall have taken the said Oaths which by this Act he is required to take, and in the Manner hereby prescribed, he shall forfeit to His Majesty the Sum of Two hundred Pounds, to be recovered by Action of Debt, or on the Case, Bill, Suit, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; and that if any Person hereby appointed a Commissioner for any Shire, Stewartry, Burgh, or Place in Scotland (except as before excepted) shall presume to act as a Commissioner in the Execution of this Act, before that he shall have qualified himself according to the Laws in Scotland, he shall forfeit to His Majesty the Sum of Fifty Pounds, to be recovered in the Court of Exchequer in Scotland, in the same Manner as any other Penalties are there recoverable.

Commissioners in *England* acting before they have taken the Oaths,

forfeit 200*l.*

and Commissioners in *Scotland*, 50*l.*

Provided also, That in case there shall not be a sufficient Number of Commissioners for any City, Borough, Town, Port, or Place of Great Britain (for which by this Act Commissioners are specially appointed) capable of acting according to the respective Qualifications required by this Act, then and in every such Case, any the Commissioners appointed for the County, Shire, or Stewartry at large, within which such City, Borough, Town, or Place doth stand, or which is next adjoining thereto, may act as Commissioners in the Execution of this

Commissioners for the County, &c. at large, &c. may act for any City, &c.

this Act, within such City, Borough, Town, Port, or Place; any thing herein contained to the contrary notwithstanding.

Qualification of Commissioners for Counties at large within *England*.

Provided always, and be it enacted by the Authority aforesaid, That no Commissioner of the Land Tax, not being a Justice of the Peace, or a Magistrate of a Corporation or a Borough, shall be capable of acting as a Commissioner in the Execution of this Act, or of any of the Powers therein contained, in or for any County at large, within England, the Dominion of Wales (the Counties of Anglesey, Merioneth, Cardigan, Caermarthen, Glamorgan, Montgomery, Pembroke, Caernarvon, and Monmouth excepted) or in or for any of the Ridings in the County of York, unless such Person by himself, or his Tenants or Trustees, was taxed, or did pay in the same County or Riding, for the Value of One hundred Pounds per Annum or more of his own Estate, by virtue of the said Act, for the Land Tax made and passed in England, in the Twenty eighth year of his Majesty's Reign, or any subsequent Act or Acts of Parliament for that Purpose, or unless such Person so appointed to be a Commissioner, shall, at the Time of the Execution of this Act, by himself, his Tenants, or Trustees, enjoy an Estate of Lands, Tenements, or Hereditaments, of the said yearly Value of One hundred Pounds or more, within the said County or Riding respectively; any thing herein contained to the contrary notwithstanding.

Persons disabled presuming to act, forfeit 50 *l.*

And it is hereby further enacted, That if any Person intended by this Act to be disabled for the Cause last-mentioned, shall nevertheless presume to act as a Commissioner in the Execution of this Act, or any of the Powers therein contained, every such Person for such Offence, shall forfeit the Sum of Fifty Pounds, to any Person or Persons who will inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, or in the Exchequer of Scotland as aforesaid.

Commissioners may act for any City, being Inhabitants, or Inns of Court.

Provided nevertheless, and it is hereby enacted, That no Person who is appointed to be a Commissioner for executing this Act, in any Part of Great Britain, shall be disabled, for the Cause last-mentioned, from acting as a Commissioner, within and for any City, Borough, Cinque Port, or Corporate Town only, wherein he shall be an Inhabitant at the Time of the Execution of this Act, or from acting as a Commissioner within any of the Inns of Court or Inns of Chancery.

And whereas some Doubts may arise whether Mayors, Bailiffs, and other Chief Magistrates of Cities, Boroughs,

roughs, Towns Corporate, and Cinque Ports, for which Commissioners are specially appointed by virtue of this Act, can act as Commissioners for executing this Act in the said Cities, Boroughs, Towns Corporate, and Cinque Ports; be it further enacted by the Authority aforesaid, That all Mayors, Bailiffs, and other Chief Magistrates, who are appointed Commissioners for executing this Act, shall be, and have Power to act as Commissioners for executing this Act, within and for any City, Borough, Town Corporate, or Cinque Port, wherein they inhabit at the Time of executing this Act, as well where Commissioners are specially appointed by this Act, as where they are not.

Mayors, Bailiffs, &c. to act as Commissioners specially appointed.

And whereas it may often be expedient for His Majesty's Service, that the Commissioners hereby appointed, shall execute this Act in Cities, Towns, or other Places, when it may not be convenient to enforce the Execution thereof, through the County in which such City, Town, or Place, shall be respectively situate; be it therefore enacted by the Authority aforesaid, That the Mayor or other Chief Magistrate of every City, Town, or Place, shall (upon receiving Notice for that Purpose from the Secretary at War) immediately proceed to put this Act in Execution within their respective Jurisdictions, in the same Manner to all Intents and Purposes, as if such Mayor, or other Chief Magistrate, had received such Notice from the Sheriff of the County in which such City, Town, or Place, shall be respectively situate; any thing in this Act contained to the contrary notwithstanding.

Civil Magistrate, upon Notice from the Secretary at War, to enforce this Act within his Jurisdiction.

And it is hereby provided and enacted, That no Bailiff's Follower, or Assistant, employed or belonging to any Sheriff, Bailiff of Liberties, Marshalsea Court, or any other Person or Persons that shall be so employed, by any One that shall have the Power of executing any Warrant or Process whatsoever, shall be deemed thereby to follow or exercise any Calling or Employment, or to have a sufficient Support and Maintenance, within the Intent and Meaning of this Act.

Bailiffs Followers and Assistants, &c. not exempted by this Act.

And forasmuch as great Inconveniencies may happen by impressing Men, during the Time of Harvest; be it therefore enacted by the Authority aforesaid, That from and after the Twenty fifth Day of May, One thousand seven hundred and fifty seven, until the Twenty fifth Day of October following, no Harvest Labourer, or Person working at Hay Harvest or Corn Harvest Work within the Time aforesaid, within the Kingdom of Great

Labourers, having proper Certificates, not liable to be impressed in Harvest Time.

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Britain, shall be impressed by virtue of this Act, but shall be free and exempted from the same, during the Time aforesaid, provided they have a Certificate under the Hands of the Minister, and of One Churchwarden or Overseer of the Poor, or Elders of the Parish or Place where they live, allowed under the Hand and Seal of One Justice of the Peace of the same County, Shire, Stewartry, Riding, City or Place; which Certificate shall be given gratis.

Commissioners for executing this Act within the Castle of *York*.

And, for the more easy and better putting this Act in Execution, be it enacted by the Authority aforesaid, That any Three or more Commissioners for putting this Act in Execution, in the several Ridings of the County of York (being Justices of the Peace) though not all of the same Riding, may, within the Castle of York, or Limits thereof, execute the Powers of this Act.

Commissioners for executing this Act in *Threapwood*.

And whereas divers Soldiers who have deserted his Majesty's Service, have been harboured in a certain Place called Threapwood, lying within or near the Counties of Chester, and Flint, or One of them, and adjoining to the Town of Cuddington in the said County of Chester; be it further enacted by the Authority aforesaid, That the Commissioners hereby appointed for the County of Chester, and the Officers of the said Town of Cuddington, shall execute this Act in the said Place called Threapwood, according to the true Intent and Meaning thereof.

Officer not attending to receive Recruits, Commissioners may adjourn, and order the Detention of the impressed Men.

And be it further enacted by the Authority aforesaid, That if at any of the Meetings of the Commissioners by this Act appointed, in any of their Sub-divisions, they shall not be attended by some proper Officer appointed for the receiving of Recruits, either through Negligence or any unavoidable Accident, then and in that Case, it shall and may be lawful to and for the said Commissioners to adjourn themselves to some other convenient Day, and they are hereby authorized to give Directions for detaining in Custody, all such Persons as shall have been then brought before them by the Parish Officers to be inlisted, or such of them as they shall think duly qualified for his Majesty's Service; and the said Commissioners shall give Notice to any of the Officers attending on this Service, in the County or Place where such Sub-divisions shall lie, of the Day of such Adjournment; and the said Officer is hereby required, either to attend himself, or to appoint some other Officer to attend such Commissioners, and to receive such

Notice of Adjournment to be given to any Officers attending this Service, &c.

Persons as the said Commissioners shall inlist into his Majesty's Service; and the Officer so receiving the Recruits, shall pay to such Person as the Commissioners shall appoint, Six Pence per Diem, for the Subsistence of every Recruit then inlisted, from the Day of the last Meeting of the Commissioners, to the said Day of Adjournment, the same to be charged to the Account of the several Regiments or Companies into which the said Recruits shall be inlisted, together with such Charges and Expences as shall appear to the said Commissioners to have been incurred on account of the detaining the said Persons, from the Day of the former Meeting of the said Commissioners, to the Day of such Second Meeting, not exceeding Three Pounds.

Officer to pay Subsistence Money for every Recruit;

and incidental Charges.

And be it further enacted by the Authority aforesaid, That this Act, and every Thing herein contained, shall be and continue in Force until the End of the next Session of Parliament.

Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the several Entries which the Commissioners of the Land Tax are by this Act required to make, of the Names and Descriptions of all Volunteers, and also of all impressed Men, together with the other Particulars herein before directed, be made according to the Form hereunto annexed.

Form prescribed for making Entries pursuant to the Act.

Recruit's Name.	Parish.	Height. Feet.	Height. Inches.	Age.	Description of the Recruits.	To what Corps pressed.	For what Corps entered voluntarily.	Sum paid.	By whom paid.	Officer who received or refused the Recruit, and on what Day.	On what Grounds refused.

FINIS.