ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XXXIV.

An Act for enabling the Magiſtrates, in the ſeveral Counties in *Great Britain*, to raiſe and levy, under certain Regulations, ſuch able-bodied and idle Perſons as ſhall be found within the ſaid Counties, to ſerve in His Majeſty's Navy. [28th *April* 1795.]

WHEREAS it is neceſſary that a Supply of Men be forthwith raiſed in the moſt ſpeedy and effectual Manner, within *Great Britain*, for the Service of the Navy; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, within and throughout the ſeveral and reſpective Counties, Ridings, Diviſions, Shires, Stewartries, Cities, Boroughs, Cinque Ports, Liberties, Pariſhes, Towns, and Places of *Great Britain*, a ſpeedy and effectual Levy of able-bodied Men, within the Deſcriptions herein-after mentioned, to ſerve His Majeſty in the Navy, ſhall be forthwith made and put in Execution, according to the Rules and Directions of this Act. Preamble. After the paſſing of this Act the Levy of Men to be made.

Juſtices, Mayors, &c. to put this Act in Execution.

II. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace of every County, Riding, Diviſion, Shire, or Stewartry, and the Mayors, Bailiffs, and other Magiſtrates, of every City, Borough, Town, Cinque Port, Liberty, or Place, within and throughout the Kingdom of *Great Britain*, ſhall be, and they are hereby authorized to put in Execution this Act, within the Limits of their reſpective Juriſdictions; and they are hereby ſtrictly enjoined and required to uſe their utmoſt Care and Diligence that His Majeſty's Service, in making ſuch Levies, be not neglected or diſappointed.

Admiralty to appoint Officers to approve or reject Men.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or the major Part of them, to conſtitute and appoint ſo many Officers to regulate the Admiſſion of Men, to be levied under the Authority of this Act, for His Majeſty's Service, as the ſaid Commiſſioners ſhall deem neceſſary, with Power and Authority to act in and for ſuch of the ſaid Diſtricts in this Act mentioned as the ſaid Commiſſioners ſhall deem expedient and ſhall appoint; who, being ſo appointed, ſhall have Authority to examine every Man intended to be entered in ſuch Service, and full Power of approving all ſuch Men, or, for juſt Cauſe to be alleged, of rejecting them, or any of them, and ſhall attend the Meetings of the ſeveral Juſtices of the Peace and Magiſtrates aforeſaid, aſſembled for the Purpoſe of putting this Act in Execution, or at ſuch Places reſpectively as ſhall be deemed moſt convenient for carrying this Act into Execution.

Clerks of the Peace, Town Clerks, Sheriffs Depute, &c. to give Notice of Firſt Meeting of Magiſtrates, which may be adjourned.

IV. And be it further enacted by the Authority aforeſaid, That within Thirty Days after the paſſing of this Act, the Clerk of the Peace or Town Clerk of every County, Riding, or Diviſion, in *England*, and the Sheriff Depute or Stewart Clerk of every Shire or Stewartry in *Scotland*, and the Clerk of the Peace, Town Clerk, or other Officer of every City, Borough, Town, Cinque Port, Liberty, or Place, in *Great Britain*, having Magiſtrates of itſelf, ſhall, by the Direction of any One of the ſaid Juſtices, Mayors, Bailiffs, or other Magiſtrates, within their reſpective Juriſdictions, give Notice of the Time and Place when and where the reſpective Juſtices of the Peace, or other Magiſtrates aforeſaid, ſhall firſt aſſemble in their reſpective Diſtricts, to put this Act into Execution, by publiſhing the ſame in ſome Newſpaper uſually circulated within the Juriſdictions of ſuch Juſtices or other Magiſtrates reſpectively; and the Juſtices of the Peace acting in and for any County, Riding, Diviſion, Shire, or Stewartry, ſhall, purſuant to ſuch Notice, aſſemble themſelves in their Subdiviſions, and in ſuch Diſtricts in which Juſtices have uſually held Petty Seſſions; and the Mayors, Bailiffs, or other Magiſtrates of any City, Borough, Cinque Port, Town, Liberty, or Place, ſhall alſo aſſemble themſelves within their reſpective Juriſdictions in like Manner; and ſuch Juſtices and Magiſtrates reſpectively ſhall have Power to adjourn from Time to Time as they ſhall find convenient; and the ſaid reſpective Juſtices and Magiſtrates, at the Firſt Petty Seſſions to be held by virtue of this Act, within their reſpective Juriſdictions, ſhall iſſue their reſpective Precepts to the High Conſtables, Headboroughs, or other proper Officers of the reſpective Hundreds, Rapes, Laths, Wapentakes, or other Subdiviſions, within the ſaid Counties, Ridings, Diviſions, Shires, or Stewartries, and to the Officers of the reſpective Wards, Conſtableries, and Diſtricts,

Juſtices, &c. to iſſue Precepts to High Conſtables, &c. to attend at the ſucceeding Seſſions.

Diſtricts, within the ſaid Cities, Boroughs, Towns, Cinque Ports, Liberties, or Places, requiring their Attendance at the next ſucceeding Seſſions, which Precepts ſhall contain an Account of the Time and Place appointed for the next ſucceeding Seſſions, and ſhall be returnable on a Day therein to be named; and the ſaid Juſtices and Magiſtrates aforeſaid, aſſembled at ſuch Firſt Meetings, ſhall alſo give Notice of the reſpective Places appointed for holding ſuch Seſſions to the Secretary of the Admiralty for the Time being, and ſhall from Time to Time cauſe to be affixed in ſome conſpicuous Part of every Houſe or Place of holding any ſuch Seſſions, the Time of holding the next ſucceeding Seſſions, Twenty four Hours at leaſt before the Time of holding the ſame, whereof the reſpective Officers to be appointed by the ſaid Commiſſioners of the Admiralty to attend this Service are required to take Notice; and ſuch Juſtices and other Magiſtrates may appoint a Clerk to attend their Meetings, and tranſact ſuch Buſineſs as ſhall belong to ſuch Clerks, by virtue of this Act, who ſhall reſpectively, as a Reward for his Labour and Pains in the Execution of this Act, receive from the Officer appointed to enter Men under this Act, for every Man ſo entered, the Sum of Two Shillings to be paid by the reſpective Officers who ſhall receive ſuch entered Men.

At Firſt Meetings Notice of ſucceeding Seſſions to be given to the Admiralty, &c.

Juſtices may appoint a Clerk, who ſhall receive 2s. for every Man entered.

V. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace and other Magiſtrates aforeſaid ſhall, and they are hereby authorized and required to levy and cauſe to be levied to ſerve His Majeſty, in the Navy of *Great Britain*, 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.

Juſtices to levy, to ſerve in the Navy, Perſons who follow no lawful Trade, &c.;

VI. And be it further enacted by the Authority aforeſaid, That the ſaid Juſtices and other Magiſtrates aforeſaid, ſhall be, and they are hereby reſpectively authorized and empowered to raiſe and levy, or cauſe to be raiſed and levied, to ſerve His Majeſty in the Navy, (according to the Rules and Regulations herein ſpecified for the raiſing and levying Men who exerciſe and follow no lawful Trade or Employment), all Men who ſhall have offended againſt any Law in force at the Time of paſſing this Act, by virtue whereof they ſhall be or be liable to be deemed or adjudged to be idle and diſorderly Perſons, or Rogues and Vagabonds, or incorrigible Rogues, and puniſhable as ſuch idle and diſorderly Perſons, or Rogues and Vagabonds, or incorrigible Rogues reſpectively, and alſo all Men who ſhall be adjudged to be guilty of illegal landing, running, unſhipping, concealing, receiving, or carrying, prohibited Goods, Wares, or Merchandizes, or any Foreign Goods liable to the Payment of the Duties of Cuſtoms or Exciſe, the ſame Duties not having been paid or ſecured, or of embezzling any Naval Stores, the Property of His Majeſty, or of aiding or aſſiſting in any of the Offences before mentioned; and all ſuch Perſons, being thereof convicted by virtue of any former Law now in force, ſhall be deemed to be within the Deſcription of this Act, and ſhall be dealt with according to the Directions of this Act, with reſpect to Perſons exerciſing and following no lawful Trade or Employment, within the Meaning of this Act, in lieu of ſuch Penalty, or any Puniſhment, to which ſuch Perſons may be liable by any Law now in force.

Or Offenders who ſhall be deemed idle Perſons, Rogues, or Vagabonds; alſo Smugglers, Embezzlers of Navy Stores, &c.

Juſtices at Petty Seſſions may iſſue Search Warrants.

VII. And be it further enacted, by the Authority aforeſaid, That the Juſtices of the Peace or other Magiſtrates aforeſaid, aſſembled together from Time to Time at a Petty Seſſions, within the Limits of their reſpective Juriſdictions, ſhall, as often as they ſee Occaſion, or as ſhall be requiſite for the Performance of this His Majeſty's Service, iſſue out their Warrants under their Hands and Seals, thereby requiring and commanding the Conſtables, Headboroughs, Tythingmen, Overſeers of the Poor, or other Peace or Pariſh Officers of every Hundred, Rape, Lathe, Wapentake, Pariſh, Town, and Hamlet, in their ſeveral Limits, every or any of them, (and who ſhall be aided or aſſiſted therein by ſufficient Men of the ſame Places) to make or cauſe to be made a general Search throughout their ſeveral and reſpective Limits, for all ſuch Men as they can find, who are, or ſhall appear to them to be, within any of the Deſcriptions of this Act, and to convey all ſuch Perſons before the Juſtices or other Magiſtrates acting in and for ſuch Diviſion or Place, at ſuch Time and Place as ſhall have been prefixed for their next and ſubſequent Meeting (and which Time and Place ſhall be expreſſed in the ſaid Warrants reſpectively); and moreover, every ſuch Juſtice of the Peace, or other Magiſtrate aforeſaid, ſhall and may, on receiving Information on Oath where any Man or Men, within any of the Deſcriptions of this Act, is or are to be found within his Juriſdiction, or upon receiving Information upon Oath of any ſuch Offence being committed as is hereinbefore deſcribed, iſſue his Warrant to any of the Conſtables or other Officers of ſuch Place, to ſearch for and apprehend ſuch Man or Men, and that all ſuch Men as ſhall be found and apprehended upon ſuch Searches they ſhall cauſe to be ſecured (in caſe it ſhall be neceſſary) in the Gaol or Houſe of Correction, or other proper Place of Security, of the County, Riding, Diviſion, Shire, Stewartry, City, Town, Cinque Port, Liberty, or Place where ſuch Perſons ſhall be apprehended, and with all convenient Speed brought before the Juſtices or other Magiſtrates aforeſaid of the ſame Diſtrict or Place within which he or they ſhall have been ſo apprehended, at the next Petty Seſſions to be held after ſuch Search, to be examined, and if the Juſtices or Magiſtrates aforeſaid ſhall adjudge the Perſon or Perſons ſo brought before them to be within any of the Deſcriptions of this Act, or ſhall adjudge him or them guilty of any ſuch Offence as aforeſaid, and the ſaid Juſtices or Magiſtrates, and the Officer or Officers who ſhall be appointed to regulate this His Majeſty's Service, ſhall judge ſuch Men to be of the Deſcriptions hereby intended to be entertained as Recruits for the Navy, then and in ſuch Caſe the ſaid Juſtices or Magiſtrates aforeſaid ſhall cauſe ſuch Perſons to be delivered over by the ſaid Conſtables, or other Peace or Pariſh Officers aforeſaid, to ſuch Officer or Officers as ſhall be appointed to regulate the Admiſſion of Men into the Navy, at ſuch Time and Place as ſuch Officer or Officers ſhall appoint, ſuch Officer or Officers giving a Receipt under his or their Hands, and paying to ſuch Conſtables or other Peace or Pariſh Officers aforeſaid, ſuch Sums of Money as are herein directed to be paid in reſpect of every Man ſo entered into the Navy; and every Man ſo delivered to and accepted by ſuch Officer or Officers to ſerve in His Majeſty's Navy ſhall be, and be deemed to be exempt and diſcharged from all Penalties or Puniſhment inflicted for any ſuch Offence by any Law in force at the Time of paſſing this Act.

Perſons apprehended to be ſecured, and brought before the Petty Seſſions, and if adjudged to be within the Meaning of this Act, and fit for the Navy, they ſhall be delivered to the Regulating Officer, &c.

Men accepted to be exempt from Penalties for Offences.

VIII. Pro-

None to be admitted but such as are free from Infirmity, and of a certain Age.

VIII. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be admitted into His Majesty's Service, 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 his Duty in the Navy, nor any Person who, in the Opinion of the Officer or Officers appointed by the said Commissioners of the Admiralty to regulate this Service, shall appear to be under the Age of Sixteen Years, or above the Age of Fifty Years.

Voters not obliged to serve.

IX. Provided also, and be it further enacted by the Authority aforesaid, That this Act, nor any Clause, Matter, or Thing herein contained, shall not extend to oblige any Person to enter into the Service of the Navy, who shall make it appear, to the Satisfaction of the Justices or Magistrates before whom such Person shall be produced, that he hath any Vote in the Election of any Member or Members to serve in Parliament for any County, City, Borough, Town, Cinque Port, or Place, within the Kingdom of *Great Britain*.

Justices to examine Persons, and direct such as shall be judged fit to be delivered to the Officers appointed to receive Men.

X. And be it further enacted by the Authority aforesaid, That the Justices or Magistrates aforesaid for executing this Act, who shall attend this Service at the Place or Places for examining Men in pursuance of this Act, shall strictly examine the Persons who shall be brought before them by the said Churchwardens, Overseers, Constables, Headboroughs, Tythingmen, or other Parish or Town Officers as aforesaid; and it shall and may be lawful to and for the Justices and Magistrates aforesaid, and they are hereby authorized to administer an Oath or Affirmation, as the Case may require, to each and every Person who shall appear and give Evidence touching any Person so brought before them in pursuance of this Act; and in case the Justices or Magistrates aforesaid, 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 any of the Descriptions herein mentioned, and the Officer or Officers who shall be appointed to receive such Men shall judge them to be fit Persons to be entertained in His Majesty's Naval Service, then and in such Case the Justices or Magistrates aforesaid 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 Men as aforesaid.

Justices may, on Request, appoint further Meetings, and if they find any Man not within the Description of this Act, they shall certify the same to the Admiralty, who shall cause the Man to be discharged.

XI. Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the Justices or Magistrates aforesaid, who shall have been present at any such Meeting, where any 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 to be notified to each of the Justices or Magistrates present as aforesaid, to appoint a further Meeting of the same Justices or Magistrates aforesaid, at which any other Justices or Magistrates may also attend, to be holden within Six Days after the making of such Demand, unless the Party appealing shall require a further reasonable Time, and if upon further and more certain Information the Justices or Magistrates, or the major Part of them, at such further Meeting, shall find that such Man

was

was not, at the Time of his being delivered over as aforeſaid, within any of the Deſcriptions of this Act, they are hereby required to certify the ſame, under their Hands and Seals, to the Secretary of the Admiralty, to be laid before the ſaid Commiſſioners of the Admiralty, who, on the Receipt of ſuch Certificate, ſhall cauſe the Man to be forthwith diſcharged; and the Regulating Officer ſhall, on ſuch Man receiving his Diſcharge as aforeſaid, cauſe to be paid to him the Sum of One Shilling for each Day he ſhall have been ſo detained in the Service as aforeſaid, over and above ſuch Subſiſtence as he may have received, and the Clerk appointed by the Juſtices or Magiſtrates 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 ſaid 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 Man was delivered over as aforeſaid, pay over, without Fee or Deduction, to the Perſons reſpectively entitled thereto, under the Directions of this Act, the ſeveral Sums depoſited in his Hands for that Purpoſe.

Regulating Officer to pay 1 s. *per* Day to Men ſo diſcharged, during Detention.

Clerk to repay Money paid by the Officer, &c.

Juſtices may adjourn Meetings if Officers do not attend, and may detain Perſons brought before them.

XII. And be it further enacted by the Authority aforeſaid, That if at any of the Meetings of the Juſtices or Magiſtrates aforeſaid, by this Act appointed, in any of their Subdiviſions or Diſtricts, they ſhall not be attended by ſome proper Officer appointed for the receiving of Men to be entered by virtue of this Act, either through Negligence or unavoidable Accident, then and in that Caſe it ſhall and may be lawful to and for the Juſtices or Magiſtrates aforeſaid to adjourn themſelves to ſome other convenient Day, and they are hereby authorized to give Directions for detaining in Cuſtody all ſuch Men as ſhall have been brought before them by the Civil or Pariſh Officers to be examined, or ſuch of them as they ſhall think duly qualified for His Majeſty's Service; and the Juſtices or Magiſtrates aforeſaid ſhall give Notice to any of the Regulating Officers attending on this Service, in the Diſtrict or Place where ſuch Meetings ſhall be held, of the Day of ſuch Adjournment, and the ſaid Officer is hereby required either to attend himſelf, or to appoint ſome other Perſon to attend ſuch Juſtices or Magiſtrates aforeſaid, and to receive ſuch Men as the Juſtices or Magiſtrates aforeſaid ſhall deem fit for His Majeſty's Service; and the Officers for receiving the ſaid Men ſhall pay to ſuch Perſon as the Juſtices or Magiſtrates aforeſaid ſhall appoint, Sixpence *per Diem* for the Subſiſtence of every ſuch Man, from the Day of the laſt Meeting of the Juſtices or Magiſtrates aforeſaid to the ſaid Day of Adjournment, together with ſuch Charges and Expences as ſhall appear to the Juſtices or Magiſtrates aforeſaid to have been incurred on Account of the detaining the ſaid Men from the Day of the former Meeting of the Juſtices or Magiſtrates aforeſaid to the Day of ſuch Second Meeting, not exceeding One Shilling *per Diem* for each Man ſo detained.

Notice of Adjournments to be given the Officer.

Officer to pay 6 *d. per Diem* for every Man for Subſiſtence to the Day of Adjournment, &c.

Men may be detained in Places of Security.

XIII. And be it further enacted by the Authority aforeſaid, That the Officer or Officers, and other Perſon or Perſons appointed to attend the Juſtices or Magiſtrates aforeſaid, and to receive ſuch Men as ſhall be entered in ſuch Service by virtue of this Act, ſhall, in caſe he or they ſhall find it neceſſary, detain ſuch Men in ſome ſecure Houſe or Place which may be provided by the Juſtices or Magiſtrates aforeſaid, aſſembled

at their Petty Seſſions, in purſuance of any Order or Orders in Writing under the Hands and Seals of any Two or more of them for that Purpoſe; but in caſe no ſuch Houſe or Place ſhall be provided, then in the Gaol of the County, Riding, Diviſion, Shire, Stewartry, City, Borough, Town, Cinque Port, Liberty, or Place, where ſuch Men ſhall be received into His Majeſty's Service, or in the Houſe of Correction, or other publick Priſon of ſuch County, Riding, Diviſion, Shire, Stewartry, City, Borough, Town, Cinque Port, Liberty, or Place, and the Keeper of ſuch Gaol, Houſe of Correction, or Priſon, ſhall receive and ſafely keep ſuch Men until they can be removed (without Fee or Reward); and ſuch Keeper ſhall be allowed the uſual Subſiſtence of ſuch Men during the Time they remain there, from the Officer by whom they ſhall be delivered as aforeſaid; and the Conſtables, Headboroughs, or other Civil Officers, ſhall, if required, be aſſiſting to ſuch Officer in conveying ſuch Man or Men to ſuch Gaol, Place, or Houſe of Correction, and ſhall be allowed ſuch reaſonable Sum or Sums as the major Part of the Juſtices or Magiſtrates preſent at the Meeting where ſuch Man or Men ſhall be levied ſhall appoint to be paid by the Officer or Officers who ſhall require ſuch Aſſiſtance.

Gaolers to receive Men without Fee, and to be allowed the uſual Subſiſtence.

Civil Officers to aſſiſt in conveying Men to Gaol, &c.

XIV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices or Magiſtrates aforeſaid, or any Two or more of them, to impoſe upon any Gaoler or Keeper of any 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 Offender's Goods and Chattels, rendering the Overplus (if any be) to the Owner or Owners, and to pay the ſaid Fine to the Informer or Informers.

Juſtices may fine Gaolers, Conſtables, &c. for Neglect.

XV. And be it further enacted by the Authority aforeſaid, That the Juſtices or Magiſtrates aforeſaid, or ſuch of them as ſhall be preſent at ſuch Meeting as aforeſaid, or any Two of them preſent, ſhall, and they are hereby required to certify under their Hands that ſuch Perſon or Perſons is or are duly entered into His Majeſty's Service, ſetting forth the Name and Pariſh or Place of Abode of him or them reſpectively, if known, and ſhall deliver ſuch Certificate, together with ſuch Men, to the ſaid Officers or Perſons appointed to receive them; and the Juſtices or Magiſtrates aforeſaid ſhall alſo 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 Men, 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 ſhall cauſe true Copies or Duplicates of ſuch Entries, atteſted by the Juſtices or Magiſtrates aforeſaid, or any Two or more of them, within Forty Days after the delivering ſuch Men as aforeſaid, to be tranſmitted into the Office of the Admiralty; and every Clerk, for every

Juſtices to deliver Certificates of Entry of Men to the Officer receiving them.

Names of Men, &c. to be entered in a Book, and Copies tranſmitted to the Admiralty.

Penalty on Clerks for Neglect in tranſmitting ſuch Copies.

Neglect or Default in not tranſmitting the Copy or Duplicate of any ſuch Entry into the Office of the Admiralty 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 One of the Courts of Record at *Weſtminſter*, of Great Seſſions in *Wales*, or the Court of Exchequer in *Scotland*.

Pariſh Officers to be paid 20*s.* for every Man entered, and Pariſhes where Men have gained Settlements a Sum on Account of their Wives and Families becoming chargeable, and the Officer 6*d. per Diem* while Men are in Cuſtody.

XVI. And be it further enacted by the Authority aforeſaid, That the ſeveral Officers who ſhall receive Men entered into His Majeſty's Service, in the Manner herein-before mentioned, ſhall pay to any Perſon appointed by the Juſtices or Magiſtrates aforeſaid to receive the ſame, 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 entered, and ſhall alſo pay for every ſuch 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 be 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 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 major Part of the Juſtices or Magiſtrates aforeſaid preſent at the Meeting when ſuch Perſon ſhall be entered, Regard being had to the Number of Children, or other particular Circumſtances of ſuch Perſon ſo entered, and ſhall alſo pay the Sum of Sixpence *per Diem* for keeping every ſuch Man who ſhall be ſo 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, and which Sum of Sixpence *per Diem* ſhall be deducted out of the Pay of ſuch Man; the ſaid Allowance of Twenty Shillings, and of Sixpence *per Diem*, in caſe of Diſpute, to be aſcertained and diſtributed to and amongſt the Churchwardens, Overſeers, Conſtables, Headboroughs, Tythingmen, and ſuch other Pariſh and Town Officers, or any of them, according to the Judgement and Diſcretion of the Juſtices or Magiſtrates aforeſaid, or the major Part of them then preſent; for all which Payments Receipts ſhall be given to ſuch Officer by the Perſon receiving the ſame, but which Receipt ſhall not be chargeable with any Stamp Duty.

Allowances, in caſe of Diſpute, to be ſettled by the Juſtices.

Juſtices may allot Part of Allowances to High Conſtables.

XVII. Provided always, and be it further enacted by the Authority aforeſaid, That the Juſtices or Magiſtrates aforeſaid, in their reſpective Diviſions, are hereby authorized and empowered, 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.

Clerks to be rewarded as the Treaſury ſhall direct.

XVIII. And be it further enacted, That the ſaid ſeveral Clerks of the Juſtices or Magiſtrates aforeſaid, provided the ſaid Copies or Duplicates be truly tranſmitted into the Office of the Admiralty as aforeſaid, ſhall have and receive, by the Hands of the Paymaſter of His Majeſty's Navy,

over and above the Sums herein-before directed to be paid, ſuch Rewards as the Commiſſioners of the Treaſury for the Time being, upon Conſideration of the Numbers of Men entered in the ſeveral Counties, Ridings, Diviſions, Shires, Stewartries, Cities, Boroughs, Towns, Cinque Ports, Liberties, or Places, by virtue of this Act, and the Pains and Charges of the ſeveral Clerks in this Service, ſhall judge the ſaid Clerks ſeverally and reſpectively to deſerve.

Pariſh Officers not to be allowed Expences in keeping Perſons diſcharged as not within the Deſcriptions of this Act; but for ſuch as are rejected by the Regulating Officer, to be paid 6 *d. per Diem.*

XIX. 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 Juſtices or Magiſtrates aforeſaid, and Officers, be it further enacted by the Authority aforeſaid, That if any Perſon being judged by the Juſtices or Magiſtrates aforeſaid not to be within any of the Deſcriptions of this Act, ſhall be by them diſcharged, the Officers of the Pariſh or Town ſhall be entitled to no Conſideration for their Expences in keeping ſuch Perſon; and if any Perſon, being judged by the Juſtices or Magiſtrates aforeſaid to be within the Deſcription of this Act, ſhall be rejected by the Regulating Officer, ſuch Officer ſhall pay to the Officers of the Pariſh or Town Sixpence *per Diem* for the whole Time that they ſhall have kept ſuch Perſon; and

Officer to ſpecify his Objections to Men, &c. and to tranſmit to the Admiralty Reaſons for Refuſal.

every Officer who ſhall object to any Perſon delivered to him by the Juſtices or Magiſtrates aforeſaid, ſhall ſpecify his Objection to ſuch Perſon, whether it be to his Age or bodily Diſability, and the Grounds of ſuch Objection ſhall be forthwith (as far as may be) enquired into by the Juſtices or Magiſtrates aforeſaid, and they ſhall proceed accordingly; and every Officer who ſhall refuſe or diſcharge any Perſon delivered to him by the Juſtices or Magiſtrates aforeſaid as fit to ſerve His Majeſty, within the Deſcription of this Act, ſhall, without Delay, tranſmit to the Secretary of the Admiralty his Reaſons for ſuch Refuſal or Diſcharge in Writing, ſigned by himſelf.

Commencement of Men's Pay.

XX. And be it further enacted by the Authority aforeſaid, That the Pay of every ſuch 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, deducting ſuch Sums of Money thereout as ſhall be paid by virtue of this Act for his Subſiſtence; and

Men entered not to be taken out of the Service but for a criminal Matter.

no Perſon ſo entered, in purſuance of this Act, ſhall be liable to be taken out of His Majeſty's Service by any Proceſs, other than by ſome criminal Proceſs, for ſome criminal Matter puniſhable by the known Laws of the Land.

Penalty for obſtructing the Execution of this Act.

XXI. 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 and pay any Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds, One Moiety thereof to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to the Uſe of the Informer or Informers; and all

Such Offences may be determined by Two Juſtices, &c.

and every ſuch Offences 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

have hereby Power to cauſe the ſaid Penalty to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any be) to the Owners, and if the Offender has no Goods and Chattels 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 Calendar Months, without Bail or Mainprize.

Inhabitants to aid in the Execution of Act.

XXII. And it is hereby further enacted by the Authority aforeſaid, That the Inhabitants of every Pariſh and Townſhip where any Perſon deſcribed as aforeſaid doth abide, or is to be found, (at the Inſtance of any One or more of the Juſtices or Magiſtrates aforeſaid, or of any Churchwarden, Overſeer of the Poor, or Conſtable of the ſame Pariſh or Townſhip), ſhall (not having a lawful or reaſonable Cauſe to the contrary) be aiding and aſſiſting in the Furtherance of His Majeſty's ſaid Service.

Reward to Perſons giving Information of able-bodied Men within the Deſcriptions of Act.

XXIII. 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 or Men fit to ſerve His Majeſty, within any of the Deſcriptions of this Act, ſo that he or they ſhall be apprehended and brought before the Juſtices or Magiſtrates aforeſaid, and ordered to be entered in His Majeſty's Service, ſuch Perſon, for every Man ſo diſcovered and entered, 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 hereby directed to pay to the Officers of the Pariſh or Town for every Man raiſed by virtue of this Act, and the Remainder only of ſuch Twenty Shillings ſhall in that Caſe be paid to ſuch Officers.

Limitation of Actions.

XXIV. 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 Calendar Months after the Offence committed, and ſhall be laid or brought in the County or Place where the Fact was committed, and not afterwards, or elſewhere; and ſuch Perſon or Perſons, ſued in any Court whatſoever, ſhall and may plead the General Iſſue of 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 or Judgement upon Demurrer paſs againſt him, the Defendant ſhall recover Treble Coſts, for which he ſhall have the like Remedy as in any Caſe where Coſts by the Law are given to Defendants.

General Iſſue.

Treble Coſts.

24 *Geo.* II. Cap. 44, ſo far as relates to rendering Juſtices more ſafe in the Execution of their Office, to extend to this Act.

XXV. And be it further enacted by the Authority aforeſaid, That the Statute made 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*, ſo far as the ſaid Act relates to the rendering the Juſtices more ſafe in the Execution of their Office, ſhall extend and be conſtrued to extend to the Juſtices or Magiſtrates aforeſaid, acting under the Authority or in the Execution of this

this Act; and no Action or Suit ſhall be had or commenced, or Writ iſſued out, or Copy of Writs ſerved upon any Peace Officer or Officers, or any other Perſon or Perſons, for any Thing done in the Execution of this Act, until Notice in Writing ſhall have been given to him or them, or left at his or their uſual Place of Abode by the Attorney for the Party commencing ſuch Action, or ſuing out or ſerving the Copy of the ſaid Writ, which ſaid Notice in Writing ſhall contain the Name and Place of Abode of the Perſon who is to bring ſuch Action, together with the Cauſe of Action or Complaint, and the Name and Place of Abode of the ſaid Attorney ſhall be under written or indorſed thereon; and ſuch Defendant or Defendants ſhall be at Liberty, and may, by virtue of this Act, at any Time within Fourteen Days after ſuch Notice, tender or cauſe to be tendered any Sum or Sums of Money as Amends for the Injury complained of to the Party complaining, or to the ſaid Attorney, and if the ſame is not accepted of, ſuch Defendant or Defendants may plead ſuch Tender in Bar of ſuch Action or Actions, together with the General Iſſue, or any other Plea, with Leave of the Court; and if upon Iſſue joined upon ſuch Tender the Jury ſhall find the Amends tendered to have been ſufficient, the ſaid Jury ſhall find a Verdict for the Defendant or Defendants, who ſhall, in ſuch Caſe, be entitled to his and their Treble Coſts.

No Action to be commenced till Notice be given.

Defendant may tender Amends, which may be pleaded.

Treble Coſts.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Action ſhall be brought againſt any Juſtice of the Peace or Magiſtrate aforeſaid, or other Officer employed in the Execution of this Act, in that Part of *Great Britain* called *Scotland*, the Perſon inſtituting ſuch Action ſhall, previous to the Commencement thereof, intimate by himſelf, or his Agent or Attorney, his ſaid Intention and Grounds of Complaint, ſo as that the Juſtices or Magiſtrates aforeſaid, or other Officers, may have Opportunity of making due Amends for the Injury intended to be proſecuted; and if the ſaid Juſtices or Magiſtrates aforeſaid, or other Officers, ſhall make it appear, to the Satisfaction of the Judge before whom the Action is brought, that ſuch due Amends were tendered and refuſed previous to the Commencement of the Action, the ſaid Judge ſhall give Decree for the Defender, who ſhall in ſuch Caſe be entitled to Treble Coſts of Suit.

Perſons inſtituting Actions in *Scotland* to give previous Notice, that Amends may be tendered, &c.

Treble Coſts.

XXVII. Provided always, and be it further enacted by the Authority aforeſaid, That where a Verdict ſhall be given for the Plaintiff in any Action to be brought againſt any Juſtice of the Peace or Magiſtrate aforeſaid, or any Peace Officer or other Perſon, for ſeizing, taking, impriſoning, or detaining ſuch Plaintiff in the Execution of this Act, under Colour of any Authority or Authorities hereby given, and it ſhall appear to the Judge or Court before whom the ſame ſhall be tried, that there was a probable Cauſe for doing the Act complained of in ſuch Action; and the ſaid Judge or Court ſhall certify on the Record that there was probable Cauſe as aforeſaid, then and in ſuch Caſe the Plaintiff ſhall not be entitled to more than Two-pence Damages, nor to any Coſts of Suit: Provided always, that where a Verdict ſhall be given for the Plaintiff in any ſuch Action as aforeſaid, and the Judge or Court before whom the Cauſe ſhall be tried ſhall certify on Record that the Injury for which ſuch Action was brought was wilfully and maliciouſly committed, the Plaintiff ſhall be entitled to Double Coſts of Suit.

Where there was a probable Cauſe for Act complained of, Plaintiff not entitled to Coſts;

but where the Injury was wilful, to have Double Coſts.

His Majesty may suspend or revive the Execution of this Act.

XXVIII. And be it further enacted, That when His Majesty shall be satisfied, by the said Returns of the Justices or Magistrates, or otherwise, that a sufficient Number of Men in the Whole shall be raised for His present Service, or for other sufficient Reasons, it shall be lawful for His Majesty to suspend or revive the Execution of this Act with respect to the Whole of *Great Britain*, or any Part thereof, by Proclamation or Order in Council, or other publick Notice, in the *London Gazette*, or by Notice from the Commissioners of the Admiralty for the Time being, any Thing herein contained to the contrary thereof notwithstanding: Provided also that His Majesty, when he shall judge it expedient for his Service, may at any Time suspend the Execution of this Act, in any Place in *Great Britain*, by Notice from the Secretary of the Admiralty; any Thing herein contained to the contrary thereof notwithstanding.

Three Justices, though not for the same Riding, may act within the Limits of *York* Castle.

XXIX. And, for the more easy and better putting this Act into Execution, be it enacted by the Authority aforesaid, That any Three or more of the Justices or Magistrates aforesaid, for putting this Act into 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.

Continuance of Act.

XXX. And be it further enacted by the Authority aforesaid, That this Act, and every Thing herein contained, shall be and contiue in force until the End of the next Session of Parliament, and no longer.

Entries of Men to be made in the Form annexed.

XXXI. And be it further enacted by the Authority aforesaid, That the several Entries which the Justices or Magistrates aforesaid, for executing this Act, are required to make of the Names and Descriptions of all Men levied by virtue of this Act, together with the other Particulars herein-before directed, shall be made according to the Form hereunto annexed.

Recruit's Name.	Parish.	Age.	Description of the Recruit.	Officer who received, or refused, the Recruit, and on what Day.	On what Grounds refused.

XXXII. And

XXXII. And be it further enacted, That the Forms of Proceeding relative to the ſeveral Matters in this Act, which are ſet forth and expreſſed in the Schedule hereunto annexed, ſhall be uſed upon all Occaſions, with ſuch Additions and Variations only as may be neceſſary to adapt them to the particular Exigencies of the Caſe, and that no Objection ſhall be made, or Advantage taken, for Want of Form in any ſuch Proceedings, by any Perſon or Perſons whomſoever. Forms of Proceedings in Schedule, to be uſed.

FINIS.