ANNO TRICESIMO NONO

GEORGII III. REGIS.

****

CAP. LXII.

An Act to amend an Act made in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, and Two Acts made in the laſt Seſſion of Parliament, for raiſing a Militia Force in that Part of the Kingdom of *Great Britain* called *Scotland.*

[21ſt *June* 1799.]

WHEREAS by an Act, paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled, *An Act to raiſe and embody a Militia Force in that Part of the Kingdom of* Great Britain *called* Scotland, His Majeſty's Lieutenant for each County, Stewartry, City, or Place, within *Scotland,* was authorized, in Manner therein directed, to cauſe fair and true Liſts to be made out 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; from which Liſts, amended and returned as by the aforeſaid Act directed, the ſeveral Regiments of Militia now ſerving in *Scotland* have ſince been ballotted and embodied: And whereas the original Liſts are in ſeveral Places exhauſted, and in others reduced to ſo ſmall a Number as to bear hard upon ſuch Pariſhes and Places; and it is expedient and juſt that ſuch

Preamble. 37 Geo. III. Cap. 103.

such Persons as have since attained their Nineteenth Year should have their Names included in the Lists of Persons liable to serve in the Militia; and it has been found from Experience that the aforesaid Period is too limited: 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 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, on the First Day of *August* One thousand seven hundred and ninety-nine, meet at the same Borough or Principal Town of the County, Stewartry, or Place, where they hitherto have usually met for the Purposes of the Militia Acts, and shall in like Manner and Form, as directed by the aforesaid Act, proceed to issue Directions for making out fair and true Lists in Writing of all the Men usually and at that Time dwelling within their respective Parishes and Places, from and after the Age of Nineteen Years complete, and not exceeding the Age of Thirty Years complete; and such Lists, being afterwards amended as the Case may require, and in the same Mode, and under the same Regulations as is by the aforesaid Act prescribed, the said Lieutenant, or, failing of him, any Three or more Deputy Lieutenants, together with any One or more Justices of the Peace lawfully assembled in a General Meeting to be held for that Purpose, shall declare the said List so made up and amended to be the List of Persons liable to serve in the Militia, and shall cause 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, to be put into the Box or other Vessel, in which the Names of all Persons at present liable to serve in the Militia have been included, there to remain until a fresh Ballot shall take place in such Parish or Place, as prescribed and directed by the aforesaid Act.

His Majesty's Lieutenant, with Two or more Deputy Lieutenants, &c. to meet on *Aug.* 1, 1799, and direct Lists to be made out of Men from 19 to 30 Years of Age, and their Names to be put into a Box in which the Names of the Persons at present liable to serve are included, till a fresh Ballot shall take place.

II. And whereas it may sometimes happen, that Persons alleged to be liable, in pursuance of this present Act, to serve in the Militia, but entitled, on Account of Age or other special Ground of Exemption, to have their Names struck out of the Militia List, may, from Ignorance or excusable Neglect, fail to come forward in due Time to state the same to the Subdivision Meeting appointed for amending and making up such Lists, and thereby become liable to serve in the Militia, provide a Substitute, or pay the Penalty; be it enacted, That it shall be lawful for such Persons failing or neglecting as aforesaid, within Three Calendar Months from the Day on which such Subdivision Meeting aforesaid has been held, to state by Petition such Cause or Exemption to a General Meeting of Lieutenants and Justices of the County, Stewartry, City, or Place, who are hereby authorized and empowered, if they shall see Cause, to order the Name of such Person to be struck out of the Militia List, and his Name to be taken out of the Ballot Box: Provided always, That the said Lieutenants or Justices, assembled as aforesaid, shall be empowered, and they are hereby authorized and empowered, at the same

Persons from Ignorance not claiming Exemption at the Subdivision Meeting, may, within Three Months, apply to a General Meeting, who may order their Names to be struck out of the List, but may fine them, &c.

ſame Time that they ſhall allow ſuch Cauſe of Exemption, to impoſe and levy from ſuch Perſon ſuch Fine as they may judge, upon the whole Circumſtance of the Caſe, adequate to the Neglect of the Individual, ſuch Fine in no Caſe to exceed the Sum of Ten Pounds Sterling; which Sum the ſaid General Meeting are hereby authorized and directed to apply to the Purpoſe of providing Subſtitutes, in like Manner as they are directed by this and the other Militia Acts to apply the Penalties of Perſons ballotted, but refuſing to ſerve or provide a Subſtitute: Provided alſo, That no ſuch Perſon ſhall have his Name ſtruck out of the ſaid Liſt, or taken from the Ballot Box, until he ſhall have paid into the Hands of the Clerk of the ſaid Meeting the Fine awarded againſt him.

The General Meeting to order their Clerk to make up an Account of Penalties, and direct the Amount to be applied in providing Subſtitutes; and where inſufficient to provide the Whole, they ſhall allot thoſe provided, and direct a Ballot by the Pariſhes they ſhall declare liable for the Deficiencies.

III. And whereas it has been found from Experience, that the Penalty of Ten Pounds Sterling, directed to be paid by Perſons ballotted, but refuſing to ſerve, or to find Subſtitutes in their Room, has proved inſufficient to enable the Deputy Lieutenants to provide Subſtitutes for them and Doubts have ariſen in that Caſe as to the Mode of applying and accounting for the ſaid Penalties; be it therefore enacted, That the ſaid Lieutenant, Deputy Lieutenants, and Juſtices, aſſembled at a General Meeting held in purſuance of this or any other of the Acts now in Force reſpecting the Militia, ſhall order the Clerk of the ſaid Meeting to make up an Account of all the Penalties incurred within the ſaid County, Stewartry, City, or Place, and ſhall direct the Amount of the ſame to be forthwith, and as quickly as poſſible, applied in providing (ſo far as it will go), Subſtitutes to ſerve in the Militia; and where the total Amount of ſuch Penalties ſhall be found inadequate to the Purpoſe of providing the full Number of Subſtitutes required, it ſhall be lawful for the ſaid General Meeting, and they are hereby authorized and empowered to allot the ſaid Subſtitutes ſo provided to the ſeveral deficient Pariſhes from which the aforeſaid Penalties ariſe, as far as poſſible, and that either by ballotting which of the ſaid Pariſhes ſhall be relieved by the Allotment of the ſaid Subſtitutes, or in ſuch other Mode as ſhall appear to the ſaid General Meeting juſt and equitable, and beſt calculated for laying the Burthen of providing the remaining Number of Men ſtill deficient as equally as poſſible over the ſaid Pariſhes, and ſhall proceed to order and direct a Ballot to be held in the ſame Manner and Form as preſcribed by the ſaid Acts, by ſuch Pariſhes as they ſhall declare or appoint to remain ſtill liable to make good the Deficiencies: Provided always, That the Commanding Officers of the reſpective Regiments of Militia ſhall be, and they are hereby empowered, at the End of every Three Months from and after the Firſt Day of *Auguſt* One thouſand ſeven hundred and ninety-nine, if neceſſary, to require, by written Notice ſent to the Clerk of the General Meetings for each County, Stewartry, City, or Place, furniſhing Militia Men to ſuch Regiment, a General or Subdiviſion Meeting to be called and held, as the Caſe may render neceſſary, for the Purpoſe of ſupplying the Number of Men ſtill deficient, from ſuch County, Stewartry, City, or Place, and the ſaid Lieutenant, Deputy Lieutenants, or Juſtices, ſhall, and they are hereby required, within Ten Days after the Receipt of ſuch Notice,

Commanding Officers of Militia Regiments may, every Three Months, require a General or Subdiviſion Meeting to be called for ſupplying deficient Men, which ſhall be held within 10 Days.

to

to hold such General or Subdivision Meeting for the Purpose aforesaid, in order that the full Number of Militia due by such County, Stewartry, City, or Place, may be furnished to the said Regiment as speedily as possible:

Quakers drawn a Second Time by Ballot, on Payment of a further Penalty of 5 *l.* may be for ever relieved from serving in the Militia.

IV. And whereas by the said Act passed in the Thirty-seventh Year of the Reign of His present Majesty, it is enacted, That every Person chosen by Ballot according to the Directions of the said Act (not being One of the People called *Quakers*) refusing or neglecting to appear to take the Oath and serve in the Militia, or to provide a Substitute, shall forfeit and pay the Sum of Ten Pounds Sterling, and whenever any Ballot shall take place in the same Parish or Place, 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 balloted, and he 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: Be it enacted, That whenever any such Person shall have his Name drawn a Second Time on any Ballot, it shall be in his Power in place of serving personally or providing a Substitute, on Payment of a further Penalty of Five Pounds Sterling, to have his Name struck out of the List of Militia Men altogether, and be for ever relieved from serving in the Militia; which further Penalty shall be recovered and applied by the Lord Lieutenant, Deputy Lieutenants, and Justices, in like Manner as all other Penalties are directed to be recovered and applied by the present or any other Act of Parliament relative to the Militia.

No Notices to Militia Men to attend, to extend beyond 14 Days from the Ballot; and all Men failing to attend, to forfeit their Pay till joining the Regiment, and may be seized as Deserters.

V. And whereas it has in some Instances been the Practice of the Deputy Lieutenants, or other Persons authorized by the Lord Lieutenant, to indulge the several Militia Men ballotted to serve with a longer Leave of Absence than is necessary; be it therefore enacted, That, from and after the passing of this Act, no Notice served upon any Militia Man ballotted as aforesaid to attend at the Time and Place specified in the said Order, as directed by the Acts now in Force relative to the Militia, shall extend beyond Fourteen Days from the Date of such Ballot; and all Militia Men failing to attend at such Time and Place so specified, shall, over and above the other Pains and Penalties already imposed in such Cases, forfeit the Pay due from the Day of their being so ballotted till the Day on which they shall actually join the Regiment to which they belong, and be liable to be seized and punished as Deserters: Provided also,

Clerk of the Meeting to send to the Commanding Officer the Names of the Men ballotted to serve in the Regiment, &c. on Penalty of 20 *l.*

That the Clerk of such General or Subdivision Meeting, at which such Men shall have been ballotted, shall forthwith transmit to the Commanding Officer of the Regiment for which any Militia Man is ballotted to serve, a Note of the Name of each Militia Man, the Day on which he has been ballotted, and that on which he has been ordered to attend; and every Clerk refusing or wilfully neglecting to transmit such Notice as aforesaid, shall be liable to a Penalty of Twenty Pounds Sterling,

Sterling, to be recovered in like Manner as any other Penalties are directed to be recovered by the ſaid recited Act.

Allowances to Schoolmaſters, and others employed in the Execution of the Militia Acts, to be ſubmitted to the Barons of Exchequer in *Scotland*, who may grant a Warrant for Payment.

VI. And be it further enacted, That all Allowances for the Trouble of any Schoolmaſter, Conſtable, Clerk, or other Officer employed in the Execution of the Militia Acts, ſhall, beſides being previouſly certified by the Sheriff, Deputy Lieutenants, or Lieutenant of the County or Stewartry, as directed by the Acts now in Force, be ſubmitted to the Conſideration of the Barons of the Court of Exchequer in *Scotland*, who are hereby authorized and empowered to reſtrict theſe Claims to ſuch Sums as they ſhall think reaſonable, and to grant a Warrant for Payment thereof out of the Revenues of Land Tax, aſſeſſed Taxes, or conſolidated Duties of Cuſtoms and Exciſe, or any of them, which they ſhall think moſt proper to apply to this Service.

When any Militia Man ſhall appear to the Commanding Officer of the Regiment unfit to ſerve, he may, with the Approbation of the Commanding Officer of the Diſtrict, reject him, and another ſhall be choſen by Ballot.

VII. And be it further enacted, That when any Militia Man, Volunteer, or Subſtitute, furniſhed and approved by any General or Diſtrict Meeting of Lieutenancy, ſhall appear to the Commanding Officer of the Regiment in which he is called upon to ſerve, unfit, from Infirmity, Size, or other ſufficient Cauſe, to ſerve as a Militia Man, it ſhall be lawful for the ſaid Commanding Officer, with the Approbation in Writing of the General or Commanding Officer of the Military Diſtrict within which ſuch Regiment ſhall happen to be ſtationed, to reject or diſcharge ſuch Perſon as unfit to carry Arms in the Militia, and upon tranſmitting Notice of the Diſcharge, with a Copy of the Approbation of the General or Commanding Officer aforeſaid, to the Deputy Lieutenants of the Pariſh or Diſtrict from which the ſaid Militia Man, Volunteer, or Subſtitute, ſhall have been furniſhed, the Deputy Lieutenants ſhall forthwith cauſe another Perſon, able and fit for Service, to be choſen by Ballot in Place of the Perſon diſcharged as aforeſaid.

39 *Geo.* III, Cap. 35.

Perſons inrolled in Volunteer Corps or Aſſociations in *Scotland*, not liable to ſerve or provide a Subſtitute in the Militia.

Copy of Muſter Roll of Perſons now ſerving, to be

VIII. And whereas an Act was made in the preſent Seſſion of Parliament, intituled, *An Act for exempting during the preſent War, Perſons ſerving in Volunteer Corps and Aſſociations from being ballotted for the Militia, under certain Conditions*: And whereas it is expedient and neceſſary that the ſaid Act ſhould extend to all Perſons ſerving in Volunteer Corps and Aſſociations in that Part of *Great Britain* called *Scotland*, be it enacted, That every Perſon inrolled, or to be inrolled, and ſerving in any Volunteer Corps, or any Corps or Body of Men aſſociated for the Defence of any City, Town, or Place, and for maintaining publick Tranquillity and good Order within the ſame, whether of Infantry or Cavalry, in that Part of *Great Britain* called *Scotland*, which now are, or ſhall be raiſed in purſuance of any Act or Acts of Parliament, ſhall be exempt from being liable to ſerve perſonally in the ſaid Militia, or to provide a Subſtitute; and that all the Powers, Regulations, Conditions, and Reſtrictions in the aforeſaid Act contained, ſhall extend to all ſuch Volunteer Corps or Aſſociations in that Part of *Great Britain* called *Scotland*, in as full and ample Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act: Provided always, That the Copy of the Muſter Roll of the Perſons now enrolled and ſerving in any ſuch

transmitted to the County Lieutenant on or before *Aug.* 1, 1799.

such Corps or Associations may and shall be transmitted to the Lieutenant of the County on or before the First Day of *August* One thousand seven hundred and ninety-nine; any Thing in the said Act to the contrary notwithstanding.

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