ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CIII.

An Act to raiſe and embody a Militia Force in that Part of the Kingdom of *Great Britain* called *Scotland*. [19th *July* 1797.]

WHEREAS it has been found, from Experience, that the well ordering and diſciplining the Militia in *England* and *Wales*, has eſſentially contributed to the Safety of the United Kingdom: And whereas it would further contribute to the ſame Purpoſe, and tend to repel any Attempt which the Enemies of this Country may make to effect a Deſcent upon this Kingdom, if a well ordered and diſciplined Militia were eſtabliſhed in that Part of the United Kingdom called *Scotland*: And whereas the Laws now in being for the Regulation of the Fencible Men, or Militia, in *Scotland*, are defective and ineffectual: 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 the ſeveral Lieutenants whom His Majeſty has already been pleaſed to conſtitute and appoint, or whom He hereafter may or ſhall from Time to Time be pleaſed to conſtitute and appoint, for the Counties, Stewartries, Cities, and Places, herein-after mentioned, ſhall have full Power and Authority, and are hereby required to call together, array, and cauſe to be trained and exerciſed, ſuch Perſons, and in ſuch Manner as is herein-after

Preamble.

The Lieutenants of Counties may call together, and cauſe to be trained, certain Perſons; and they, and the Deputy Lieutenants,

and Officers, may diſcipline them.

after directed; and the ſaid Lieutenants, and ſuch Perſons as they have appointed, or ſhall from Time to Time appoint, their Deputy Lieutenants, and alſo ſuch Perſons as His Majeſty ſhall from Time to Time appoint to ſerve as Colonels, Lieutenant Colonels, Majors, and ſuch Officers as ſhall be appointed by the Lieutenants of the Counties and Stewartries purſuant to the Directions of this Act, qualified as herein-after directed, ſhall have the Power and Authority to call out, train, diſcipline, and command, the Perſons ſo to be armed and arrayed, according to the Rules, Orders, and Directions, herein-after mentioned: Provided always, that the Lieutenant of every County, Stewartry, City, or Place, ſhall have the chief Command of the Militia thereof, whilſt they remain within the ſaid County, Stewartry, City, or Place, or whilſt they remain ſeparate and not incorporated into Battalions by His Majeſty's Commands, as herein-after directed.

Lieutenant to have the chief Command whilſt the Militia remains within the County, or whilſt not incorporated.

Mode of appointing the Officers to Companies, furniſhed by One or more than Two Counties;

II. And be it further enacted, That when any County or Stewartry ſhall furniſh Men ſufficient for One or more complete Company or Companies, the Captains, Lieutenants, and Enſigns, of ſuch Company or Companies ſhall be appointed by the Lieutenant of ſuch County; and where the Men ſo furniſhed ſhall not be ſufficient for a Company, the Lieutenant of the County furniſhing the greateſt Fractional Part of ſuch Company ſhall appoint the Captain; the Lieutenant of the County furniſhing the next moſt conſiderable Fractional Part ſhall appoint the Lieutenant; and the Lieutenant of the County furniſhing the next moſt conſiderable Fractional Part ſhall appoint the Enſign.

and where furniſhed by Two Counties.

III. And be it further enacted, That where the Men furniſhed by Two Counties only are required to form One Company, or the Fractional Part of a Company, the Lieutenant of the County furniſhing the largeſt Fractional Part of ſuch Company ſhall appoint the Captain; and the Lieutenant of the other County ſhall appoint the Lieutenant and Enſign.

Lieutenant to diſplace his Deputies or Officers when His Majeſty ſo pleaſes.

IV. And be it further enacted, That His Majeſty may from Time to Time ſignify His Pleaſure to His Lieutenant, to diſplace any Deputy Lieutenant or Commiſſioned Officers in the Militia appointed by the Lieutenant, and thereupon the Lieutenant ſhall diſplace ſuch Deputy Lieutenant or Officers accordingly.

Lieutenant to appoint a Clerk for General Meetings;

and Deputy Lieutenants One for Diſtricts.

V. And be it further enacted, That His Majeſty's Lieutenant for any County, Stewartry, or Place, may and ſhall appoint a Clerk for the General Meetings within ſuch County, Stewartry, or Place, and may diſplace ſuch Clerk if he ſhall think fit, and appoint another in his Room; and the Deputy Lieutenants, at their Firſt Meeting within their reſpective Subdiviſions or Diſtricts, or the major Part of them preſent, may and ſhall appoint a Clerk for their Subdiviſion or Diſtrict, and may, at any other Meeting within their Subdiviſion or Diſtrict, diſplace ſuch Clerk, if they, or the major Part of them preſent, ſhall think fit, and appoint another in his Room.

His Majeſty may authorize Three Deputies to act

VI. And be it further enacted, That when the Lieutenant of any County, Stewartry, City, or other Place, ſhall be out of the Kingdom of *Great Britain*, or when there ſhall be no Lieutenant, it ſhall be lawful

ful for His Majeſty to authorize any Three Deputy Lieutenants of ſuch County, Stewartry, City, or Place, to do all Acts, Matters, and Things, which might lawfully have been done by the ſaid Lieutenant; and the ſame ſhall be good and valid in the Law as if done by the ſaid Lieutenant himſelf. when the Lieutenant is out of the Kingdom, or when there ſhall be no Lieutenant.

VII. And be it further enacted, That no Commiſſion of any Deputy Lieutenant, nor any Commiſſion of any Officer of the Militia already granted, or to be granted by any Lieutenant, ſhall be vacated by reaſon of the Revocation, Expiration, or Diſcontinuance of the Commiſſion by which any ſuch Lieutenant was appointed. Revocation of the Lieutenant's Commiſſion not to vacate thoſe granted by him.

VIII. And be it further enacted, That the Officers ſo appointed for the Militia, to be armed and arrayed as herein-after directed, ſhall rank with the Officers of ſuch of His Majeſty's Forces as are liable to ſerve out of *Great Britain* as youngeſt of their Rank. Rank of the Officers.

IX. And be it further enacted, That all Perſons to be appointed Officers of Militia in purſuance of this Act (except within the City of *Edinburgh* and its Liberties) ſhall be qualified as follows; that is to ſay, every Perſon ſo to be appointed a Colonel or Lieutenant Colonel ſhall be poſſeſſed of an Eſtate in Property of Four hundred Pounds *Scots* valued Rent in *Scotland*, or ſhall be Heir Apparent of ſome Perſon who ſhall be poſſeſſed of an Eſtate of Four hundred Pounds *Scots* of valued Rent as aforeſaid; and each Perſon ſo to be appointed a Major or Captain ſhall be in like Manner poſſeſſed of an Eſtate of Three hundred Pounds *Scots* of valued Rent, or ſhall be Heir Apparent of ſome Perſon who ſhall be poſſeſſed of an Eſtate of Three hundred Pounds *Scots* of valued Rent as aforeſaid, or ſhall be a younger Son of ſome Perſon who ſhall be, or at the Time of his Death was in like Manner poſſeſſed of an Eſtate of Four hundred Pounds *Scots* of valued Rent as aforeſaid, or ſhall be poſſeſſed of a Perſonal Eſtate alone to the Amount of Two thouſand Pounds Sterling, or ſhall be Son of ſome Perſon who ſhall be, or at the Time of his Death was poſſeſſed of a Perſonal Eſtate alone to the Amount of Two thouſand Pounds Sterling; and that each Perſon ſo to be appointed a Lieutenant or Enſign ſhall be in like Manner poſſeſſed of an Eſtate of One hundred Pounds *Scots* of valued Rent, or ſhall be Son of ſome Perſon who ſhall be, or at the Time of his Death was in like Manner poſſeſſed of an Eſtate of Three hundred Pounds *Scots* of valued Rent as aforeſaid, or ſhall be poſſeſſed of a Perſonal Eſtate alone to the Amount of One thouſand Pounds Sterling, or ſhall be Son of ſome Perſon who ſhall be, or at the Time of his Death was poſſeſſed of a Perſonal Eſtate of One thouſand Pounds Sterling: Provided always, that One Moiety of ſuch Real Eſtates as aforeſaid, required as Qualifications for each Colonel, Lieutenant Colonel, Major, Captain, Lieutenant, and Enſign reſpectively, ſhall be ſituate or ariſing within ſuch reſpective County or Stewartry in which he ſhall be ſo appointed to ſerve. Qualification of Officers, except within *Edinburgh* and its Liberties.

X. Provided always, and be it further enacted, That if a ſufficient Number of Lieutenants and Enſigns cannot be found, qualified as aforeſaid, to accept of Commiſſions in the Militia to be raiſed, it ſhall be lawful for the ſaid Lieutenants to appoint for that Service ſuch a Number of the Officers in the Army, whether on Full or Half Pay, or of Perſons If qualified Perſons cannot be found, Officers in the Army, *&c.* may be appointed Subalterns.

ſons who have had Commiſſions in any of His Majeſty's Regular or Fencible Forces, or in any Volunteer Corps in *Scotland*, although not duly qualified as aforeſaid, ſuch Officers not to be appointed, on their Firſt Appointment, to any higher Rank in the ſaid Militia than they reſpectively have, or have had, in His Majeſty's other Regular, Fencible, or Volunteer Forces.

Officers before they act to leave their Qualifications with the Clerk of the Peace, to be entered on a Roll.

XI. And be it further enacted, That no Commiſſioned Officer ſhall act as ſuch until he ſhall have left with the Clerk of the Peace of the County or Stewartry for which he ſhall be ſo appointed, a ſpecific Deſcription of his Qualification, as is herein-before required, in Writing, ſigned by himſelf; and ſuch Clerk of the Peace ſhall enter the ſame upon a Roll to be kept for that Purpoſe; which Roll ſhall be open to the Inſpection of every Perſon at common and uſual Hours, without Fee, Gratuity, or Reward of any Kind.

Lieutenants, Deputies, and Officers, to take, within Six Months, the following Oath.

XII. And be it further enacted, That every Lieutenant and Deputy Lieutenant of the ſeveral Counties and Stewartries, and of the City of *Edinburgh*, and every Commiſſioned Officer of the ſaid Militia, ſhall, at ſome General Quarter Seſſions of the Peace, or before the Sheriff Depute or Subſtitute of the County for which they are appointed to ſerve, or before any of the Magiſtrates of *Edinburgh*, within Six Calendar Months after he ſhall have accepted his Commiſſion, take the following Oath:

Oath.

'I *A. B.* do ſolemnly promiſe and ſwear, That I will be faithful and bear true Allegiance to His Majeſty King *George*.

'So help me GOD.'

Penalty on Officers acting who are unqualified, or have not taken the Oath.

XIII. And be it enacted, That if any Perſon ſhall execute any of the Powers hereby conferred as Field Officers in the Militia, not being qualified as aforeſaid, or who ſhall not take the Oath aforeſaid, every ſuch Perſon ſhall forfeit and pay the Sum of Two hundred Pounds Sterling; and if any Perſon ſhall execute any of the Powers hereby conferred on Captains, not being qualified as aforeſaid, and ſhall not take the Oath aforeſaid, every ſuch Perſon ſhall forfeit and pay the Sum of One hundred Pounds Sterling, One Moiety whereof ſhall go to the Uſe of ſuch Perſon or Perſons who ſhall ſue for the ſame, and the other Moiety to the Uſes herein-after directed; and in every Action, Suit, or Information, brought againſt any Perſon for acting as a Commiſſioned Officer in the ſaid Militia, not being qualified as herein-before deſcribed, the Proof of his Qualification, or of his having taken the Oaths, ſhall be upon the Perſon againſt whom the ſaid Action ſhall be brought: Provided always, that nothing in this Act contained ſhall reſtrain or prevent any Peer of *Scotland*, or Heir Apparent of any ſuch Peer, from being appointed or acting as a Commiſſioned Officer in the Militia, within the County, Stewartry, City, or Place, wherein ſuch Peer, or Heir Apparent of ſuch Peer, ſhall have ſome Place of Reſidence, although he may not have the Qualification herein-before required, or to oblige any Peer of this Realm, or any Heir Apparent of ſuch Peer, who ſhall be appointed a Commiſſioned Officer as aforeſaid, to leave with the Clerk of the Peace for the County, Stewartry, City, or Place, for which he ſhall be appointed, any Qualification in Writing as aforeſaid, any Thing herein contained to the contrary notwithſtanding: Provided always, that any Officer may be promoted, on Account of Merit, in the ſaid Militia, when

Peers, or their Heirs Apparent, may act without being qualified.

Officers may be promoted by the Lieute-

when called out and assembled by the Lieutenant of any County, Stewartry, City, or Place, from a lower to a higher Commission, notwithstanding he should not have the Qualification requisite for his Admission into such higher Rank of the Militia; and that it shall be lawful for His Majesty, in the Case herein-after provided for, of judging it in His Wisdom expedient to incorporate together the Militia of several Counties, Stewartries, Cities, or Places, into One or more Battalions, to promote any Officers in the said different Militias to serve as Field Officers in such incorporated Battalions, on Account of Merit, though not having the Qualification necessary for such higher Rank.

nant for their Merit, though not qualified.

His Majesty may incorporate the Militia of several Counties, and promote Officers to be Field Officers therein on Account of Merit.

XIV. Provided also, and be it enacted, That the Acceptance of an Appointment to be a Lieutenant, Deputy Lieutenant, or of a Commission in the said Militia, shall not vacate the Seat of any Member returned to serve in Parliament, nor shall any such Acceptance or Appointment, or any such Commission, render any Person whatsoever ineligible to serve in Parliament; any Law, Usage, or Custom, to the contrary thereof notwithstanding.

Appointments in the Militia not to vacate Seats in Parliament.

XV. And be it further enacted, That the Number of private Men to be raised by virtue of this Act, shall be Six Thousand, to be apportioned and divided over the several Counties, Stewartries, Cities, and Places, as His Majesty by Order in Council shall direct.

Number of the Private Militia Men.

XVI. And be it further enacted, That the Method for carrying into Execution this Act, to be observed in the Year One thousand seven hundred and ninety-seven, shall be as followeth; that is to say, His Majesty's Lieutenant for each County, Stewartry, City, or Place, together with any Two or more Deputy Lieutenants, and on the Death or Removal, or in the Absence of His Majesty's Lieutenant, the Deputy Lieutenants, or any Three or more of them, shall meet at some Burgh or principal Town of the County, Stewartry, or Place, for which they shall be commissioned, on the First Day of *August*, and shall at their First General Meeting appoint Subdivisions or Districts of the Deputy Lieutenants, within their respective Counties, Stewartries, Boroughs, and Places, and the Times and Places for their First Meetings, within the said Subdivisions or Districts respectively, and the Time and Place for a Second General Meeting, and shall issue out their Orders to the Schoolmaster of each Parish, and to the Chief Constable, and where there is no Chief Constable to some other Officer of the several Districts, Parishes, or other Divisions, within their respective Counties, Stewartries, or Places, to require, by Orders under their Hands, the said Schoolmaster, Constable, or other Officer of each Parish or Place, within their respective Districts, Parishes, or other Divisions, to return to the Deputy Lieutenants, within their respective Subdivisions, at the Place and on the Day appointed at the said First General Meeting, fair and true Lists in Writing of all the Men usually and at that Time dwelling within their respective Parishes and Places, between the Ages of Nineteen and Twenty-three inclusive, distinguishing their respective Ranks and Occupations, and which of the Persons so returned labour under any Infirmities incapacitating them from serving as Militia Men, having first affixed a true Copy of such List on the Door of the Church belonging to such Parish or Place, on the *Sunday* Morning before they shall make such Return; and on the

Method of carrying the Act into Execution.

Day

Day and at the Place ſo reſpectively appointed as aforeſaid for the Returns of the Liſts, the ſaid Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants together with any One Juſtice of the Peace, or any One Deputy Lieutenant together with any Two Juſtices of the Peace and the Schoolmaſters of the Pariſhes within the ſaid Subdiviſion or Diſtrict, or ſuch of them as are able to attend, ſo aſſembled in their Subdiviſions or Diſtricts, ſhall (after hearing any Perſon who ſhall think himſelf aggrieved by having his Name inſerted in ſuch Liſts, or by any others being omitted) direct ſuch Liſts to be amended, as the Caſe ſhall require, and alſo the Names of all Perſons by this Act reſpectively excepted to be ſtruck out of the ſaid Liſts, and ſhall appoint the Times and Places for their Second Meetings, within their reſpective Subdiviſions, and ſhall return to the Second General Meeting all the Liſts for the ſeveral Pariſhes and Places ſo amended, at which ſaid Second General Meeting His Majeſty's Lieutenant, together with any Two or more Deputy Lieutenants, or in the Abſence of His Majeſty's ſaid Lieutenant, any Three or more Deputy Lieutenants, ſhall order Copies to be made of all the ſaid Liſts, and ſuch Copies to be returned to the Deputy Lieutenants at their Second Meeting within their Subdiviſions or Diſtricts, wherein the Pariſhes and Places for which ſuch Liſts are made and returned are reſpectively ſituated.

Lieutenant to tranſmit to the Privy Council a Liſt of the Men returned, to be divided over the Counties by Order in Council:

XVII. And be it further enacted, That the Lieutenant, or, failing of him, any Three or more Deputy Lieutenants aſſembled at their Second General Meeting, ſhall tranſmit to His Majeſty's Privy Council an Account in Writing, ſigned by him or them, of the true State of the Number of Perſons returned in the Liſts aforeſaid, on Receipt of which His Majeſty, by Order in Council, ſhall forthwith apportion and divide over the ſeveral Counties, Stewartries, Cities, and Places, the Number of Militia to ſerve for ſuch County, Stewartry, City, or Place, ſo as not to exceed the Number of Six thouſand Men over that Part of *Great Britain* called *Scotland*.

On Receipt of ſuch Order a Ballot to be had as herein directed.

XVIII. And be it further enacted, That the Lieutenant, or, failing of him, any Three or more Deputy Lieutenants, ſhall, upon Receipt of ſuch Order in Council, containing an Apportionment of the Number of Men to be raiſed in each County, Stewartry, City, or Place, tranſmit a Copy of ſuch Order to the Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Juſtice of the Peace, or any One Deputy Lieutenant, together with Two Juſtices of the Peace, aſſembled at their Second Meetings with ſuch Schoolmaſters as are able to attend, who ſhall proceed to ballot in Manner following, *videlicet*, the Names of all the Militia Men in each Pariſh, written or printed on diſtinct Pieces of Paper, being all as near as may be of equal Size, and rolled up in the ſame Manner, ſhall be put into a Box or other Veſſel, and ſhall there be ſhaken together, and then a Number of Names equal to the Number apportioned by the Order in Council aforeſaid, ſhall be drawn out and opened by the Perſon preſiding at the Meeting, which Names ſhall be entered in a Roll, and declared to be the Quota of Militia Men for the Pariſh, and ſhall, in like Manner, proceed to ballot for each Pariſh reſpectively within the ſaid Subdiviſion or Diſtrict, a Copy of which Roll or Rolls, ſubſcribed by the Perſon preſiding at the Meeting, ſhall within Three Days thereafter be tranſmitted to the Lieutenant, or, failing

failing him, to the Deputy Lieutenants authorized to act for him, and shall also be affixed by the Minister of each Parish to the Door of the Church the First *Sunday* thereafter.

Deputy Lieutenant to give Notice to the Persons ballotted to attend at a certain Time and Place.

XIX. And be it further enacted, That the Deputy Lieutenant of the said District, or other Person appointed by the Lord Lieutenant, shall give Notice in Writing by a Constable, or other Officer duly authorized by him, to the several Militia Men ballotted as aforesaid, by serving them personally, or by leaving the same at their usual Places of Abode, to attend at a certain Time and Place to be specified in the said Order; and also such Militia Men shall duly attend at the Time and Place so mentioned, and in Default thereof shall suffer the same Pains and Penalties as are in such Cases herein-after directed and imposed.

Persons ballotted, or Substitutes, to take the following Oath,

XX. And be it further enacted, That every Person so chosen by Ballot, or approved as a Substitute as is herein-after directed, shall take and subscribe the following Oath, to be administered by the Deputy Lieutenant, or other Person appointed by the Lord Lieutenant for that Purpose:

'I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to His Majesty King *George*, and that I will faithfully serve in the Militia, within that Part of *Great Britain* called *Scotland*, for the Defence of the same, during the present War, when called upon by His Majesty to do so, and for the Space of One Calendar Month after the End thereof.'

and to be inrolled.

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 such County, Stewartry, or City, as a Private Militia Man, during the present War, and for the Space of One Calendar Month after the End thereof: Provided always, that if any Person so chosen by Ballot shall produce a Substitute able and fit for Service, and who shall be approved by the said Deputy Lieutenants, or any Two or more of them, such Substitute being unmarried, and having no Children born in lawful Wedlock, so produced and approved, shall be enrolled to serve in the Militia of such County, Stewartry, City, or Place; and such Substitute shall take the Oath before mentioned; and if any Person so chosen by Ballot, and who shall have been enrolled in the said Militia, shall at any Time during the Continuance of this Act produce for his Substitute any Person of the Description before-mentioned, who shall be approved by the said Deputy Lieutenants, or any Two or more of them, it shall and may be lawful for the Commanding Officer of such Militia to cause such Substitute to be enrolled in lieu of the Person so chosen by Ballot, which Inrolment shall be made in the Manner herein-before directed; and upon the Inrolment of such Substitute as aforesaid, the Person so chosen by Ballot shall be entitled to his immediate Discharge.

Persons ballotted may find Substitutes, who, if approved, shall be enrolled and sworn.

Persons ballotted, and not appearing, &c. to forfeit 10*l.*; and if not paid, may be compelled to serve.

XXI. And be it further enacted, That if any Person chosen by Ballot, according to the Directions of this Act, (not being One of the People called *Quakers*), shall refuse or neglect to appear and take the said Oath, and serve in the Militia, or to provide a Substitute to be approved as aforesaid, who shall take the said Oath, and sign his Consent to serve as his Substitute, every such Person so refusing or neglecting shall forfeit and pay the Sum of Ten Pounds Sterling, and whenever any Ballot shall

take place in the ſame Pariſh or Place, under the Authority of this Act, be liable to ſerve again, or provide a Subſtitute, and in Default of Payment of ſuch Penalty, or for Want of ſufficient Effects whereon to levy the ſame, the Name of ſuch Perſon ſhall be entered upon the Roll for which he was ballotted, and ſhall be compelled to ſerve in like Manner as any other Perſon who ſhould be then ballotted for would be compellable to ſerve, and ſhall be ſubject to the ſame Puniſhments for afterwards abſconding or deſerting, as he would have been ſubject to in caſe he had appeared, and been duly ſworn and enrolled as a Militia Man.

Allowance to be made the Officers who carry the Act into Execution.

XXII. And be it further enacted, That the Schoolmaſter, or ſuch Conſtables and other Officers in each Pariſh as are employed in carrying this Act into Execution, ſhall have ſuch Allowance for their Trouble as the Sheriff Depute or Subſtitute of each County or Stewartry ſhall think reaſonable, certifying the ſame to the Lieutenant of the County, or Deputy Lieutenants of the Diſtrict.

Inhabitants of a Pariſh lying in Two Counties, to ſerve in that where in the Church is ſituate.

XXIII. And be it further enacted, That where any Pariſh ſhall lie in Two or more Counties or Stewartries, the Inhabitants of ſuch Pariſh ſhall ſerve in the Militia of that County or Stewartry wherein the Church belonging to ſuch Pariſh is ſituated, and that ſuch Pariſh ſhall, for all the Purpoſes of this Act, be deemed Part of the County or Stewartry.

Liſts for Two Places may be added together.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Deputy Lieutenants, or any Two or more of them, within their reſpective Diſtricts, to add together, whenever they ſhall think neceſſary, the Liſts for Two or more Pariſhes, and proceed upon ſuch Liſts added together in like Manner as if they had been originally returned for One Pariſh or Place, ſo as to make the Choice of Militia Men by Ballot, within every ſuch Diſtrict, as equal and impartial as poſſible.

Certain Perſons exempted from ſerving.

XXV. Provided always, That no Perſon ſerving as a Commiſſioned Officer in any Regiment, Troop, or Company, in His Majeſty's other Forces, or in any Corps of Volunteers raiſed by virtue of an Act, paſſed in the Thirty-fourth Year of His preſent Majeſty's Reign, intituled, *An Act for encouraging and diſciplining ſuch Corps or Companies of Men as ſhall voluntarily enrol themſelves for the Defence of their Counties, Towns, or Coaſts, or for the general Defence of the Kingdom, during the preſent War*, and who ſhall have been duly entered therein, on or before the paſſing of this Act, or in any One of His Majeſty's Caſtles or Forts, nor any Non-commiſſioned Officer or Private Man ſerving in any of His Majeſty's other Forces, or in any Volunteer or Yeomanry Corps, Troop, or Company whatever, provided he hath been duly entered therein on or before the paſſing of this Act, and provided he hath punctually attended at all ſuch Times and Places as may have been agreed upon for the Exerciſe of ſuch Corps, Troop, or Company, nor any of the Profeſſors in any of the Four Univerſities, nor any Miniſter, Clergyman, or Schoolmaſter, nor any Conſtable or other Peace Officer, nor any Perſon being and having been, on or before the paſſing of this Act, an articled Clerk, Apprentice, Seaman, or Seafaring Man, nor any Man having more than Two Children born in lawful Wedlock, ſhall be liable to ſerve perſonally, or provide a Subſtitute to ſerve in the Militia to be raiſed by virtue of this Act; but no Perſon who has ſerved in His Majeſty's Forces, or in any other

other Volunteer Corps before mentioned, and hath been discharged, or quitted the same, shall by such Service be exempted from serving, or providing a Substitute to serve, in the Militia to be raised by virtue of this Act, if he shall be chosen by Ballot.

Regulations respecting *Edinburgh* and its Liberties.

XXVI. And be it further enacted, That within the City and County of the City of *Edinburgh* and Liberties thereof, the Lieutenant thereof shall appoint Captains, Lieutenants, and Ensigns of Militia, whose Number and Rank shall be proportionable to the Number of Militia Men to be raised for the same; and all Powers and Provisions made by this Act, with respect to Counties and Stewartries, and the Modes and Times of summoning and balloting the Militia thereof, and recording the Qualification of Officers, shall take place and be in force with respect to the said City and its Militia; and the registering of Qualifications, and the Value of the Qualifications of the Officers to serve in such Militia, shall be as follows; every Field Officer shall be either Proprietor or possessed of Houses and other Property, within the said City and Liberties thereof, of the Yearly Value of One hundred Pounds Sterling, or shall be possessed of a Personal Estate, or Funds alone, or Proprietor or possessed of Real and Personal Estate and Funds together, to the Amount and Value of Two thousand Pounds Sterling; and every Captain shall be, in like Manner, Proprietor or possessed of Houses or other Property, within the said City and Liberties thereof, of the Yearly Value of Fifty Pounds Sterling, or shall be possessed of a Personal Estate, or Funds alone, or Proprietor or possessed of Real and Personal Estate and Funds together, to the Amount or Value of One thousand Pounds Sterling; and every Subaltern shall, in like Manner, be Proprietor or possessed of Houses or other Property, within the said City and Liberties thereof, of the Yearly Value of Fifteen Pounds Sterling, or shall be possessed of a Personal Estate, or Funds alone, or Proprietor or possessed of Real and Personal Estate and Funds together, to the Amount or Value of Three hundred Pounds Sterling: Saving always and reserving to the Royal College of Surgeons in *Edinburgh*, all Rights, Immunities, Privileges, and Exemptions, of which the said College may have been and still are in the lawful Possession, and the Benefit of any Act or Acts of Parliament passed heretofore in their Favour.

His Majesty may form the Militia as he shall think expedient.

XXVII. And be it enacted, That it shall be lawful for His Majesty to form the said Militia into such Regiments and Battalions, and to join such Counties, Stewartries, Cities, and other Places, together for that Purpose, as he shall think expedient, and in the Manner best adapted for the Defence of the United Kingdom, and to be commanded by such Officers as His Majesty shall think fit to appoint, qualified as herein-before directed.

Deputy Lieutenants and Justices may require the Attendance of Constables, &c. and may commit or fine them for Neglect of Duty.

XXVIII. And be it further enacted, That it shall be lawful for the Deputy Lieutenants and Justices of the Peace within any Subdivision or District, or any Two or more of them, One Deputy Lieutenant being One, from Time to Time to issue their Order or Warrant under their Hands and Seals, requiring the Attendance of the Constable, Borough Officer, or other Officer of any Parish or Place, within such Subdivision or District, at such Time and Place as in such Order or Warrant shall be expressed; and if any such Constable, Borough Officer, or other Officer, shall refuse

or

or neglect to appear according to such Order or Warrant, or shall refuse or neglect to return any such List as before directed, or to comply with such Order or Directions as he shall from Time to Time receive from the said Deputy Lieutenants and Justices of the Peace, or any Two or more of them, in pursuance of this Act, a Deputy Lieutenant always being One, or shall, in making such Return, be guilty of any Fraud, or wilful Partiality, or gross Neglect in his Duty, the said Deputy Lieutenants and Justices of the Peace, or any Two or more of them, are hereby empowered and required to commit the Person so offending to the Common Gaol, there to be kept for the Space of One Calendar Month, or, at their Discretion, to fine such Person in any Sum not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling.

Volunteers may be accepted as the Quota of a County.

XXIX. And be it further enacted, That, notwithstanding of this Act, if the Lieutenant, or any Three Deputy Lieutenants, of any County, Stewartry, City, or Place, shall, within the Space of Thirty Days from and after the First General Meeting appointed to be held under this Act, make a Return of a certain Number of able and sufficient Men, and out of such County, Stewartry, City, or Place, who are willing voluntarily to engage to serve together in a Company or Companies, Regiment, Battalion, or other Corps, under Officers appointed from such County, Stewartry, City, or Place, during the present War, and in that Part of *Great Britain* called *Scotland* only, then and in that Case such Volunteers shall be accepted in full or in part of such Quota as would otherwise by this Act be imposed on such County, Stewartry, City, or Place.

Persons balloted must serve, though they remove from the Places for which chosen, &c.

XXX. And be it further enacted, That every Person chosen by Ballot to serve in the Militia shall be liable to such Service although he may have removed from the Place where his Name was inserted in the List, provided he was residing in such Place at the Time when the List was, according to the Directions of this Act, prepared; and every Person liable to serve in the Militia, having more than One Place of Residence, shall serve for the County, Stewartry, City, or Place where his Name shall have been first inserted in such List as aforesaid; and the Clerk to the Subdivision or District Meeting, to which such List shall be returned, shall, if such Person requires the same, grant a Certificate, *gratis*, under his Hand, that such Person's Name was inserted in such List, and specifying the Time when such List was made and returned.

Substitutes may be provided for Quakers, and the Expence levied by Distress.

XXXI. And be it further enacted, That if any Person, being One of the People called *Quakers*, shall be chosen by Lot to serve in the Militia, and shall refuse or neglect to appear, and to take the Oath aforesaid, and to serve in the said Militia, or to provide a Substitute, to be approved of as aforesaid, who shall take the said Oath, and subscribe his Consent to serve as the Substitute of such Quaker, then, and in every such Case, any Three Deputy Lieutenants, or any Two Deputy Lieutenants together with any One Justice of the Peace, or any One Deputy Lieutenant together with any Two Justices of the Peace, shall, upon as reasonable Terms as may be, provide and hire a fit Person who shall take the said Oath, and subscribe his Consent to serve in the said Militia as the Substitute of such Quaker; and any Three Deputy Lieutenants, or any Two Deputy Lieutenants together with any One Justice of the Peace, or any One Deputy Lieutenant together with any Two Justices of the Peace, are hereby empowered

empowered and required to levy, by Diſtreſs and Sale of the Goods and Effects of ſuch Quaker, by Warrant under the Hands of any Three Deputy Lieutenants, or any Two Deputy Lieutenants together with any One Juſtice of the Peace, or any Deputy Lieutenant together with Two Juſtices of the Peace, ſuch Sum or Sums of Money as ſhall be neceſſary to defray the Expences of providing and hiring ſuch Perſon to ſerve in the Militia during the War, and for One Calendar Month thereafter, as the Subſtitute of ſuch Quaker ſo refuſing or neglecting as aforeſaid, rendering the Overplus (if any) after deducting the Charges of ſuch Diſtreſs and Sale, to ſuch Quaker upon whom ſuch Diſtreſs ſhall have been made as aforeſaid; and in caſe any Meaſures ſhall be uſed in making ſuch Diſtreſs as aforeſaid, which may be by any ſuch Quaker thought oppreſſive, it ſhall be lawful for ſuch Quaker to complain thereof to the Deputy Lieutenants and Juſtices of the Peace at their next Meeting, who are hereby empowered and required to hear and finally determine the ſame.

Quakers thinking themſelves oppreſſed may appeal.

XXXII. And be it enacted, That if any Servant whatever, hired by the Year or otherwiſe, ſhall be enrolled as a Militia Man, and any Diſpute ſhall ariſe between his Maſter or Miſtreſs, Employer or Employers, and ſuch Servant, touching any Sum or Sums of Money due to ſuch Servant for or on Account of his Service performed before the Time of ſuch Swearing and Inrolment, or to ſuch Time as, under the Condition of the ſaid Swearing and Inrolment, he ſhall be obliged to quit the Service of his ſaid Maſter or Miſtreſs, Employer or Employers, by being called out to join the Militia in which he ſhall have been ſo ſworn or enrolled, it ſhall and may be lawful, on Complaint made thereof, within Three Months from the Time of quitting the ſaid Service, to any Juſtice of the Peace for the County, Stewartry, City, or Place where ſuch Maſter or Miſtreſs, Employer or Employers, ſhall inhabit, for ſuch Juſtice to hear and determine every ſuch Complaint, and to examine upon Oath every ſuch Servant, or any other Witneſs or Witneſſes, touching the ſame, and to make ſuch Order for the Payment of ſo much Wages to ſuch Servant, in Proportion to the Service he has performed, as to ſuch Juſtice ſhall ſeem juſt and reaſonable, provided the Sum in Queſtion do not exceed the Sum of Twenty Pounds Sterling; and in caſe of Refuſal or Non-payment of any Sum ſo ordered, by the Space of Twenty-one Days next after ſuch Determination, ſuch Juſtice ſhall and may iſſue forth his and their Warrant to levy the ſame by Diſtreſs and Sale of the Goods and Effects of ſuch Maſter or Miſtreſs, Employer or Employers, rendering the Overplus to the Owner or Owners, after Payment of the Charges of ſuch Diſtreſs and Sale.

Juſtices may determine Diſputes between Servants inrolled as Militia Men and their Employers, reſpecting Wages.

XXXIII. And be it further enacted, That any Perſon who ſhall receive Money from any other Perſon to ſerve as his Subſtitute in the Militia, and ſhall neglect to appear at the Meeting appointed as aforeſaid for ſwearing the Militia Men, or before ſome One Deputy Lieutenant, in order to be ſworn according to the Directions of this Act, every ſuch Perſon ſo neglecting to appear and be ſworn, ſuch Neglect being proven before any Two Deputy Lieutenants or Juſtices of the Peace, by the Oath of One credible Witneſs, ſhall be obliged to return the Money to the Perſon or Perſons from whom he received it, and ſhall alſo forfeit and pay to ſuch Perſon or Perſons any Sum not exceeding Twenty Shillings

Subſtitutes who do not appear to be ſworn, to return the Bounty Money, and forfeit not exceeding 20 s. or be committed.

Shillings Sterling, at the Diſcretion of the Deputy Lieutenants or Juſtices of the Peace aforeſaid; and if ſuch Offender ſhall not immediately return the Money ſo by him received as aforeſaid, and likewiſe pay the ſaid Penalty, he ſhall be committed to the Common Gaol or Houſe of Correction, until the ſaid Sum ſhall be returned.

Inliſting of a Militia Man into His Majeſty's other Forces to be void.

Penalty on Men, ſo offering to inliſt, denying that they are Militia Men, &c.

XXXIV. And be it further enacted, That in caſe any Officer, Serjeant, or other Perſon, ſhall at any Time wilfully and knowingly inliſt any Man to ſerve in His Majeſty's other Forces, who at the Time of ſuch inliſting ſhall be called out and ſerving in the Militia, embodied and incorporated as aforeſaid by His Majeſty's Order, every ſuch inliſting ſhall be deemed null and void; and in caſe any Militia Man, at the Time of offering to inliſt as aforeſaid, ſhall deny to the Officer or Serjeant, or other Perſon recruiting for Men to inliſt and ſerve in His Majeſty's other Forces, that he is at the Time of his offering to inliſt a Militia Man then actually called out and ſerving in the Militia embodied and incorporated as aforeſaid (which the ſaid Officer, Serjeant, or other Perſon is hereby required to aſk every Man offering to inliſt in His Majeſty's other Forces), or ſhall offer himſelf to be enrolled and ſerve in any other Regiment, Battalion, or Independent Company of Militia, every Militia Man ſo offending ſhall, on Conviction thereof, upon the Oath of One Witneſs, before any One Juſtice of the Peace, be committed to the Common Gaol or Houſe of Correction, there to remain, without Bail, for and during any Time not exceeding Six Months, over and above any Penalty or Puniſhment to which ſuch Perſon ſo offending is or ſhall be otherwiſe liable; and every Perſon ſo offending, from the Day on which his Engagement to ſerve in the Militia ſhall end, and not ſooner, ſhall belong as a Soldier to ſuch Corps of His Majeſty's other Forces into which he ſhall have been ſo inliſted; and if any Officer, Serjeant, or other Perſon ſhall inliſt any Man belonging to the Militia to ſerve in His Majeſty's other Forces, knowing him to belong to the Militia, every ſuch Officer, Serjeant, or other Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds Sterling; and if any Perſon actually ſerving in any of His Majeſty's other Forces, ſhall offer himſelf to ſerve and be enrolled as a Subſtitute in the Militia, every Perſon ſo offending ſhall forfeit and pay, to the Perſon informing of ſuch Offence, the Sum of Ten Pounds Sterling, or be committed to the Common Gaol or Houſe of Correction for any Time not exceeding Three Months.

Penalty on Perſons knowingly inliſting Militia Men into other Regiments, and on Soldiers offering to ſerve as Subſtitutes in the Militia.

Penalty on Perſons ordering Serjeants, &c. of the Militia, to beat up for Volunteers;

and on the Serjeants, &c. for refuſing to declare who gave them Orders.

XXXV. And be it further enacted, That if any Perſon ſhall give Orders to any Serjeant, Drummer, or other Perſon ſerving in the Militia, to beat up in any City, Town or other Place, for Volunteers to ſerve in the Militia, the Perſon who ſhall give ſuch Orders ſhall, upon Proof thereof, and upon ſuch beating up as aforeſaid, upon Oath before any Juſtice of the Peace, forfeit and pay the Sum of Twenty Pounds Sterling, One Moiety whereof ſhall be applied to the Uſe of the Perſon who ſhall make Information thereof before any Juſtice of the Peace; and if ſuch Serjeant, Drummer, or other Perſon ſhall refuſe to declare upon Oath before ſuch Juſtice from whom he received ſuch Orders, it ſhall be lawful for ſuch Juſtice, and he is hereby required, by Warrant under his Hand and Seal, to commit ſuch Serjeant, Drummer, or other Perſon, to the Houſe of Correction for any Time not exceeding Three Months.

XXXVI. And

XXXVI. And be it further enacted, That the Clerks of all Subdiviſion or Diſtrict Meetings ſhall, within Fourteen Days after every Subdiviſion or Diſtrict Meeting, tranſmit to the Clerk of the General Meeting of the County, Stewartry, City, or Place, fair and true Copies of ſuch Rolls as ſhall be ſigned at ſuch Meeting.

Copies of Rolls, ſigned at Diſtrict Meetings, to be tranſmitted to the Clerk of the General Meeting.

XXXVII. And be it further enacted, That the Money ariſing by Penalties incurred for refuſing to ſerve in the Militia, or to find Subſtitutes to ſerve in their Room, ſhall be applied, by any Two or more Deputy Lieutenants, within their reſpective Subdiviſion or Diſtricts, in providing Subſtitutes for the Perſons who ſhall have paid ſuch Penalties, which Subſtitutes ſhall be ſworn in and enrolled to ſerve for the ſame Term, 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 Colonels or Commanding Officers of the reſpective Regiments, Battalions, or Independent Companies in which ſuch Perſons ought to have ſerved as Militia Men, and be applied as Part of the Regimental Stock.

Application of Penalties for refuſing to ſerve, &c.

XXXVIII. And be it further enacted, That in all Caſes, in the Execution of this Act, when any Matter or Thing is directed to be enquired of or examined into upon the Oath of any Witneſs or Witneſſes, before any Lieutenant of any County, Stewartry, City, or Place, or any Deputy Lieutenant or Lieutenants, or Juſtice or Juſtices of the Peace, any ſuch Lieutenant, Deputy Lieutenant or Lieutenants, or Juſtice or Juſtices of the Peace, is or are hereby authorized to adminiſter ſuch Oath to any Witneſs or Witneſſes; and all other Oaths to be taken in purſuance of this Act ſhall and may be reſpectively adminiſtered by any Lieutenant or Deputy Lieutenant.

County Lieutenants, &c. may adminiſter Oaths.

XXXIX. And be it further enacted, That in the ſeveral Counties, Stewartries, Cities, and Places, where the Number of Men is ſufficient, the Militia ſhall be formed into Regiments conſiſting of not more than Twelve, nor leſs than Eight Companies, of Eighty private Men to a Company at the moſt, and Sixty private Men at the leaſt; and the Field Officers of ſuch Regiments ſhall be as follows; (that is to ſay), One Colonel, One Lieutenant Colonel, and One Major; and where the Number of Militia Men ſhall amount to a Number under Eight, and not leſs than Five Companies, ſuch Militia ſhall be formed into a Battalion, and the Field Officers of ſuch Battalion ſhall be One Lieutenant Colonel and One Major only; and where the Number of private Men ſhall amount to any Number under Five, and not leſs than Three Companies, ſuch Militia ſhall be formed into a Battalion with One Lieutenant Colonel or Major, and no other Field Officer; and in each Regiment or Battalion of Militia there ſhall be One Captain, One Lieutenant, and One Enſign to each Company; Provided always, that it ſhall be lawful for every Battalion, conſiſting of Five Companies or upward, to have One Company of Grenadiers or Light Infantry, to which Two Lieutenants ſhall be appointed inſtead of One Lieutenant and One Enſign; and it ſhall be lawful for every Regiment, conſiſting of Eight Companies or upward, to have One Company of Grenadiers and One Company of Light Infantry; to each of which Companies Two Lieutenants ſhall be appointed inſtead of One Lieutenant and One Enſign.

The Militia, where ſufficient, to be formed into Regiments;

XL. And

and where not, into Independent Companies.

XL. And be it further enacted, That in the ſeveral Counties, Stewartries, Cities, and Places, where the Number of Militia Men ſhall not be ſufficient to form a Regiment or Battalion, according to the Intent and Meaning of this Act, the Militia of ſuch Counties, Stewartries, Cities, and Places, ſhall be formed into Independent Companies, each Company to conſiſt of Eighty private Men at the moſt, and Sixty private Men at the leaſt, with One Captain, One Lieutenant, and One Enſign, to each Company; and that His Majeſty may, whenever he thinks proper, join together any Number of ſuch Independent Companies, and form a Battalion or Battalions, or may incorporate them with any other Regiment or Battalion of Militia, provided the Number of Companies in any ſuch Regiment or Battalion be not thereby made to exceed the Number of Companies of which a Regiment or Battalion of Militia is herein-before directed to conſiſt.

His Majeſty may form Independent Companies into a Battalion, or incorporate them with other Regiments.

County Lieutenants may act as Commanding Officers of Regiments, &c.

XLI. And be it further enacted, That it ſhall be lawful for the Lieutenant of any County, Stewartry, City, or Place, to act as Colonel or Commanding Officer of any Regiment, Battalion, or Independent Company of Militia for ſuch County, Stewartry, City, or Place, for and during ſuch Time as there ſhall not be any Colonel or Commanding Officer appointed to ſuch Regiment, Battalion, or Independent Company; but no ſuch Lieutenant ſhall at any one Time act as Colonel or Commanding Officer to more than one Body of Militia, whether Regiment, Battalion, or Independent Company; and where the Lieutenant of any County, Stewartry, City, or Place, ſhall take the Command of any Body of Militia, not being by this Act deemed a Regiment, he ſhall be entitled to the Rank of Colonel, except when the ſaid Company ſhall be formed into Battalion as aforeſaid, but ſhall receive no greater Pay than the proper Commanding Officer of ſuch Body would be entitled to.

The ſenior Officer to be inveſted with the Powers of the Colonel during his Abſence from *Great Britain*.

XLII. And be it further enacted, That when any Colonel or other Commanding Officer of any Regiment, Battalion, or Independent Company, ſhall be abſent from *Great Britain*, all the Powers by this Act given to ſuch Colonel or other Commanding Officer ſhall be veſted in, and lawfully may be exerciſed by, the next Officer in Command in ſuch Regiment, Battalion, or Independent Company, who ſhall be reſiding within *Great Britain*, until ſuch Colonel or other Commanding Officer ſhall be returned to *Great Britain*, and ſhall have notified his Arrival to the Clerk of the Peace of the County, Stewartry, City, or Place, to which ſuch Regiment, Battalion, or Independent Company belongs, and the Clerk of the Peace is hereby required forthwith, upon Receipt of ſuch Notification, to tranſmit an Account thereof to the Officer who ſhall have been next in Command as aforeſaid; and all Acts, Matters, and Things, done by ſuch Officer next in Command as aforeſaid, in exerciſing the Powers given by this Act to Colonels and other Commanding Officers, ſhall be good and valid in the Law equally as if they had been done by the Colonel or Commanding Officer himſelf.

Adjutants to be appointed, who have ſerved, or ſhall ſerve, in the Army, and who ſhall preſerve their Rank.

XLIII. And be it further enacted, That the Colonel of each Regiment or Battalion of Militia incorporated as aforeſaid, ſhall appoint the Adjutant, who ſhall have ſerved, or ſhall at the Time of ſuch Appointment actually ſerve, in ſome of His Majeſty's other Forces, and who, during his Service in the ſaid Militia, ſhall preſerve his Rank in the Army in the ſame Manner as if he had continued in that Service.

XLIV. And

His Majesty may appoint Serjeants from the Army or *Chelsea Hospital.*

XLIV. And be it further enacted, That His Majesty, His Heirs and Successors, may and shall appoint, according to the Proportion of One Serjeant to Twenty Private Men, Two or more proper Persons to be Serjeants to every Company in the said Militia, out of and from His Majesty's other Forces, such Persons having served in the said Forces for the Space of Three Years next preceding their Appointment to be Serjeants as aforesaid, or may appoint such other Persons to be Serjeants as aforesaid, as have formerly served for the Space of Three Years in His Majesty's said Forces; and the Service in the Militia of such Persons so appointed out of His Majesty's said Forces shall entitle them to the Benefit of *Chelsea* Hospital, in the same Manner as if they had continued to serve in the said Forces; and every Person appointed to be a Serjeant as aforesaid, out of the Pensioners on the Establishment of *Chelsea* Hospital, shall be entitled to be put again upon the said Establishment, after he shall be discharged from the Service of the Militia, provided he brings a Certificate of his good Behaviour, under the Hand of the Colonel or Commanding Officer of the Regiment or Battalion in which he shall have served as aforesaid.

The Captain may appoint Drummers and Corporals to his Company, and, with the Approbation of the County Lieutenant, may fill up the Vacancies of Serjeants, *etc.*

XLV. And be it further enacted, That the Captain of every Company of Militia may and shall appoint Two Persons to be Drummers to his Company, and may and shall appoint Corporals out of the Private Men of his Company, in the Proportion of One Corporal to Twenty Private Men, and may displace such Drummers and Corporals respectively for Misbehaviour, and appoint others in their Room, from Time to Time, as he shall see Occasion, and may and shall appoint, with the Approbation of His Majesty's Lieutenant, Serjeants out of the Private Men of his Company, to fill up the Vacancies of Serjeants as may happen therein; and every such Appointment shall be deemed an actual Discharge of the Person so appointed from serving in the Militia as a Private Militia Man; and that it shall be lawful for the Colonel, or, in his Absence, for the Commanding Officer of any Battalion of Militia, to displace, upon the Application of the Captain, any Person so appointed a Serjeant out of the Private Militia Men.

No Publican to be a Serjeant.

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

Half Pay Officers serving as Subalterns, *etc.* may receive their Half Pay on taking the following

XLVII. And be it 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, Battalion Clerk, Paymaster, Quartermaster, or Surgeon, in any Regiment, Battalion, or Independent Company of 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 the 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, Battalion Clerk, Paymaſter, Quartermaſter, or Sur-'geon, [*as the Caſe may be*], for ſerving in a Regiment of Militia.'

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

Serjeants of *Chelſea Hoſpital* may receive their Allowance with their Pay.

What Service in the Militia ſhall entitle to a Recommendation to the *Chelſea* Penſion.

XLVIII. And be it further enacted, That any Perſon being a Serjeant on the Eſtabliſhment of *Chelſea* Hoſpital, at the Allowance of Twelve-pence a Day, and being appointed to ſerve in the Militia, ſhall and may receive the ſaid Allowance of Twelve pence a Day, together with his Pay from the ſaid Militia; and any Perſon who ſhall have faithfully ſerved as a Serjeant in the Militia for Fifteen Years, or as a Corporal or Drummer for Twenty Years, and who ſhall be diſcharged on Account of Age or Infirmity, ſhall, on the Recommendation of the Commanding Officer of the Regiment, Battalion, or Independent Company, to which he belongs, and the Lieutenant, and Two or more Deputy Lieutenants of the County, Stewartry, City, or Place, to which the ſaid Regiment, Battalion, or Independent Company belongs, or on the Death or Removal, or in the Abſence of the ſaid Lieutenant, by the Commanding Officer and Three or more Deputy Lieutenants of ſuch County, Stewartry, City, or Place, be entitled to Examination at the *Chelſea* Board, and be capable to be placed on the Penſion of Five-pence *per* Day, if the ſaid Board ſhall judge him deſerving thereof: Provided, that no Perſon who ſhall be appointed a Serjeant in the Militia after the paſſing of this Act, ſhall be entitled to ſuch Recompence, until he ſhall have ſerved in the Militia, or in the Army and Militia, for Twenty Years.

The Militia to be billetted, and Carriages provided on their March as for the Regular and Fencible Forces.

XLIX. And be it further enacted, That it ſhall be lawful for all Juſtices of the Peace, Provoſt, or other Chief Magiſtrate of Towns, and all other Officers having Juriſdiction in ſuch Matters, and they are hereby required to quarter and billet the Officers and Private Men ſerving in the Militia, and whilſt they ſhall continue to be embodied, in the ſame Way and Manner as His Majeſty's Regular and Fencible Forces are in uſe to be billetted and quartered in that Part of *Great Britain* called *Scotland*, and ſhall likewiſe be provided with Carriages on their March in the ſame Manner as the ſaid Regular and Fencible Forces are at preſent ſo furniſhed and provided in that Part of *Great Britain* called *Scotland*; and all Juſtices of the Peace and other Magiſtrates are hereby required to be aſſiſting therein, in the ſame Way and Manner as they are now in uſe to aſſiſt in providing Carriages and Horſes for His Majeſty's Forces upon their March.

If a Militia Man deſert and does not return, or is not taken in Three Months, another to be ballotted for.

L. And be it further enacted, That in caſe any Militia Man ſhall deſert, or abſent himſelf from his Duty, and ſhall not return or be taken within the Space of Three Months from the Time of his ſo deſerting or abſenting himſelf, then, upon Certificate thereof from the Commanding Officer of the Regiment, Battalion, or Independent Company, to the Deputy Lieutenants, at any of their Meetings for the Subdiviſion or Diſtrict for which ſuch Militia Man was enrolled, ſuch Deputy Lieutenants, or any Two or more of them, are hereby required to hold a Subdiviſion or Diſtrict Meeting, and to proceed to ballot for another Perſon to ſerve and be returned to ſuch Regiment, Battalion, or Independent

Independent Company, in the Room of every ſuch Militia Man; and in caſe ſuch Militia Man ſhall at any Time return or be taken, he ſhall, notwithſtanding any Perſon ſhall have been choſen in his Room, be compelled to ſerve in the ſame Manner, and for the ſame Term, as if no Perſon had been ſo choſen in his Room.

If ſuch Deſerter returns, or is taken, he ſhall ſerve though another be balloted.

LI. And be it further enacted, That all Muſkets delivered for the Service of the Militia ſhall be marked diſtinctly, in ſome viſible Place, with the Letter (M), and the Name of the County, Stewartry, City, or Place, to which they belong; and in caſe any Militia Man ſhall ſell, pawn, or loſe, any of his Arms, Cloaths, or Accoutrements, or neglect or refuſe to return the ſame in good Order to the Captain, or to the Perſon appointed to receive the ſame, every ſuch Militia Man ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Three Pounds Sterling; and if ſuch Militia Man ſhall not immediately pay ſuch Penalty, the Juſtice of the Peace before whom he ſhall be convicted ſhall commit him to the Houſe of Correction for any Time not exceeding Three Months, or until he ſhall have paid the ſaid Penalty.

Muſkets to be marked.

Penalty on Militia Men for ſelling, *etc.* Arms, Cloaths, or Accoutrements.

LII. And be it further enacted, That if any Perſon ſhall knowingly and willingly buy, take in exchange, conceal, or otherwiſe receive any Arms, Cloaths, or Accoutrements, belonging unto any Militia Man, upon any Account or Pretence whatſoever, contrary to the true Intent and Meaning of this Act, the Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Pounds Sterling; and if ſuch Offender ſhall not immediately pay ſuch Penalty, and ſhall not have ſufficient Goods or Effects whereon to levy ſuch Penalty, the Juſtice before whom he ſhall be convicted, ſhall commit him to the Common Gaol, there to remain, without Bail, for the Space of Three Months, or ſhall cauſe ſuch Offender to be publickly whipped, at the Diſcretion of ſuch Juſtice.

Penalty for buying, *etc.* Arms, Cloaths, or Accoutrements.

LIII. And be it further enacted, That any Serjeant or Corporal of the Militia may, by Sentence of a Court Martial, be reduced to the Condition of a Private Soldier of the Militia, to ſerve as ſuch during the War.

Serjeants or Corporals may be reduced to Privates.

LIV. And be it further enacted, That it ſhall be lawful for His Majeſty, by Order in Council, to embody and call out the ſaid Six thouſand Men, and put them under the Command of ſuch General Officers as He ſhall be pleaſed to appoint over them; and to direct them to be led by their reſpective Officers into any Parts of that Part of *Great Britain* called *Scotland*, for the preventing and repelling any Invaſion, and for the Suppreſſion of any Rebellion or Inſurrection there; and the Officers, Non-commiſſioned Officers, Drummers, and Private Men of the ſeveral Regiments, Battalions, and Independent Companies of the Militia, ſhall, from the Time of their being drawn out and embodied as aforeſaid, and until they ſhall be returned again by His Majeſty's Orders to their reſpective Pariſhes or Places of Abode, remain under the Command of ſuch General Officers; and during ſuch Time as aforeſaid, 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, ſhall be in force with reſpect to the Militia, and ſhall extend to all the Officers, Non-commiſſioned Officers, Drummers, and Private Men of the Militia, in all Caſes whatſoever.

His Majeſty may order the Militia to be embodied, and put under the Command of General Officers, and led into any Part of *Scotland* for preventing Invaſion, *etc.*

LV. Provided

Militia not to be ordered out of *Scotland*.

LV. Provided always, and be it further enacted; That neither the Whole, or any Part of the Militia directed by this Act to be raiſed and maintained, ſhall on any Account be carried or ordered to go out of that Part of *Great Britain* called *Scotland*.

Non-commiſſioned Officers and Privates (wounded in Service), entitled to *Chelſea* Penſion, and, if married, may ſet up in any Part of *Great Britain*.

LVI. And be it enacted, That if any Non-commiſſioned Officer of the Militia, or Private Militia Man, 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 Soldier belonging to His Majeſty's other Forces; and that every ſuch Perſon, having ſerved in the Militia when called out into actual Service, and being a married Man, may ſet up and exerciſe any Trade in any Town or Place within the Kingdom of *Great Britain*, without any Moleſtation for or by reaſon of the uſing ſuch Trade, in like Manner as any Perſon who has ſerved in His Majeſty's Navy, or as a Soldier in His regular Land Forces, may do.

County Lieutenant to iſſue Orders to the Chief Conſtable for the Attendance of Militia Men.

LVII. And be it further enacted, That the Lieutenant of every County, Stewartry, City, and Place, or on the Death or Removal of any ſuch Lieutenant, or in his Abſence from his County, Stewartry, City, or Place, any Three or more Deputy Lieutenants, to whom any ſuch Order as aforeſaid from His Majeſty ſhall be directed, ſhall iſſue his or their Order to the Chief Conſtable of the ſeveral Diviſions or Diſtricts, with Directions to forward the ſame immediately to the Conſtables or other Officers of the ſeveral Pariſhes and Places within their reſpective Diviſions and Diſtricts, and ſuch Conſtables or other Officers are hereby required, upon Receipt hereof, forthwith to cauſe Notice in Writing to be given to the ſeveral Militia Men, or left at their uſual Places of Abode, within their reſpective Pariſhes or Places, to attend at the Time and Place mentioned in ſuch Order; and if any Militia Men ſo ordered to be drawn out and embodied as aforeſaid (not labouring under any Infirmity incapacitating him to ſerve as a Militia Man) ſhall not appear and march in purſuance of ſuch Order, every ſuch Militia Man ſhall be liable to be apprehended and puniſhed as a Deſerter, according to the Proviſions of any Act which ſhall be then in Force for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; and if any Perſon ſhall harbour and conceal any Militia Man, when ordered out into actual Service, knowing him to be a Militia Man, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds Sterling.

Men not attending may be apprehended as Deſerters.

Penalty for harbouring Militia Men.

Colonel to appoint an Agent when the Militia is embodied, for whom he is to be reſponſible.

LVIII. And be it further enacted, That when the Militia Men ſhall be drawn out and embodied for actual Service, and incorporated by Command of His Majeſty as aforeſaid into a Regiment, Battalion, or other Corps, and during the Time they ſhall continue ſo embodied and incorporated, the Colonel, or, where there is no Colonel, the Commanding Officer of ſuch Regiment, Battalion, or Corps ſo embodied or incorporated as aforeſaid, ſhall and may appoint an Agent to ſuch Regiment, Battalion, or Corps, and ſhall take Security from ſuch Agent; and ſuch Colonel, and, where there is no Colonel, the Commanding Officer, ſhall be and is hereby made ſubject and liable to make good all Deficiencies that may happen from the ſaid Agent, or from himſelf, upon Account of the Pay, Cloathing, or publick Stock of ſuch Regiment, Battalion, or Corps.

LIX. And

When the Militia is ordered out, the Collector of the Ceſs to pay a Guinea for the Uſe of each Man to his Captain, to be laid out for his Uſe.

LIX. And be it further enacted, That when the Militia of any County, Stewartry, City, or Place, ſhall be ordered out into actual Service, the Collector of the Ceſs for ſuch County, Stewartry, City, or Place ſhall and is hereby required forthwith to pay, to the Captain or other Commanding Officer of every Company of Militia ſo ordered out, the Sum of One Guinea for the Uſe of every Private Militia Man belonging to his Company; and the ſaid Collector of the Ceſs ſhall alſo pay to every Captain and Commanding Officer of a Company as aforeſaid, the Sum of One Guinea for every Recruit, as early as may be after ſuch Recruit ſhall have joined his Company, while out in actual Service as aforeſaid; all which Money ſo paid by the ſaid Collector of the Ceſs ſhall be allowed to him in his Account; and the Money ſo received by any Captain or other Commanding Officer (or ſo much thereof as ſuch Captain or Commanding Officer ſhall think proper) ſhall be laid out in the Manner he ſhall think moſt advantageous for the reſpective Militia Men; and ſuch Captain and Commanding Officer ſhall, before any Militia Man of his Company receives his Diſcharge, account to ſuch Militia Man how the ſaid Sum of One Guinea hath been applied and diſpoſed of, and ſhall pay the Remainder of the Money, if any, to the ſaid Militia Man.

From the Day of aſſembling the Militia, the Officers and Privates entitled to the ſame Pay as the other Forces.

LX. And be it further enacted, That, from the Day appointed by the Lieutenant of every County, Stewartry, City, or Place, or on the Death or Removal of any ſuch Lieutenant, or in his Abſence from his County, Stewartry, City, or Place, any Three or more Deputy Lieutenants for the aſſembling of the Militia as aforeſaid, in purſuance of His Majeſty's Orders in Council, the Officers and Private Men of the Militia ſhall be entitled to the ſame Pay as the Officers and Private Men of His Majeſty's other Regiments of Foot receive, and no other.

Recovery and Application of Penalties, not particularly provided for.

LXI. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act impoſed, the Manner of Recovery whereof is not in this Act particularly provided for, ſhall, on Proof upon Oath of the Offence before any Juſtice of the Peace of the County, Stewartry, or Place, where the Offence ſhall be committed, be levied by Diſtreſs and Sale of the Offender's Goods and Effects, by Warrant under the Hand of ſuch Juſtice, rendering the Overplus, if any, on Demand, after deducting the Charges of ſuch Diſtreſs and Sale, to the Offender upon whom ſuch Diſtreſs ſhall have been made; and where the Goods and Effects of ſuch Offender ſhall not be ſufficient to anſwer ſuch Diſtreſs, ſuch Juſtice is hereby required to commit ſuch Offender to the Common Gaol of the County, Stewartry, City, or Place, where the Offence ſhall have been committed, for any Time not exceeding Three Months; and all Fines, Penalties, and Forfeitures, by this Act impoſed, the Application whereof is not otherwiſe particularly provided for, ſhall be paid to the Clerk of the Regiment, Battalion, or other Bodies of Militia, or, where there is no Clerk, the Commanding Officer of ſuch Regiment, Battalion, or other Bodies of Militia, of the reſpective Counties, Stewartries, Cities, or Places, and ſhall be made a common Stock in each County, Stewartry, City, or Place, wherein the ſame ſhall ſo ariſe, and the ſaid Clerk ſhall give a particular Account thereof, as it ſhall ariſe, to any Three Deputy Lieutenants, or to any Two Deputy Lieutenants, together with any One Juſtice of the Peace, or to any One Deputy Lieutenant, together with any One Juſtice of the Peace, at their

next Meeting within their ſeveral Subdiviſions; and the ſaid Deputy Lieutenants, or any Three of them, or any Two Deputy Lieutenants together with any One Juſtice of the Peace, or any One Deputy Lieutenant together with any Two Juſtices of the Peace, ſhall cauſe Butts to be erected in ſome convenient Place or Places, and ſhall direct the Clerk of the Regiment or Battalion to buy and provide, with ſome Part of the Money ſo ariſing, a proper Quantity of Gunpowder and Ball, to be uſed at proper Times by the Militia Men in ſhooting at Marks, and to apply and diſpoſe of ſuch other Part of the Money aforeſaid, as they ſhall think reaſonable, in ſome Prize or Prizes, to be given to ſuch Militia Man or Men as ſhall by the Commanding Officer then preſent be adjudged to be the beſt Markſman or Markſmen, and to apply the Reſidue thereof to other Contingencies relating to the Militia within ſuch Diviſion or Diſtrict; and that in all Caſes when any Perſon ſhall be committed to the County Gaol by virtue of this Act, he ſhall, during the Time of ſuch Commitment, be kept to hard Labour in ſuch County Gaol, or be fed upon Bread and Water.

Perſons committed to Gaol to be kept to hard Labour, *etc.*

LXII. And be it further enacted, That no Order made by any of His Majeſty's Lieutenants, or by any One or more Deputy Lieutenants, or by any Two Deputy Lieutenants together with any One Juſtice of the Peace, or by any One Deputy Lieutenant together with any Two Juſtices of the Peace, or by any Juſtice or Juſtices of the Peace, by virtue of this Act, ſhall be delayed or ſet aſide by Advocation or Suſpenſion.

No Order of His Majeſty's Lieutenants, *etc.* to be delayed by Advocation.

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

On Death of Lieutenant, his Deputies to act.

LXIV. And be it further enacted, That if any Action or Actions, Suit or Suits, ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Actions, Suit or Suits, ſhall be commenced within Six Calendar Months after the Fact committed, and not afterwards, and ſhall be laid in the County or Place where ſuch Action or Actions, Suit or Suits, did ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, to be brought, may deny the Libel, and give this Act and the Special Matter in Evidence; and if ſuch Action or Actions, Suit or Suits, ſhall be brought after the Time for bringing the ſame, or if the Defendant or Defendants ſhall be aſſoilzied in ſuch Action or Actions, or if the Purſuer or Purſuers ſhall be nonſuited, or diſcontinue his or their Action or Actions, Suit or Suits, after the Defendant ſhall have appeared, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes to recover Coſts by the Laws of *Scotland*.

Limitation of Actions.

LXV. Provided always, and be it further enacted, That it ſhall be lawful for His Majeſty, by Order in Council, to ſuſpend the Execution of this Act, either abſolutely, or for any limited Time, and ſo from Time to Time as His Majeſty ſhall ſee Occaſion, and to order and direct

His Majeſty in Council may ſuſpend the Execution of this Act.

rect that all Proceedings in the further Execution of this Act ſhall ceaſe, either abſolutely, or during ſuch Time as in any ſuch Order in Council ſhall be limited for that Purpoſe, and thereupon all ſuch further Proceedings ſhall ceaſe accordingly; any Thing in this Act contained to the contrary notwithſtanding.

LXVI. And be it further enacted, That this Act ſhall be and continue in Force during the preſent War, and for the Space of One Calendar Month after the End thereof. Continuance of Act.

FINIS.