ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XXXIX.

An Act to explain and amend an Act, made in this preſent Seſſion of Parliament, intituled, *An Act for raiſing a certain Number of Men in the ſeveral Counties, Stewartries, Royal Burghs, and Towns, in that Part of* Great Britain *called* Scotland, *for the Service of His Majeſty's Army and Navy.*

[27th *March* 1797.]

WHEREAS it is expedient that an Act, paſſed in the preſent Seſſion of Parliament, intituled, *An Act for raiſing a certain Number of Men in the ſeveral Counties, Stewartries, Royal Burghs, and Towns, in that Part of* Great Britain *called* Scotland, *for the Service of His Majeſty's Army and Navy*, ſhould be altered, explained, and amended: 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 ſo much of the ſaid Act, as directs One hundred and fifty-four Men to be levied for the County of *Aberdeen*, and Thirty-two Men for the City of *Aberdeen*, including the Pariſh of *Old Machar*, ſhall be and is hereby repealed.

Preamble. Act of preſent Seſſion, Cap. 5, recited;

and ſo much thereof as directs the Number of Men to be raiſed for the County and the City of *Aberdeen*, repealed.

Number of Men to be raiſed for the County and the City of *Aberdeen*.

II. And be it enacted, That for the County of *Aberdeen*, including the Whole of the Pariſh of *Old Machar*, there ſhall be levied One hundred and fifty-nine Men; and for the City of *Aberdeen* Twenty-ſeven Men.

If the City ſhall have delivered 32 Men, the Expence of Five to be refunded by the County.

III. And be it enacted, That in caſe the ſaid City of *Aberdeen* ſhall have raiſed Thirty-two Men as directed by the ſaid Act, and delivered them over to the Regulating Officer, Five of that Number ſhall be added to thoſe appointed to be raiſed by the ſaid County; and the ſaid County ſhall refund to the ſaid City the Expence incurred in raiſing the ſaid Five Men, to be calculated at the average Rate of the Expence of raiſing the ſaid Thirty-two Men, but not to exceed the Sum of Twenty-five Pounds Sterling for each Man.

So much of Act as relates to the Number of Men to be raiſed for *Melroſe* and *Newton* repealed, and another Apportionment made;

IV. And be it further enacted, That ſo much of the ſaid Act as directs Two Men to be levied for the Town of *Melroſe*, in the County of *Roxburgh*, and Two Men for the Town of *Newton*, in the County of *Wigton*, ſhall be and is hereby repealed; and that for the Town of *Melroſe*, and the Villages of *Danielton*, *Darnick*, *Bridgend*, *Gattenſide*, and *Newſted*, there ſhall be levied Two Men; and for the Town of *Newton Douglas* Two Men.

as alſo for *Jedburgh*;

V. And be it enacted, That ſo much of the ſaid Act as directs Five Men to be levied for the Town of *Jedburgh*, in the County of *Roxburgh*, ſhall be repealed; and that for the ſaid Town of *Jedburgh* there ſhall be levied Three Men, and that the remaining Two Men ſhall be levied for the ſaid County.

and *Thurſo*.

VI. And be it further enacted, That ſo much of the ſaid Act as impoſes the Number of Eight Men upon the Town of *Thurſo*, in the County of *Caithneſs*, ſhall be repealed; and that the Number of Three Men be raiſed by the ſaid Town of *Thurſo*, and the remaining Five by the ſaid County of *Caithneſs*.

Juſtices may ſeparate any Place from its Pariſh, and rate it as to them ſhall ſeem juſt.

VII. And whereas by the ſaid Act, the Truſtees or Magiſtrates reſpectively are authorized and required to divide and apportion Bounties, Fines, and Penalties, among the Inhabitants of any County or Place, in ſuch Manner and by ſuch Rule as to them ſhall ſeem moſt expedient, and as may render the Operation of the ſaid Act in ſuch Caſes as equal and impartial as poſſible; but Doubts having ariſen whether the Juſtices are authorized to apportion the Number of Men to be raiſed by each Pariſh otherwiſe than according to the Proportion which the Valuation of each Pariſh bears to the Valuation of the whole County; be it therefore enacted and declared, That the Juſtices of the Peace, when apportioning the Number of Men to be raiſed by each Pariſh, Town, Burgh, Village, or Place, if it ſhall appear to them, from the Liſts of inhabited Houſes or otherwiſe, that any Town, Burgh, Village, or Place, ſhould be rated with a greater Number of Men than according to the Valuation of the ſaid Pariſh, the Juſtices are hereby authorized to ſeparate the ſaid Burgh, Town, Village, or Place, from the Pariſh to which it belongs, and to apportion ſuch a Number of Men upon ſuch Burgh, Town, Pariſh, or Place, as to the ſaid Juſtices may ſeem juſt and reaſonable; and where the Juſtices have already acted in Manner aforeſaid,

aforeſaid, their Proceedings and Orders are hereby declared legal and valid.

Certificates to be delivered with Perſons inrolled to the Commanding Officers of the Regiments or Veſſels, who ſhall in a limited Time make out Tickets for Payment of Bounties remaining due, which ſhall be paid agreeably to Cap. 4 of the preſent Seſſion.

VIII. And be it enacted, That every Certificate granted to a Perſon inrolled in virtue of the ſaid Act, or a full and true Copy thereof, ſigned by the Regulating Officer, ſhall in all Caſes be tranſmitted along with the Perſon inrolled, and delivered to the Commanding Officer of the Regiment, Battalion, or Company, or of the Ship, Tender, or Veſſel of War in His Majeſty's Service, in which ſuch Perſon ſhall be inrolled or entered to ſerve; and ſuch Commanding Officer ſhall, within Four Days from the Time of ſuch Perſon being admitted into any Regiment, or before ſuch Volunteer ſhall be compelled to go out of the County for which he ſhall ſerve, or from the Time of ſuch Perſon's joining ſuch Regiment, which ſhall firſt happen, or from the Time of ſuch Perſon being muſtered and rated on board any ſuch Ship, Tender, or Veſſel, and before ſuch Ship or Veſſel ſhall proceed to Sea, as the Caſe may be, make out a Ticket or Tickets for the Payment of the Bounty Money agreed to be paid to ſuch Perſon on his engaging to ſerve, and then remaining due, and which ſhall be expreſſed in the Certificate granted in that Behalf, in ſuch Manner as if ſuch Bounty Money had become due to ſuch Perſon on Account of Arrears of Pay as a Private Man in ſuch Regiment, if ſuch Perſon ſhall enter into the Army, or on Account of Wages as a Landman or Seaman on board ſuch Ship or Veſſel, if ſuch Perſon ſhall enter into the Navy; and ſuch Bounty Money ſhall and may be paid to ſuch Perſon, or to his Family, in the Manner directed in reſpect of Men inrolled in *England*, by an Act paſſed in the preſent Seſſion of Parliament, intituled, *An Act for raiſing a certain Number of Men in the ſeveral Counties of* England, *for the Service of His Majeſty's Army and Navy*, and ſhall be reimburſed to the Perſon ſo paying the ſame, by the Collector of the Ceſs for the particular Shire, Stewartry, Burgh, or Town.

Time for which Perſons inrolled ſhall be liable to ſerve.

IX. And be it further enacted, That every Perſon inrolled by virtue of the ſaid firſt recited Act, and inliſted into any Regiment or Independant Company of His Majeſty's Army, ſhall be liable to ſerve therein during the Continuance of the preſent War, and for the Space of One Calendar Month after the End of the War, if the Regiment or Independant Company in which ſuch Perſon ſhall be ſerving ſhall be in *Great Britain*, or otherwiſe for the Space of One Calendar Month next after the Arrival of ſuch Regiment or Company in *Great Britain*; and that every ſuch Perſon entering into the Service of the Navy, ſhall be liable to ſerve therein during the Continuance of the preſent War, and for the Space of One Calendar Month after the End of the War, if the Ship on board which ſuch Perſon ſhall ſerve ſhall be in any of the Ports of *Great Britain*, or otherwiſe for the Space of One Calendar Month next after the Arrival of ſuch Ship in any ſuch Port.

Perſons inrolled accuſed of Capital Crimes, &c. to be delivered over to the Civil Magiſtrate.

X. Provided always, and be it further enacted, That if any Perſon inrolled in His Majeſty's Service, by virtue of the ſaid firſt recited Act, ſhall be accuſed of any Capital Crime, or of any Violence or Offence againſt the Perſon, Eſtate, or Property, of any of His Majeſty's Subjects, which is puniſhable by the known Laws of the Land, the Officer or Officers having the Command of ſuch Party, is and are hereby required to uſe his or their utmoſt Endeavours to deliver over ſuch accuſed Perſon to

the Civil Magiſtrate, and ſhall alſo be aiding and aſſiſting to the Officers of Juſtice in ſeizing and apprehending ſuch Offender, in order to bring him to Trial; and if any ſuch Officer ſhall wilfully neglect or refuſe, upon Application made to him for that Purpoſe, to deliver over ſuch accuſed Perſon to the Civil Magiſtrate, or to be aiding or aſſiſting to the Officers of Juſtice in apprehending ſuch Offender, every ſuch Officer ſo offending, and being thereof convicted before any Two or more Juſtices of the Peace of the County where the Fact is committed, by the Oath of Two creditable Witneſſes, ſhall be utterly diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majeſty's Service, provided the ſaid Conviction be affirmed at the next General Quarter Seſſions of the Peace for the ſaid County, and a Certificate thereof be tranſmitted to the Commiſſioners of the Treaſury for the Time being.

Penalty on Officers for refuſing to deliver them over.

XI. And be it enacted, That no Perſon who ſhall be inrolled in His Majeſty's Service, in virtue of the ſaid firſt recited Act, ſhall be liable to be taken out of His Majeſty's Service by any Proceſs whatever, other than by ſome criminal Proceſs for ſome criminal Matter, puniſhable by the known Laws of the Land.

Perſons inrolled not to be taken out of the Service but for a criminal Matter.

XII. And be it further enacted, That the ſeveral Forms of Enrolment and of the Return which the Juſtices of the Peace and other Officers are required to cauſe to be made and returned of the Number of Men levied for His Majeſty's Service, together with the other Particulars by the ſaid firſt recited and this Act directed, ſhall be made in the following Form:

Returns to be made in the following Form.

Names of Men inrolled.	Volunteers or Subſtitutes.	County or Burgh for which they ſerve.	Pariſhes they belong to.	Ages.	Sums paid to Volunteers or Subſtitutes.	Sums paid to the Collectors of the Cefs, and to whom.	Days on which they were inrolled and at what Places.

XIII. And be it further enacted, That if any Servant whatever, hired by the Year or otherwiſe, ſhall be inrolled, 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 Enrolment, or to ſuch Time as he ſhall be obliged to quit the Service of his ſaid Maſter, Miſtreſs, Employer or Employers, it ſhall and may be lawful, on Complaint

Juſtices may determine Diſputes between Maſters and Servants inrolled touching Wages, and may levy the Money by Diſtreſs.

Complaint made thereof to any Juſtice of the Peace for the County, City, Town, or Place, where ſuch Maſter, 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; and in caſe of Refuſal or Nonpayment of any Sums ſo ordered, by the Space of Seven Days next after ſuch Determination, ſuch Juſtice ſhall and may iſſue forth his Warrant to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Maſter or Miſtreſs, Employer or Employers, rendering the Overplus (if any) to the Owner or Owners after Payment of the Charges of ſuch Diſtreſs and Sale.

Proviſions of this and recited Act to apply to either.

XIV. And be it further enacted, That all and every the Proviſions of this Act, ſhall, in the Execution of the ſaid firſt recited Act paſſed in this preſent Seſſion of Parliament, be uſed and applied, and conſtrued in like Manner, as if the ſame Proviſions were ſpecially enacted in the ſaid Act; and all and every the Proviſions of the ſaid Act, (except in ſo far as hereby altered), ſhall, in the Execution of this Act, be uſed, applied, extended, and conſtrued in like Manner as if the ſame Proviſions were ſpecially enacted in this Act.

Act may be altered or repealed this Seſſion.

XV. Provided always, and be it further enacted, That this Act may be altered, varied, or repealed, by any Act or Acts to be made in this preſent Seſſion of Parliament.

FINIS.