ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXXI.

An Act for amending ſo much of an Act, paſſed in the Thirteenth and Fourteenth Years of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for ordering the Forces in the ſeveral Counties of this Kingdom*, as relates to the Militia of the City of *London*; and for the better ordering the ſame. [7th *July* 1794.]

WHEREAS the Laws now in Force for the Regulation of the Militia of the City of *London* have been found in ſome Reſpects defective: And whereas further Powers are neceſſary for the better ordering of the ſaid Militia; 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 His Majeſty's Commiſſioners of Lieutenancy, that now are and hereafter ſhall be conſtituted and appointed for the City of *London*, ſhall have full Power and Authority, and are hereby required to call together, arm, array, and cauſe to be trained and exerciſed, ſuch Perſons, and in ſuch Manner, as is herein-after directed, Once in every Year; and the ſaid Commiſſioners ſhall from Time to Time conſtitute and appoint a proper Number of Colonels, Lieutenant Colonels, Majors, and other Officers, qualified as herein-after directed, to train, diſcipline, and command, the Perſons ſo to be armed and arrayed, according

Preamble.

Commiſſioners of Lieutenancy may call out, arm, &c. the Militia, and appoint Officers.

Officers to have the ſame Rank as the Reſt of the Militia.

according to the Rules, Orders, and Directions, herein-after mentioned; and the Officers ſo appointed ſhall have the ſame Rank in the Army as the Officers of the Reſt of the Militia Forces of this Kingdom.

Commiſſions not vacated by the Revocation, *etc.* of the Commiſſion under which granted.

II. And be it further enacted, That no Commiſſion of any Officer, granted by His Majeſty's ſaid Commiſſioners of Lieutenancy for the City of *London*, in purſuance of this Act, ſhall be vacated by Reaſon of the Revocation, Expiration, or Diſcontinuance of ſuch Commiſſion by which ſuch Commiſſioners were appointed.

Officers to poſſeſs the like Qualifications as required by 26 *Geo.* III. Cap. 107, for Commiſſions in Militia for Cities which are Counties of themſelves, *&c.*

III. And be it further enacted, That every Perſon, ſo to be appointed Officers of the ſaid Militia in purſuance of this Act, ſhall poſſeſs the like Qualification, to the Satisfaction of the ſaid Commiſſioners, with reſpect to Property, as thoſe of the ſame Rank in all Cities and Towns which are Counties within themſelves are directed to poſſeſs, by an Act, paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending, and reducing into One Act of Parliament, the Laws relating to the Militia in that Part of* Great Britain *called* England; and every Commiſſioned Officer ſhall take the Oaths, and make, repeat, and ſubſcribe, the Declaration by the ſaid Act required to be taken, made, repeated, and ſubſcribed; and every Commiſſioned Officer ſhall be a Freeman of the City of *London*.

Eſtabliſhment of the Militia.

IV. And be it further enacted, That the Number of Private Men to be raiſed by virtue of this Act for the Militia of the City of *London*, and Liberties thereof, ſhall be One thouſand two hundred, to be formed into Two Regiments, conſiſting each of Eight Companies, beſides a Grenadier and Light Infantry Company, of Sixty Private Men to a Company: The Field Officers of each Regiment ſhall be One Colonel, One Lieutenant Colonel, and One Major; and there ſhall be One Captain, One Lieutenant, and One Enſign, to each Company, except to the Grenadier and Light Infantry Companies, to each of which there ſhall be appointed Two Lieutenants, inſtead of One Lieutenant and One Enſign.

Times of holding Courts of Lieutenancy.

V. And be it further enacted, That the ſaid Commiſſioners ſhall and are hereby required to hold a General Court of Lieutenancy for the ſaid City on the Firſt *Wedneſday* next after the paſſing of this Act, and afterwards, annually, to hold Two General Courts of Lieutenancy for the ſaid City, (that is to ſay), One Court to be holden on the Third *Wedneſday* in *January*, and One Court on the Third *Wedneſday* in *February*, in every Year, for carrying the Purpoſes of this Act duly and fully into Execution; and that the ſaid Commiſſioners may, from Time to Time, as often as they ſhall find it neceſſary, ſummon or cauſe to be ſummoned other General Courts for the like Purpoſes.

Men to be choſen by Ballot.

Perſons liable to be ballotted for.

VI. And be it further enacted, That the Private Militia Men to be raiſed by virtue of this Act ſhall be choſen by Ballot: Provided always, that ſuch Perſon or Perſons, Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and the Owners or Occupiers of Publick Offices and Buildings only, ſhall be liable to be ballotted for to ſerve, or find a Man or Men, but who are or ſhall be rated to the Land Tax in the Ward, Pariſh, or Liberty, in which they ſhall reſide, occupy, or carry on

Trade or Buſineſs, for the Land, Houſe, Shop, Warehouſe, Vault, Cellar, or other Tenement, Hereditaments, Premiſes, or other Property, poſſeſſed, rented, or occupied by them, in the following Proportions; (*videlicet*), Such as are rated at the Sum of Fifteen Pounds, and from thence upwards to the Sum of One hundred Pounds, to be liable to be ballotted for One Man; ſuch as are rated at the Sum of One hundred Pounds, and from thence upwards to the Sum of Two hundred Pounds, to be liable to be ballotted for Two Men; and ſuch as are rated at the Sum of Two hundred Pounds, and from thence upwards, to be liable to be ballotted for Three Men: Provided always, That no private Perſon or Perſons ſhall be liable to be ballotted for more than Three Men, except Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and the Owners or Occupiers of Publick Offices and Buildings, who ſhall be liable to be ballotted for in the ſame Proportions as are herein-before directed reſpecting private Perſons; and further, in the like Proportions and upwards, to the full Extent of the Sums at which they ſhall be rated at to the Land Tax: And the ſaid Commiſſioners, at the Annual Court in *January*, ſhall and are hereby required to iſſue Precepts to the Aldermen, Deputies, and Common Council of the ſeveral Wards of the ſaid City and Liberties, who ſhall be thereby directed and empowered to make out a fair and true Liſt in Writing of every ſuch Perſon and Perſons, Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and the Owners or Occupiers of Publick Offices and Buildings, in their reſpective Wards, ſo liable as aforeſaid to be ballotted for, charging and affixing the Numbers againſt the Names of ſuch Perſon or Perſons, Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and Owners or Occupiers of Publick Offices and Buildings, as may be liable (for a greater Eſtate than as above mentioned) to find more than One Man; and ſuch Liſts ſhall be delivered to the ſaid Commiſſioners at the Court to be held on the Third *Wedneſday* in *February*, and Notice given to every Perſon or Parties inſerted in ſuch Liſts, that they will be returned at the ſaid Court, in order that all who ſhall think themſelves aggrieved may appeal at the ſaid Court, after which no Appeal ſhall be received; and the ſaid Commiſſioners ſhall fix the Number to be ballotted for in each Ward by the Proportion which the Numbers ſo returned in ſuch Liſts bear to the whole Number of Militia Men by this Act directed to be raiſed, and ſo from Time to Time, as Circumſtances ſhall require; and the ſaid Commiſſioners ſhall, according to ſuch Liſts, divide the ſaid Wards of the ſaid City and Liberties into Two Diſtricts or Diviſions, from whence the Two Regiments ſhall be reſpectively raiſed.

Proportions in which liable.

Commiſſioners to iſſue Precepts to the Aldermen, &c. to make out Liſts of Perſons liable.

Liſts to be delivered to the Commiſſioners, and Notice to be given to the Perſons inſerted therein, &c.

VII. And be it further enacted, That when the Number of Men to be raiſed in each Ward ſhall have been appointed, the ſaid Commiſſioners ſhall iſſue Precepts to the ſaid Aldermen, Deputies, and Common Council, of the ſeveral Wards of the ſaid City and Liberties thereof, empowering them to cauſe the Number of Men ſo appointed to be raiſed in their reſpective Wards to be choſen by Ballot out of the Liſt returned for ſuch Ward; and that every Perſon who ſhall be charged for more than One Man ſhall be ballotted for in Proportion to ſuch Number as he ſhall be ſo charged with; and the ſaid Commiſſioners ſhall appoint a Court to to be holden within Three Weeks after iſſuing ſuch Precepts, to receive a

Commiſſioners to iſſue Precepts for chooſing by Ballot the appointed Number in each Ward, and to apropint a Court to receive Returns.

Aldermen, &c. to direct Conſtables to give Notice to the Perſons choſen, &c.

Return of ſuch Perſons as ſhall be ſo choſen by Ballot; and the ſaid Aldermen, Deputies, and Common Council, ſhall direct the Conſtables, Beadles, or other Ward Officers, to give Notice in Writing to every Perſon ſo choſen by Ballot, to appear at the ſaid Court, which Notice ſhall be given at his or their uſual Place of Abode at leaſt Six Days before ſuch Court; and ſuch Conſtable, Beadle, or other Officer, ſhall attend the ſaid Court, and make Return on Oath of the Days when ſuch Notices were ſerved; and every Perſon ſo choſen by Ballot ſhall upon ſuch Notice appear, and there take the following Oath; (that is to ſay),

Oath to be taken by Perſons choſen;

'I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful and bear true Allegiance to His Majeſty King *George*; and I do ſwear that I am a Proteſtant, and that I will faithfully ſerve in the Militia of *London*, within the Kingdom of *Great Britain*, for the Defence of the ſame, during the Term of Five Years, for which I am inrolled, unleſs I ſhall be ſooner diſcharged.'

who are to be inrolled for Five Years.

Subſtitutes may be found.

And every ſuch Perſon ſhall be inrolled (in a Roll to be then and there prepared for that Purpoſe) to ſerve in the Militia of the City of *London*, as a Private Man, for the Space of Five Years: Provided always, that no Perſon or Perſons ſo choſen by Ballot to ſerve, or to find a Man or Men as aforeſaid, ſhall be compellable to ſerve in Perſon, but may, according to ſuch Proportion as he is or ſhall be charged by this Act, (and the Owners and Occupiers of Publick Offices and Buildings, Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, the Owners and Occupiers of Publick Offices and Buildings, and all Perſons incapacitated by Age or Infirmity, ſhall) find One or more fit and able Man or Men, who ſhall have not more than One Child born in Wedlock, and who ſhall reſide in the ſaid City, or within Three Miles thereof, and who ſhall be approved by the Adjutant or other Officer appointed by the ſaid Commiſſioners for that Purpoſe; and every Subſtitute ſo provided and approved ſhall be inrolled to ſerve in the ſaid Militia as a Private Man for the Space of Five Years, and alſo for ſuch further Time as the Militia ſhall remain embodied, if within the Space of Five Years His Majeſty ſhall order the ſaid Militia to be drawn out and embodied, as herein-after provided; and ſuch Subſtitute ſhall take the following Oath:

Subſtitutes to be inrolled.

Oath to be taken by Subſtitutes.

'I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful and bear true Allegiance to His Majeſty King *George*; and I do ſwear that I am a Proteſtant, and that I will faithfully ſerve in the Militia of *London*, within the Kingdom of *Great Britain*, for the Defence of the ſame, during the Term of Five Years, or for ſuch further Time as the Militia ſhall remain embodied, if within the Space of Five Years His Majeſty ſhall order and direct the ſaid Militia to be drawn out and embodied, unleſs I ſhall be ſooner diſcharged.'

One Commiſſioner may adminiſter Oaths.

And it ſhall be lawful for any One of the ſaid Commiſſioners to adminiſter the ſaid Oaths.

If full Number be not inrolled a freſh

VIII. And be it further enacted, That if, through Neglect, Miſtake, or from any other Cauſe, the full Number of Men appointed to be raiſed

raiſed in any of the ſaid Wards ſhall not be duly inrolled at the Court appointed for that Purpoſe, the ſaid Commiſſioners may, and are hereby required, immediately to iſſue Precepts to proceed to a freſh Ballot or Ballots, as often as may be neceſſary and expedient for carrying the Purpoſes of this Act duly into Execution; and that when any Militia Man or Subſtitute ſhall, before the Expiration of the Term for which he was to ſerve, die, or be appointed a Serjeant, Corporal, or Drummer, in the ſaid Militia, or be diſcharged in purſuance of the Sentence of a Court Martial, or otherways regularly diſcharged, the Vacancy ſhall be filled up by a freſh Ballot, in the Ward for which ſuch Militia Man or Subſtitute ſerved.

Ballot to be taken; as alſo to fill up Vacancies.

IX. And be it further enacted, That if any Perſon or Perſons choſen by Ballot, or compellable to find a Subſtitute or Subſtitutes, according to the Directions of this Act, to ſerve in the Militia, (not being One of the People called *Quakers*), ſhall refuſe or neglect to appear and take the Oath, and ſerve in the ſaid Militia, or to provide a Subſtitute or Subſtitutes (as the Caſe may be) to be approved as aforeſaid, who ſhall take the Oath, and ſign his or their Conſent to ſerve as his or their Subſtitute or Subſtitutes, every ſuch Perſon ſo refuſing or neglecting ſhall forfeit and pay the Sum of Ten Pounds, and the like Sum for every Man not ſo provided, for which he ſhall have been ballotted; which ſaid Penalties ſhall be applied, by Order of the ſaid Commiſſioners, in providing Subſtitutes for the Perſons who have paid ſuch Penalties, and which Subſtitutes ſhall be ſworn in and inrolled to ſerve for the ſame Time, and on the ſame Conditions, as is herein-before provided in the Caſe of Subſtitutes provided by Perſons choſen by Ballot; and if any Surplus ſhall remain, the ſame ſhall be paid to the Colonel, or ſuch Officer as he ſhall appoint, of the Regiment for which ſuch Perſon ſhall ſerve, and be applied as Part of the Regimental Stock Purſe.

Perſons choſen, not being Quakers, and not appearing, &c. to forfeit 10*l.* to be applied in providing Subſtitutes.

X. And be it further enacted, That if any Perſon being One of the People called *Quakers* ſhall be choſen by Ballot to ſerve in the ſaid Militia, or to find a Man or Men, and ſhall refuſe or neglect to provide a Subſtitute or Subſtitutes, to be approved as aforeſaid, who ſhall take the Oath, and ſubſcribe his or their Conſent to ſerve as the Subſtitute or Subſtitutes of ſuch Quaker, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, if they think proper, provide and hire, or cauſe to be provided and hired, upon as reaſonable Terms as may be, a fit and proper Perſon or Perſons for ſuch Quaker; and the ſaid Commiſſioners, or any Three or more of them, are hereby authorized, by Warrant under their Hands and Seal, to levy, by Diſtreſs and Sale of the Goods and Chattels of the ſaid Quaker, ſuch Sums of Money as ſhall be neceſſary to defray the Expences of providing and hiring ſuch Subſtitute or Subſtitutes, rendering to ſuch Quaker the Overplus, (if any), after deducting the Charges of ſuch Diſtreſs and Sale; and in caſe any Meaſures ſhall be uſed, in making Diſtreſs as aforeſaid, which may be by ſuch Quaker thought oppreſſive, it ſhall be lawful for ſuch Quaker to appeal to the ſaid Commiſſioners at their next Court, who are hereby required and impowered to hear and finally determine the ſame.

Commiſſioners may provide Subſtitutes for Quakers refuſing to do it, and levy the Expence.

Quakers may appeal to the Commiſſioners.

XI. Provided always, and be it enacted, That no Perſon or Perſons having been ballotted for, and ſerved, or found a Subſtitute or Subſtitutes,

Perſons not liable to be ballotted for

a ſecond Time but in Rotation.

ſtitutes, or paid the Penalties for not ſerving or finding ſuch Subſtitutes, according to the Directions of this Act, ſhall be liable to be ballotted for again, until by Rotation it ſhall come to his Turn;

Perſons exempted.

and no Clergyman, or licenſed Teacher of any ſeparate Congregation, and no Perſon ſerving as a Commiſſioned Officer in the ſaid Militia, or who ſhall have ſerved Four Years therein, ſhall be liable to be ballotted for.

Alderman, &c. of each Ward to be Aſſeſſors.

XII. And, for the better and more ſpeedy Execution of theſe Premiſes; be it further enacted, That the Alderman, or his Deputy, and the major Part of the Common Councilmen for the Time being, in each Ward within the ſaid City or Liberties, ſhall be the Aſſeſſors in their reſpective Wards to charge all Perſon and Perſons, Bodies Politick and Corporate, Guilds, Myſteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and the Owners or Occupiers of Publick Offices and Buildings, liable to be balloted for in their reſpective Wards as herein-before directed, and ſhall likewiſe be the Aſſeſſors of the Trophy Tax herein-after directed to be continued to be raiſed and paid, and ſhall appoint proper Perſons to collect the ſame.

If the Alderman, &c. neglect to make Returns, &c. or to aſſeſs the Trophy Tax, the Commiſſioners may do it.

XIII. And whereas it is juſt and reaſonable that every Ward of the ſaid City and Liberties ſhould raiſe and contribute its Quota towards the ſaid Militia, and the Trophy Tax hereafter directed to be continued to be raiſed; be it therefore further enacted, That if the Alderman or Deputy, and the major Part of the Common Council of any Ward, ſhall refuſe or neglect to make a Return of the Liſts to the ſaid Commiſſioners of the Perſons liable to be ballotted for in their reſpective Wards, or, having made ſuch Return, ſhall neglect to proceed to ballot for the Number of Perſons to be raiſed by ſuch Ward, as herein-before directed, according to the Precepts iſſued to them for that Purpoſe, the ſaid Commiſſioners ſhall and are hereby authorized to make out ſuch Liſts, and proceed to ballot for the proper Number of Perſons to be raiſed in ſuch Ward, in Manner herein-before directed; and if the ſaid Alderman or Deputy, and the major Part of the Common Council of any Ward, ſhall, in like Manner, neglect or refuſe to aſſeſs and levy the Proportion of the Trophy Tax of ſuch Ward, the ſaid Commiſſioners ſhall and are hereby further authorized to aſſeſs, levy, and raiſe, the Trophy Tax of ſuch Ward, the Alderman or Deputy, and major Part of the Common Council of which ſhall make ſuch Default.

Volunteers may be provided in Part of the Quota of any Ward.

XIV. And be it further enacted, That if the Alderman or Deputy, and Common Council of any Ward aforeſaid, with the Conſent of the Inhabitants liable to ſerve or find a Subſtitute or Subſtitutes taken at a Wardmote to be holden for that Purpoſe (for calling ſuch Wardmote Three Days previous Notice to be given, ſpecifying the Cauſe of calling the ſame) ſhall provide and produce to the ſaid Commiſſioners, at any Court appointed for the Purpoſe of inrolling the Militia Men of ſuch Ward, any Volunteer or Volunteers who ſhall be approved, and ſhall be then and there ſworn in and inrolled for ſuch Term, and on ſuch Conditions, as is herein-before provided in Caſes of Subſtitutes produced by Perſons choſen by Ballot, it ſhall be lawful for the ſaid Alderman or Deputy, and Common Council, ſo to do; and the ſaid Commiſſioners

ſhall cauſe only ſuch Number of Perſons to be choſen by Ballot out of the Liſt returned for ſuch Ward as ſhall be then wanted to make up the whole Number to ſerve for the ſaid Ward; and if the ſaid Alderman, Deputy, or Common Council, ſhall give to ſuch Volunteer or Volunteers any Sum or Sums of Money, not exceeding Eight Pounds each Man, to ſerve in the Militia for ſuch Ward, it ſhall be lawful for ſuch Alderman or Deputy, and the major Part of the Common Council, to make an equal Rate upon all and every Perſon and Perſons liable to ſerve or find a Subſtitute or Subſtitutes who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy, any Land, Houſe, Shop, Warehouſe, Vault, Cellar, or other Tenement or Hereditament, within the ſaid Ward, (regard being had in making the ſaid Rate to the Abilities of, and likewiſe to the Rent paid by, the ſaid ſeveral Perſon or Perſons), to reimburſe themſelves ſuch Sums of Money as they ſhall have paid to ſuch Volunteers aforeſaid; but no Perſon who ſhall have been choſen by Ballot, and ſhall have ſerved, found a Subſtitute, or paid the Penalty for not finding a Subſtitute, ſhall be liable to pay any of ſuch Rate, unleſs it ſhall be his Turn by Rotation to be ballotted for again.

Any Sums paid Volunteers, not exceeding 8 *l.* each, may be levied on the Ward.

XV. And be it further enacted, That the ſaid Commiſſioners may and ſhall appoint One proper Perſon to be Adjutant to each Regiment of the ſaid Militia, and ſuch Perſon, if appointed out of His Majeſty's other Forces, 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 the ſaid Commiſſioners may give any ſuch Adjutant a Commiſſion of Lieutenant or Enſign, although ſuch Adjutant may not have the Qualification required by this Act for a Lieutenant or Enſign; and it ſhall be lawful for the ſaid Commiſſioners, on the Recommendation of the Colonel or Commanding Officer of either Regiment, to appoint the Adjutant of ſuch Regiment to the Rank of Captain by Brevet, provided ſuch Adjutant has ſerved Five Years in the Rank of Lieutenant, either in the Militia or in any of His Majeſty's other Forces, although ſuch Adjutant may not have the Qualification required by this Act for Captains: Provided always, that no ſuch Appointment to the Rank of Captain ſhall be valid, unleſs in the Inſtrument granting the ſame it be ſpecified in what Regiment or Battalion, and whether of the Militia or of His Majeſty's other Forces, ſuch Adjutant hath ſerved in the Rank of Lieutenant, and what was or were the Date or Dates of his Commiſſion or Commiſſions: Provided alſo, that no Adjutant ſo appointed to the Rank of Captain ſhall, by the Date of ſuch Appointment as aforeſaid, or otherwiſe, be entitled to Rank above or to command any Captain of a Company in the ſaid Militia; nor ſhall, by virtue of ſuch Appointment, be entitled to receive any greater Pay than that of a Lieutenant, together with his Pay as Adjutant.

Commiſſioners may appoint an Adjutant to each Regiment, who, if from the Army, may preſerve his Rank; and may hold a Subaltern's Commiſſion, and have Brevet Rank of Captain though not qualified, *&c.*

XVI. And be it further enacted, That the ſaid Commiſſioners may appoint a Quarter Maſter to each Regiment, and alſo a Regimental Clerk to each Regiment, who ſhall execute the Office of Pay Maſter: Provided always, that no Adjutant, Surgeon, Quarter Maſter, or Regimental Clerk, ſhall be capable of being appointed Captain of a Company; and no Perſon holding a Commiſſion of Captain of a Company ſhall be capable of being appointed Adjutant, Surgeon, Quarter Maſter or

Commiſſioners may appoint a Quarter Maſter and Regimental Clerk. No Adjutant, *&c.* to be appointed Captain of a Company, *&c.*

or Regimental Clerk: Provided nevertheleſs, that any Regimental Clerk may be appointed Captain Lieutenant.

The Pay of Adjutants, Clerks, Quarter Maſters, Serjeant Majors, &c.

XVII. And be it further enacted, That every Adjutant, Regimental Clerk, and Quarter Maſter, to be appointed by virtue of this Act, ſhall receive the uſual Pay of ſuch Offices and Appointments, or ſuch other Allowance as the ſaid Commiſſioners ſhall think proper and adequate to the Service; and that Serjeant Majors, Serjeants, Corporals, Drum and Fife Majors, and Drummers and Fifers, ſhall receive the ſame Pay as thoſe of the Reſt of the Militia Forces of this Kingdom; and the ſaid Commiſſioners may make ſuch Civil Appointments as they ſhall ſee neceſſary for carrying the Purpoſes of this Act into Execution.

Civil Appointments may be made.

Officers on Half Pay ſerving as Lieutenants, &c. to receive it on taking the following Oath.

XVIII. And be it further enacted, That no Officer who is entitled to Half Pay ſhall be deemed or taken to forfeit or quit ſuch Half Pay during the Time he ſhall ſerve as Lieutenant, Enſign, Adjutant, Regimental Clerk, Pay Maſter, Quarter Maſter, or Surgeon, in the ſaid Militia, but that the ſame ſhall nevertheleſs continue; and inſtead of the Oath directed by the Act *(for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters)* to be taken by ſuch Officer, he ſhall take the following Oath:

Oath.

'I *A. B.* do ſwear, That I had not, between
'any Place or Employment of Profit, Civil or Military, under His
'Majeſty, beſides my Allowance of Half Pay, as a reduced
' in late Regiment of
'ſave and except my Pay as Lieutenant, Enſign, Adjutant, Regimental
'Clerk, Pay Maſter, Quarter Maſter, or Surgeon, [*as the Caſe may be*],
'for ſerving in the ſaid Militia.'

And the taking of the ſaid Oath, without taking any other Oath, ſhall be ſufficient to entitle ſuch Perſon to receive his Half Pay.

Proportions of Non commiſſioned Officers and Drummers, and when to be cloathed.

XIX. And be it further enacted, That Serjeants, Corporals, and Drummers, ſhall be appointed to the ſaid Militia as follows; (that is to ſay), there ſhall be Three Serjeants, Three Corporals, and Two Drummers, to each Company, with the Addition of One Drummer to each of the Flank Companies; and ſuch Serjeants, Corporals, and Drummers, ſhall be new cloathed, when not in actual Service, Once in Two Years; and all Serjeants and Corporals ſhall take the following Oath; (that is to ſay),

Oath to be taken by Non-commiſſion Officers.

'I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful and
'bear true Allegiance to His Majeſty King *George*; and I do ſwear
'that I am a Proteſtant, and that I will faithfully ſerve as a Serjeant or
'Corporal [*as the Caſe may be*] in the ſaid Militia within the Kingdom of
'*Great Britain*, for the Defence of the ſame, until I ſhall be legally
'diſcharged.'

Colonel may appoint a Serjeant Major and Drum Major.

And the Colonel of each Regiment may appoint a Serjeant Major out of the Serjeants, and a Drum Major out of the Drummers; and all Serjeants, Corporals, and Drummers, having received any Pay as ſuch

in

in the ſaid Militia, ſhall be deemed to be engaged and compellable to ſerve in the ſaid Militia until they ſhall be legally diſcharged: Provided always, that every Serjeant, Corporal, and Drummer, appointed in the ſaid Militia, ſhall reſide in the City of *London*, or within One Mile thereof: And provided alſo, that no Perſon who ſhall keep any Houſe of Publick Entertainment, or who ſhall ſell Ale or Wine, or Brandy or other Spirituous Liquors, by Retail, ſhall be capable of being appointed or ſerving as a Serjeant, Corporal, or Drummer, in the ſaid Militia.

Non-commiſſioned Officers and Drummers having received Pay, compellable to ſerve.

Serjeants, &c. to live within a Mile of *London*, and not to be Publicans.

XX. And be it further enacted, That any Serjeant, Corporal, Drummer, or Fifer, may be diſcharged by the Colonel, or by the Commanding Officer (with the Conſent of the Captain of the Company); and that the Captain (with the Approbation of the Commanding Officer) may appoint any proper Perſon in the Room of every Serjeant, Corporal, or Drummer, who ſhall die, deſert, or be diſcharged, all which Serjeants, and Corporals, ſo appointed, ſhall take the like Oath as is herein-before required to be taken by Serjeants and Corporals.

Commanding Officers may diſcharge Non commiſſion Officers, and the Captain may appoint Succeſſors.

XXI. And be it further enacted, That in caſe the Colonel and other Officers of both or either Regiment of the ſaid Militia ſhall be deſirous of keeping up a greater Number of Drummers than Two for each Company, to be employed as Fifers or Muſicians for the Uſe of the ſaid Militia, and ſhall be willing to defray the Expence of ſuch additional Drummers, it ſhall and may be lawful for the Colonel of each or either Regiment to engage any additional Number of Drummers to act as Fifers or Muſicians in their reſpective Regiments; and all ſuch Drummers, ſo engaged to ſerve in the ſaid Militia, ſhall be deemed as Drummers in the ſaid Militia within the Meaning of this Act, to all Intents and Purpoſes whatſoever, and ſhall be ſubject to the ſame Orders, Regulations, Penalties, and Puniſhments, as other Drummers of Militia are by this Act ſubject to, and ſhall continue to ſerve as Drummers ſo long as they ſhall receive the ſame Pay and Cloathing as other Drummers have, or better Cloathing in lieu thereof, and no longer.

Officers may keep extra Drummers as Muſicians if they defray the Expence.

XXII. And be it further enacted, That the ſaid Militia, or at leaſt Half thereof, appointed as aforeſaid, ſhall be trained and exerciſed, Once in every Year, for Twenty-eight Days together, at ſuch Time as ſhall be leaſt inconvenient to the Publick, ſuch Time to be appointed by the ſaid Commiſſioners; and during ſuch Time as the ſaid Militia ſhall be aſſembled for the Purpoſe of being trained and exerciſed all the Clauſes, Proviſions, Matters, and Things, contained in any Act of Parliament which ſhall then be in force for the puniſhing Mutiny and Deſertion, and for the better Payment of the Army, and their Quarters, ſhall be in force with reſpect to the ſaid Militia; and all the Officers, Non-commiſſioned Officers, and Private Men of the ſame, ſhall be ſubject and liable thereto in all Caſes whatſoever, but ſo that no Puniſhment ſhall extend to Loſs of Life or Limb.

Militia to be exerciſed 28 ſucceſſive Days annually, and amenable to the Mutiny Laws.

XXIII. And be it further enacted, That Notice of the Time and Place of Exerciſe of the ſaid Militia ſhall be ſent by the Clerk of the ſaid Commiſſioners to the Ward Clerk, Beadles, or other Officers of the

Notice of the Time and Place of Exerciſe to be

affixed on the Church Doors.

several Wards of the said City, with Directions to cause such Notice to be affixed on the Doors of the Churches or Chapels in their respective Wards; and all such Militia Men shall duly attend at the Time and Place of Exercise according to such Notice: And the said Clerk shall,

Ten Days prior to the Annual Exercise, Lists of the Men inrolled to be sent the Colonel, &c.

Ten Days at least before the Time appointed for the Annual Exercise, transmit to the Colonel of each Regiment, (or to such Person as shall be by him appointed to receive the same), a full and true List, specifying the Name, Place of Abode, and Date of Inrolment, of all Persons inrolled to serve in their respective Regiments, and shall in like Manner cause a Duplicate of such List to be transmitted to the Adjutant of such Regiment.

Adjutants, &c. subject to the Mutiny Acts, &c.

XXIV. And be it further enacted, That every Adjutant, Regimental Clerk, Quarter Master, Serjeant Major, Serjeant, Corporal, Drum Major, Drummer, and Fifer, of the said Militia, shall be at all Times subject to any Act which shall be in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and to the Articles of War, under the Command of the Colonel of the Regiment to which he belongs; and it shall be lawful for the Colonel to direct the holding of Courts Martial, whenever such Regiment shall be embodied for the Purpose of Annual Exercise, for the Trial of any Serjeant Major, Serjeant, Corporal, Drum Major, or Drummer, of such Regiment, for any Offence committed during the Time such Regiment was not embodied, but so that no Punishment shall extend to the Loss of Life or Limb.

Non-commissioned Officers may be reduced to serve as Privates.

XXV. And be it further enacted, That any Serjeant or Corporal of the said Militia may, by Sentence of a Court Martial, be reduced to the Condition of a Private Soldier of the said Militia, to serve as such during any Time, not exceeding Fifteen Months, after which Time, if not regularly re-appointed to the Rank of a Non-commissioned Officer, he shall be discharged from the Service.

Arms when not wanted to be kept where the Commissioners shall direct.

Privates to be cloathed once in Five Years.

XXVI. And be it further enacted, That the Arms, Accoutrements, and Cloathing, belonging to the said Militia, when not on Duty or embodied, shall be kept in such convenient Place as the said Commissioners shall direct; and that New Cloathing shall be provided for the Private Militia Men at least Once in every Five Years, when not embodied for actual Service.

Pay of the Militia.

XXVII. And be it further enacted, That the Commissioned and Non-commissioned Officers of the said Militia shall receive the same Pay as those of the other Militia Forces of this Kingdom, and when assembled for the Purpose of being trained and exercised, the Private Men shall

Men may be put under Stoppages.

receive One Shilling *per* Day each Man; and it shall be lawful for the Captain or Commanding Officer of every Company to put the Militia Men of his Company under Stoppages not exceeding Sixpence *per* Day, for the Purpose of providing them with Linen, and also with Stockings and other Necessaries, and for defraying the Expence of repairing any Arms which shall have been broken or damaged by any such Militia Man's Neglect: Provided always, that every such Captain or Commanding Officer shall account with each Militia Man for such Stoppage, and after having deducted what shall have been laid out and paid for Necessaries,

Neceſſaries, and for repairing the Arms as aforeſaid, ſhall pay the Sum remaining (if there ſhall be any) into the Hands of the Militia Man to whom the ſame belongs, before ſuch Militia Man ſhall be diſmiſſed from ſuch Training and Exerciſe.

Allowance in lieu of Quarters.

XXVIII. And be it further enacted, That the Non-commiſſioned Officers, Drummers, Fifers, and Private Men, ſerving in the ſaid Militia, ſhall, when embodied for Annual Exerciſe, or otherwiſe be in actual Service within the City of *London*, be allowed, in lieu of Quarters, at the Rate of One Shilling and Nine-pence *per* Week each Man, to provide Lodgings, in Addition to their Pay.

Treaſurers and Clerks may be appointed.

XXIX. And, for the better and more ſpeedy Execution of the Premiſes, be it further enacted, That the ſaid Commiſſioners ſhall be and are hereby required to appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, for receiving and paying ſuch Monies as ſhall be levied by virtue of this Act, and of all which Receipts and Diſburſements the ſaid Treaſurer or Treaſurers, Clerk or Clerks, are Once in every Year to give their Accounts, in Writing and upon Oath, to the ſaid Commiſſioners, which Oath the ſaid Commiſſioners have hereby Power to adminiſter.

Militia Men ſubject to 26 *Geo.* III, Cap. 107, as far as relates to Penalties, &c.

XXX. And be it further enacted, That every Militia Man, Subſtitute, or Volunteer, being ſworn in and inrolled, and every Serjeant, Corporal, Drummer, and Fifer, raiſed by virtue of this Act, ſhall be ſubject to every Clauſe, Proviſion, Matter and Thing, contained in an Act of the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending, and reducing into One Act of Parliament, the Laws relating to the Militia in that Part of* Great Britain *called* England, as far as relates to the Penalties and Puniſhments of Militia Men, Serjeants, Corporals, and Drummers, for not attending the Annual Exerciſe, for deſerting during it, for not appearing when ordered to be embodied, for enliſting into the Army or offering ſo to enliſt, or enliſting into any other Militia, or for ſelling or pawning their Arms, Accoutrements, or Cloaths, or neglecting or refuſing to return them in good Order; and ſhall be proceeded againſt in Manner directed by the ſaid Act; and the ſaid Militia Men, Subſtitutes, and Volunteers, ſhall be entitled to the ſame Bounty when ordered out into actual Service beyond the Limits of the ſaid City, or Liberties thereof, or when their Service ſhall be prolonged, as is granted by the ſaid Act; and every Perſon having ſerved in the ſaid Militia when drawn out into actual Service, being a married Man, may ſet up and exerciſe any Trade in any Town or Place in *Great Britain*, as directed by the ſaid Act.

Married Militia Men may ſet up in any Part of *Great Britain*.

Act not to prejudice the Rights of the City.

XXXI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not diminiſh or be prejudicial to the Rights, Privileges, Immunities, and Exemptions, to which the Mayor and Commonalty, and Citizens of the City of *London*, or the Freemen, Citizens, or Inhabitants of the ſaid City, are entitled to enjoy by Preſcription, Act of Parliament, Charter, or Uſage; but the ſaid Mayor and Commonalty, and Citizens, and the Freemen, Citizens, and Inhabitants, of the ſaid City, ſhall and may continue to enjoy all and ſingular the ſaid Rights, Liberties, Uſages, Cuſtoms, Privileges, Immunities,

and Exemptions, in as full, ample, and beneficial a Manner, as if this Act had not been made.

His Majesty, in case of Invasion, &c. may order the Militia to be embodied, from which Time they shall be liable to the Mutiny Laws.

XXXII. And be it further enacted, That in all Cases of actual Invasion, or upon imminent Danger thereof, and in all Cases of Rebellion or Insurrection, it shall be lawful for His Majesty (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 the said Commissioners, with all convenient Speed, to draw out and embody the said Militia, or such Part as His Majesty shall in His Wisdom judge necessary, and in such Manner as shall be best adapted to the Circumstances of the Danger; and the Officers, Non-commissioned Officers, Drummers, Fifers, and Private Men, of the said Militia, shall from the Time of their being drawn out and embodied as aforesaid, and until they shall by His Majesty's Orders be disembodied, be subject and liable to all the Provisions contained in any Act of Parliament which shall be then in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters; and such Act shall be in Force with respect to the said Militia, and shall extend to all the Officers, Non-Commissioned Officers, Drummers, Fifers, and Private Men, in all Cases whatsoever.

When embodied, to be entitled to the same Pay as the other Forces, and if maimed, to *Chelsea Hospital*.

XXXIII. And be it further enacted, That from the Date of His Majesty's Warrant for drawing the said Militia into actual Service, the Officers, Non-commissioned Officers, and Private Men of the same shall be entitled to the same Pay as the Officers, Non-commissioned Officers, and Private Men of His Majesty's other Regiments of Foot receive, and no other; and if any Non-commissioned Officer or Private Man of the said Militia shall be maimed or wounded in actual Service, he shall be equally entitled to the Benefit of *Chelsea Hospital* with any Non-commissioned Officer or Private Man belonging to any of His Majesty's Forces.

His Majesty may put One Regiment under the Command of General Officers, &c.

XXXIV. And be it further enacted, That when the said Militia shall be drawn out and embodied as aforesaid, it shall be lawful for His Majesty to put One Regiment of the said Militia under the Command of such General Officers as His Majesty shall be pleased to appoint, and to direct the said Regiment to be led by its respective Officers into any Parts of this Kingdom, for repelling and Prevention of any such Invasion, and for the Suppression of any Rebellion or Insurrection within this Realm of *Great Britain*, not exceeding the Distance of Twelve Miles from the said City, or to the nearest Place of Encampment, and the other Regiment shall remain in the City of *London*, for the Defence of the said City, and the Suburbs thereof.

Militia, when disembodied, to be liable only to the Orders they were before drawn out.

XXXV. And be it further enacted, That when the said Militia, or Part thereof, having been so drawn out into actual Service as aforesaid, shall be again duly disembodied, and the Officers and Private Men thereof dismissed, to return to their several Places of Abode, the Officers, Non-commissioned Officers, Drummers, and Private Men, shall be subject to the same Orders, Directions, and Engagements only, as they were

were ſubject to under the Proviſions of this Act, before they were ſo drawn out into actual Service as aforeſaid.

How the Pay, &c. of the Militia is to be defrayed.

XXXVI. And be it further enacted, That for defraying the neceſſary Charges of Pay, Cloathing, Trophies, and other incidental Expences of the ſaid Militia, it ſhall be lawful for the ſaid Commiſſioners to continue to raiſe and levy in every Year, in Manner herein-before directed, the Proportion of One Month's Tax, amounting to Four thouſand ſix hundred and ſixty-ſix Pounds thirteen Shillings and Four pence, which the ſaid City hath been uſed to pay, by virtue of an Act, paſſed in the Thirteenth and Fourteenth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for ordering the Forces in the ſeveral Counties of the Kingdom*; and in Addition thereto the Receiver General of the Land Tax for the ſaid City ſhall and is hereby required to iſſue and pay annually, to the Treaſurer appointed by the ſaid Commiſſioners, ſo much Money as ſhall be neceſſary, in Aid of the Trophy Tax, towards the ſaid Expence of training, exerciſing, paying, and keeping in Readineſs, and other incidental Expences of the ſaid Militia; and the Receipt of the ſaid Treaſurer ſo appointed ſhall be a ſufficient Diſcharge to the ſaid Receiver General for the Money ſo to be iſſued and paid by him.

Commiſſions not to vacate Seats, nor Officer liable to ſerve as Sheriff.

XXXVII. And be it further enacted, That the Acceptance of a Commiſſion in the ſaid Militia ſhall not vacate the Seat of any Member returned to ſerve in Parliament; and that no Perſon being an Officer of the ſaid Militia ſhall be compelled to ſerve the Office of Sheriff.

Voters not puniſhable for going to Elections, &c.

XXXVIII. Provided always, and be it further enacted, That no Officer of the ſaid Militia, or a Private Militia Man of the ſaid Militia, ſhall be liable to any Penalty or Puniſhment 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.

Colonel to return State of the Regiment when called out to Annual Exerciſe, &c.

XXXIX. And be it further enacted, That the Colonel or other Commanding Officer of each Regiment ſhall, and is hereby required, as often as the ſaid Regiment ſhall be called out to Annual Exerciſe as before directed, to return to the ſaid Commiſſioners a true State of ſuch Regiment; and in caſe the Colonel or Commanding Officer of either or both Regiments ſhall refuſe or neglect, for the Space of Three Months after the ſaid Annual Exerciſe, ſo to do, he ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds.

Perſons ſerving in the Militia not liable to ſerve as Peace Officers, &c.

XL. And be it further enacted, That no Serjeant, Corporal, Drummer, or Fifer, of the ſaid Militia, nor any Private Man from the Time of his Inrollment until he ſhall be regularly diſcharged from the ſaid Militia, ſhall be compelled to ſerve as a Peace Officer or Pariſh Officer, or to ſerve in any of His Majeſty's Sea Forces.

When in actual Service, an Agent may be appointed.

XLI. And be it further enacted, That when the ſaid Militia ſhall be drawn out into actual Service, and during the Time they ſhall continue in actual Service, the ſaid Commiſſioners may appoint an Agent to the

the ſaid Militia, and the ſaid Commiſſioners ſhall take Security from ſuch Agent.

33 *Geo.* III, Cap. 8,

34 *Geo.* III, Cap. 47,

XLII. And be it further enacted, That every Clauſe, Proviſion, Matter, and Thing, contained in an Act of Parliament, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act to provide for the Families of Perſons choſen by Lot to ſerve in the Militia of this Kingdom, and of Subſtitutes ſerving therein; and to explain and amend an Act of Parliament, paſſed in the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled,* '*An Act for amending, and reducing into One Act of Par-*' *liament, the Laws relating to the Militia in that Part of* Great Britain ' *called* England;' and alſo in an Act, paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act to amend an Act, paſſed in the laſt Seſſion of Parliament, intituled,* '*An Act to provide for the Families* ' *of Perſons choſen by Lot to ſerve in the Militia of this Kingdom, and of* ' *Subſtitutes ſerving therein; and to explain and amend an Act of Parliament,* ' *paſſed in the Twenty-ſixth Year of His preſent Majeſty, intituled,* '*An Act* ' *for amending, and reducing into One Act of Parliament, the Laws relating* ' *to the Militia of that Part of* Great Britain *called* England;' and alſo an Act made in this preſent Seſſion of Parliament, intituled, *An Act for augmenting the Militia*, ſhall be deemed to extend to the Families of the ſaid Serjeants, Corporals, Drummers, Fifers, Subſtitutes, and Volunteers, of the ſaid Militia.

and 34 *Geo.* III, Cap. 16, to extend to this Act.

24 *Geo.* II, Cap. 44, to extend to the Commiſſioners and Aſſeſſors under this Act.

XLIII. And be it further enacted, That the Proviſions of an Act, paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the rendering Juſtices of the Peace more ſafe in the Execution of their Office; and for indemnifying Conſtables and others acting in Obedience to their Warrants*, ſhall extend to His Majeſty's ſaid Commiſſioners, and the Aſſeſſors acting in the Execution of this Act, or any other which relates to the ſaid Militia, in like Manner and as fully and effectually, as the ſame extend to Juſtices of the Peace acting in the Execution of their Office.

The Commiſſioners may order the Non-commiſſion Officers, with Officers, to be put under the Orders of the Magiſtrates, &c.

XLIV. And be it further enacted, That when the ſaid Militia ſhall not be embodied according to the Proviſions of this Act, it ſhall and may be lawful for the ſaid Commiſſioners, when and ſo often as it ſhall ſeem to them requiſite and neceſſary, to order the Serjeants and Corporals of the ſaid Two Regiments, or ſo many as to them may ſeem fit, to be put in Poſſeſſion of their Cloaths, Arms, and Accoutrements, and, with their proper Officers, or ſuch Officers as they ſhall appoint, to be kept in conſtant Readineſs to be put under the Orders of the Lord Mayor or other Magiſtrates of the ſaid City, who ſhall have Power and Authority to call out the Whole or any Part thereof for the Suppreſſion of Riots, or any other requiſite Duty for which they may be wanted, the ſaid Officers and Men, when ſo called out, to be ſubject to the ſame Penalties as are herein-before directed when the ſaid Militia ſhall be actually embodied; and the ſaid Commiſſioners may order the ſaid Serjeants and Corporals to be inſpected and exerciſed ſo often as they ſhall think proper and neceſſary.

Officers of the ſaid Militia to ſit on the Trial

XLV. And be it further enacted, That no Officer ſerving in the ſaid Militia ſhall ſit in any Court Martial upon the Trial of any Officer or

Soldier ſerving in any of His Majeſty's other Forces, other than Militia Forces; nor ſhall any Officer ſerving in any of His Majeſty's other Forces, other than the Militia Forces, ſit in any Court Martial upon the Trial of any Officer or Private Man ſerving in the ſaid Militia. of other Militia Officers only, and *vice verſa*.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, immediately after the paſſing this Act, to hold ſuch General Courts, and to iſſue ſuch Precepts for the Purpoſe of carrying this Act into Execution, in like Manner as is herein-before directed to be done at the Annual General Courts. After paſſing this Act, General Courts may be held, &c.

XLVII. And be it further enacted, That, from and after the paſſing of this Act, all Commiſſions heretofore granted by the ſaid Commiſſioners, in Conformity to their former Powers, ſhall ceaſe and become void. Commiſſions heretofore granted void.

XLVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, which ſhall exceed the Sum of Twenty Pounds, ſhall be recoverable by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Privilege, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and that all Fines, Penalties, and Forfeitures, by this Act impoſed, which ſhall not exceed the Sum of Twenty Pounds, ſhall, on Proof upon Oath of the Offence, before the Lord Mayor or other Magiſtrate of the ſaid City, or any Juſtice of the Peace of the County, Liberty, or Place, where the Offence ſhall be committed, be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the ſaid Lord Mayor, Magiſtrate, or other Juſtice, rendering the Overplus, (if any), on Demand, after deducting the Charges of ſuch Diſtreſs and Sale, to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs the ſaid Lord Mayor, Magiſtrate, or other Juſtice, is hereby required, in all Caſes when no particular Time of Commitment is herein-before directed, to commit ſuch Offender to the County Gaol where the Offence ſhall have been committed, for any Time not exceeding Three Months, and the Money ariſing by all ſuch Fines, Penalties, and Forfeitures, the Application whereof is not otherwiſe particularly directed by this Act, ſhall be paid to the Regimental Clerk of that Regiment where ſuch Offence ſhall have been committed, and ſhall be made Part of the Publick Stock of that Regiment. Recovery and Application of Fines.

XLIX. And be it further enacted, That if any Action ſhall be brought againſt any Perſon for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid in the County or Place where the Cauſe of Complaint did ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon; and if the Jury ſhall find for the Defendant or Defendants in any ſuch Action or Suit, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if on Demurrer Limitation of Actions. General Iſſue.

murrer 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 hath in other Caſes to recover Coſts by Law.

Treble Coſts.

Publick Act.

L. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.