Anno ſeptimo

Georgii III. Regis.

CAP. XVII.

An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty fifth Day of *March*, One thouſand ſeven hundred and ſixty ſeven; for the more effectually puniſhing Serjeants, Drummers, and Fifers, for Miſbehaviour and Deſertion; for ſecuring Deſerters from the Militia Regiments; and for explaining and amending ſo much of an Act paſſed in the laſt Seſſion of Parliament, as relates to inliſting Militia Men into His Majeſty's other Forces.

Preamble.

WHEREAS it is neceſſary that Proviſion ſhould be made for defraying the Charge of the Pay and Cloathing for the Militia, in that Part of Great Britain called England, for One Year, from the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty ſeven; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal,

Where the Militia is or ſhall be raiſed, the Receiver General of the County is to iſſue 4 Months Pay in Advance, according to the Eſtabliſhment of Pay here ſet down;

poral, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That in every County, Riding, or Place, within that Part of Great Britain called England, where the Militia is or ſhall be raiſed, the Receiver or Receivers General of the Land Tax of ſuch County, Riding or Place reſpectively, ſhall iſſue and pay the whole Sums required, in the Manner, and for the ſeveral Uſes herein after-mentioned; that is to ſay, For the Pay of the ſaid Militia for Four Calendar Months in Advance, at the Rate of Six Shillings a Day for each Adjutant, where an Adjutant is appointed; and at the Rate of One Shilling for each Serjeant, with the Addition of Two Shillings and Six Pence a Week for each Serjeant Major, where a Serjeant Major is appointed; and at the Rate of Six Pence a Day for each Drummer, with the Addition of Six Pence a Day for each Drum Major, where a Drum Major is appointed; and alſo at the Rate of Six Pence a Month for each Private Man and Drummer, for defraying the contingent Expences of each Regiment, Battalion, and Independant Company of Militia, One Penny whereof ſhall be applied for defraying the Hoſpital Expences of each Regiment, Battalion, or Independant Company, during the Time of the Men being from Home, upon account of their Annual Exerciſe; and alſo for Half a Year's Salary for the Clerk of each Regiment or Battalion of Militia belonging to ſuch County, Riding, or Place, at the Rate of Fifty Pounds a Year; and alſo for the reſpective Allowances to the Clerk of the General Meetings, and Clerks of the ſeveral Subdiviſion Meetings, at the Rates following; that is to ſay, To the Clerk of the General Meetings, at the Rate of Five Pounds Five Shillings for each Meeting; and to the ſeveral Clerks of the Subdiviſion Meetings, at the Rate of One Pound One Shilling for each Meeting; and alſo for the Cloathing of the Militia for ſuch County, Riding, or Place, after the Rate of Three Pounds Ten Shillings for each Serjeant, and Two Pounds for each Drummer, with the Addition of One Pound for each Serjeant Major, and each Drum Major; and with reſpect to the Private Militia Men, where the Militia hath been embodied, or having not been embodied, hath not been cloathed within Three Years, at the Rate of One Pound Ten Shillings for each Private Man.

with Half a Year's Salary to the Regimental and Battalion Clerks;

and the Allowances to the Clerks of the General and Subdiviſion Meetings;

and pay for Cloathing of the Militia.

Provided

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Provided nevertheleſs, That in any County, Riding, or Place, where Pay has not yet been iſſued for the Militia, no Pay ſhall be iſſued until His Majeſty's Lieutenant, or, in his Abſence, any Three Deputy Lieutenants, of any ſuch County, Riding, or Place, ſhall have certified to the Commiſſioners of His Majeſty's Treaſury, and to the Receiver General of the Land Tax, that Three Fifths of the Number of Private Militia Men of ſuch County, Riding, or Place, have been inrolled, and that Three Fifths of the Proportion of their Commiſſion Officers have accepted their Commiſſions, and entered their Qualifications as by Law required.

The above Sums are not to be paid, if Pay has not before been iſſued, till the Ld. Lieut. or Deputies ſhall have certified to the Treaſury and Receivers General the Inrolment of 3 Fifths of the Men and Officers.

And be it enacted, That all ſuch Sums of Money aforeſaid, except ſuch as ſhall be due to the ſeveral Clerks of the Meetings aforeſaid, and except ſuch as ſhall be due on account of Cloathing, ſhall, where the Militia has never been embodied, be paid by the ſaid Receiver or Receivers General of the Land Tax, into the Hands of the Clerk or Clerks of the Regiments or Battalions of Militia belonging to ſuch County, Riding, or Place, upon his or their producing his or their Warrant or Warrants of Appointment to ſuch Office, under the Hand and Seal of His Majeſty's Lieutenant for ſuch reſpective County, Riding, or Place; and where the Militia has been embodied, into the Hands of the Clerk or Clerks of the Regiments or Battalions, upon his or their producing his or their Warrant or Warrants of Appointment to ſuch Office, under the Hand and Seal of the Colonel, or, where there is no Colonel, of the Commanding Officer of each Regiment or Battalion reſpectively, notwithſtanding ſuch Militia ſhall have been diſembodied; and where the Militia ſhall be formed into an Independant Company, or Independant Companies, ſuch Sums as aforeſaid ſhall be paid by the ſaid Receiver or Receivers General of the Land Tax, into the Hands of the reſpective Captain of each Independant Company of Militia, or to ſuch Perſon as ſuch reſpective Captain ſhall authorize to receive the ſame, according to the Number of Perſons hereby intitled to receive Pay and Cloathing, of which ſuch Regiment or Regiments, Battalion or Battalions, Independant Company or Independant Companies, ſhall have been appointed to conſiſt, according to the Eſtabliſhment laid down in an Act paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Laws now in being, relating to the raiſing and training the Militia within that

The Money is to be paid by the Receiver-general to the Clerk of the Regiment or Battalion (except the Allowances to the Clerks of the Meetings) upon producing the Warrant of his Appointment;

and for Independant Companies, to the reſpective Captains, or to their Order;

according to the Eſtabliſhment laid down in the Militia Act of 2 *Geo.* III.

A Second Payment is alſo to be made within 3 Months after the Firſt;

Part of *Great Britain* called *England*; and ſuch Receiver or Receivers General of the Land Tax ſhall alſo, within Fourteen Days after the Expiration of the Third Calendar Month from the Time of the ſaid Firſt Payment, make a Second Payment for Four Calendar Months in Advance; and ſhall alſo, within Fourteen Days after the Expiration of the Three Calendar Months from the Time of the ſaid Second Payment, make a Third Payment for Four Calendar Months in Advance, for the Pay and contingent Expences of the Militia, and for the Allowances to the Regimental or Battalion Clerk or Clerks aforeſaid, in the Proportions herein before mentioned; and the Receipts of ſuch Clerk or Clerks, and of ſuch Captain of an Independant Company, or Captains of Independant Companies, or of ſuch Perſon or Perſons as ſuch Captain or Captains ſhall ſo authorize to receive ſuch Money as aforeſaid, ſhall be a ſufficient Diſcharge to ſuch Receiver or Receivers General of the Land Tax for the ſeveral Sums of Money ſo by him or them paid.

and a Third within Three Months after the Second.

Receipts of the Perſons to whom the Money ſhall be ſo paid, diſcharge the Receivers General.

The Regimental and Battalion Clerks are to pay in Advance One Month's Pay to the Adjutant; and 2 Months Pay to each Captain, for the Serjeants, Drummers, and contingent Expences of the ſaid Company; Captain to pay for each Man 1 *d. per* Month out of the contingent Money. towards Charges of the Hoſpital; and for the Serjeant-major and Drum-major; to be paid to the Commanding Officer of the Company to which they belong: Captains to diſtribute the Pay accordingly; and account for the ſame yearly to the Clerk, or Receiver-general if an Independant Company, according to the following Form;

And be it enacted, That the Clerk of each Regiment or Battalion of Militia ſhall forthwith, after the Receipt of ſuch Sums of Money as aforeſaid, pay, or cauſe to be paid, One Calendar Month's Pay in Advance to the Adjutant of ſuch Regiment or Battalion reſpectively; and to the Captain or Commanding Officer of each Company belonging to ſuch Regiment or Battalion, Two Months Pay in Advance for the Serjeants, Drummers, and the contingent Expences of his reſpective Company; out of which ſaid contingent Money each Captain ſhall pay to the Commanding Officer of each Regiment or Battalion One Penny a Month for each Private Man and Drummer, for the defraying the Expences of the Hoſpital; and alſo to the Commanding Officer of the Company to which the Serjeant Major and Drum Major ſhall belong, Two Months Pay in Advance for ſuch Serjeant and Drum Major; and ſo from time to time ſo long as any Money on that Account ſhall remain in his Hands: Which Pay every ſuch Captain or Commanding Officer is hereby required to diſtribute to each Perſon belonging to his Company, by this Act intitled to receive the ſame, as it ſhall become due; and ſhall, Once in every Year, give in to the Clerk of the Regiment or Battalion to which ſuch Company ſhall belong, or, if Captain of an Independant Company, to the Receiver General, an Account of the ſeveral Payments he ſhall have made in purſuance of this Act, according to the following Form:

County

County of Dr.				*Per Contra* Cr.			
To Caſh received of Mr. Regimental or Battalion Clerk, or Receiver General, *as the Caſe ſhall be*, for Two Months Pay in Advance ——				Paid Serjeant for Days Pay from the of to the of following —— ——			
				Ditto as Serjeant Major (if One in the Company)			
				Paid Serjeant for Days Pay from the of to the of following —— ——			
				Paid Drummer Days at Six Pence, from the of to the of following ——			
				Ditto as Drum Major (if One in the Company)			
				Paid Drummer Days from the of to the of following			
				Two Months Contingencies for Men and Two Drummers, at Six Pence *per* Month each			

And ſhall pay back to the ſaid Clerk, or to the Receiver General, as the Caſe ſhall be, the Surplus (if any) of the Money by him from time to time received, and then remaining in his Hands (except the Money by this Act allowed for contingent Expences) which ſhall Once in every Year be accounted for by the Captain of each Company reſpectively, in Manner aforeſaid, and the Balance thereof ſhall be by him paid into the Hands of the Clerk of the Regiment or Battalion to which ſuch Company ſhall belong, to be applied to the general Uſe of the ſaid Regiment or Battalion, as the Field Officers and Captains thereof, or the greater Part of them, ſhall direct; and the Captain of each Independant Company is hereby required to diſtribute to each Perſon belonging to his Company intitled thereto, ſuch Money as he ſhall receive by virtue of this Act; and the ſaid Money allowed for the contingent Expences of each Independant Company of Militia, ſhall be reſpectively applied to the particular Uſe of ſuch Independant Company, by the Captain thereof.

and pay back the Surplus Monies in his Hands, except the contingent Expences, which is to be accounted for,

and applied to the general Uſe of the Regiment, &c.

Captains of Independant Companies to diſtribute the Pay to their Men, and apply the Money allowed for contingent Expences.

And be it enacted, That the ſaid Regimental or Battalion Clerk may and ſhall retain to his own Uſe out of the Money ſo by him received, ſuch further Sums as ſhall complete the Allowance herein before made for his Salary.

Clerk to retain Money in his Hands for his own Salary.

And be it further enacted, That whenever His Majeſty's Lieutenant, or any Three or more Deputy Lieutenants of any County, Riding, or Place, ſhall have fixed the Days of Exerciſe for the Militia, he or they

When the Ld. Lieuts. or Deputies ſhall have fixed the Days of Exerciſe,

they are to certify the ſame to the Receiver General, ſpecifying the Number of Men, and Days they ſhall be abſent from Home.

ſhall, as ſoon as may be, certify the ſame to the Receiver General of ſuch County, Riding, or Place, ſpecifying the Number of Men, and the Number of Days ſuch Men are to be abſent from Home on account of ſuch Exerciſe; and ſuch Receiver General is hereby required, within Fourteen Days after the Receipt of ſuch Certificate, to iſſue and pay to the Clerk of the ſeveral Regiments or Battalions, at the Rate of Seven Shillings and Six Pence per Day for the Captain of each Company, and at the Rate of Three Shillings and Six Pence per Day for each Lieutenant, and of Three Shillings per Day for each Enſign; and alſo at the Rate of One Shilling per Day for each Private Militia Man, with the Addition of Six Pence per Day for each Corporal of the Militia, ſo to be called out to Exerciſe, for the Number of Days ſuch Officers and Men ſhall be abſent from Home on account of ſuch Exerciſe; and in ſuch Counties where there ſhall be Independant Companies only, the Receiver General of each ſuch reſpective County ſhall iſſue and pay to the Captains of the Independant Companies, at the Rate of Seven Shillings and Six Pence per Day for each Captain, Three Shillings and Six Pence per Day for each Lieutenant, and Three Shillings per Day for each Enſign; and alſo at the Rate of One Shilling per Day for each Private Militia Man, with the Addition of Six Pence per Day for each Corporal of the Militia, ſo to be called out to Exerciſe, for the Number of Days ſuch Officers and Men ſhall be abſent from Home on account of ſuch Exerciſe; and the ſaid Regimental or Battalion Clerks are hereby required forthwith to pay the Proportion of Pay belonging to each Captain of the ſaid Regiments or Battalions, the Proportion of Pay belonging to each Captain, and likewiſe the Pay belonging to their reſpective Companies.

Receiver General to iſſue thereupon Pay for Officers and Men to the Regimental Clerk, &c.

Where there ſhall be Independant Companies only, the Receiver General is to iſſue Pay to the Captains, according to the Rate here ſet down.

Clerk to pay over the Money to the reſpective Captains.

And be it further enacted, That the Captain of each Company ſhall make up an Account of all Monies received and paid by him on account of ſuch Exerciſe, according to the following Form:

Captains to make up their Account according to the following Form;

County of	Dr.	*Per Contra*	Cr.
To Caſh received of the Regimental or Battalion Clerk, or Receiver General, *as the Caſe ſhall be*, for Days Pay of Men		Paid Militia Men Days Paid additional Pay to Corporals Days	

Which

Which Account ſhall be ſigned by the ſaid Captain, and counterſigned by the Commanding Officer; and ſuch Captain ſhall, within Ten Days after the Time of ſuch Exerciſe, deliver ſuch Account, and pay the Balance, if there be any due, to the Regimental or Battalion Clerk; or, if Captain of an Independant Company, to the Receiver General: And ſuch Accounts ſhall be allowed as ſufficient Vouchers in the paſſing of the Accounts of ſuch Receiver General, at the Receipt of His Majeſty's Exchequer.

to be ſigned by them, and counterſigned by the Commanding Officer, and delivered, with the Balance, to the Clerk, or Receiver General. Accounts allowed ſufficient Vouchers.

Provided always, and be it enacted, That where any Regiment, Battalion, or Independant Company of Militia, is or ſhall be embodied, and called out into actual Service, and thereby the Officers and Private Men are or ſhall be intitled to the ſame Pay as the Officers and Private Men in His Majeſty's other Regiments of Foot receive, all Pay from the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to which ſuch Regiment, Battalion, or Independant Company of Militia ſhall belong, whether to the Adjutants, Serjeants, Private Militia Men, or others; and all Money allowed as aforeſaid for the contingent Expences of ſuch Regiment, Battalion, or Independant Company of Militia; and alſo the Allowance to the Clerk of ſuch Regiment or Battalion; ſhall, during ſuch Time of actual Service, and until ſuch Regiment, Battalion, or Independant Company, ſhall be diſembodied, and return Home by Order of their Commanding Officers, ceaſe and not be paid.

During the Time the Troops are embodied, and called out into actual Service, and receive Pay as the King's other Forces, all Pay and Allowances from the Receivers General is to ceaſe.

And be it enacted, That the ſaid Receiver or Receivers of the Land Tax ſhall pay to the Clerk of the General Meetings his Allowance, at the Rate of Five Pounds Five Shillings for each Meeting, upon his producing an Order or Orders for that Purpoſe from His Majeſty's Lieutenant, or from Three Deputy Lieutenants aſſembled at ſome General Meeting or Meetings; and ſhall alſo pay to each and every of the Clerks of the Subdiviſion Meetings their ſeveral Allowances, at the Rate of One Pound One Shilling for each Meeting, upon his or their producing an Order or Orders from One or more Deputy Lieutenant or Deputy Lieutenants, aſſembled in the ſeveral Subdiviſion Meetings; which ſaid Order or Orders ſhall be to the ſaid Receiver or Receivers General of the Land Tax, a ſufficient Diſcharge for the Payment of ſuch Allowances, and be allowed in his or their Account.

Receivers General to pay the Allowances to Clerks of the General Meetings, and to the Clerks of the Subdiviſion Meetings, upon producing Orders from the Lieutenant or Dep. Lieutenants.

Orders to diſcharge Receivers General.

Provided always, and be it enacted, That the Clerk of each Regiment or Battalion of Militia, ſhall give

Regimental and Battalion Clerks to give Security for paying and accounting for the Monies received by them;

Security to the Receiver or Receivers General of the Land Tax of the County, Riding, or Place, to which ſuch Regiment or Battalion ſhall belong, by a Bond to His Majeſty in the Penalty of One Half of the Sum required for the whole Year's Charge of the Regiment or Battalion of Militia to which ſuch Clerk ſhall belong, for duly anſwering and paying ſuch Sums as he ſhall, from time to time, have received, and for duly accounting for the ſame, and for Performance of the Truſt hereby in him repoſed; which ſaid Bond ſhall be lodged in the Hands of the Receiver or Receivers General of the Land Tax for the reſpective County, Riding, or Place, who, in caſe the ſaid Regimental or Battalion Clerk ſhall not duly perform the Conditions comprized in the ſaid Bond, ſhall, and is hereby required forthwith to put the ſaid Bond in Suit in the Name of His Majeſty, His Heirs, and Succeſſors; the Full Coſts and Charges of which Suit, in caſe Judgement ſhall be given againſt ſuch Regimental or Battalion Clerk, ſhall be paid by him to the ſaid Receiver or Receivers General of the Land Tax, who ſhall likewiſe be intitled to, and receive to his or their own Uſe, at the Rate of Five Pounds per Centum out of all ſuch Monies as ſhall be by him or them recovered thereon; and ſhall account for the Reſidue thereof with the proper Auditor of His Majeſty's Revenue; the ſaid Receiver or Receivers General of the Land Tax charging himſelf or themſelves therewith, upon the next Account of the Land Tax to be by him or them paſſed.

the Bonds to be lodged with the Receivers General, and put in Suit by them on Non-performance of the Condition;

and they are intitled thereupon to Full Coſts and Charges,

and 5*l. per Cent.* of the Money recovered;

the Reſidue to be accounted for to the Auditor.

The Regimental and Battalion Clerks, and Captains of Independant Companies, are to deliver in Accounts of their Receipts and Diſburſements,

And be it enacted, That the Clerk of every Regiment or Battalion of Militia, and the Captain of every Independant Company of Militia, in every County, Riding, and Place, within the Part of Great Britain aforeſaid, ſhall, between the Twenty fifth Day of March and the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſeven, deliver to the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to which ſuch Regiment, Battalion, or Independant Company ſhall belong, a fair Account in Writing, of all Monies by him received and diſburſed for the Service of the preceding Year, in purſuance of this Act, with proper Vouchers for the ſame; and ſhall pay back to the ſaid Receiver or Receivers General of the Land Tax, any Surplus of ſuch Monies that ſhall then be in his Hands; which ſaid Accounts ſigned by ſuch Regimental or Battalion Clerk, or by ſuch Captain of an Independant Company reſpectively, ſhall be tranſmitted by the ſaid Receiver or Receivers General of the Land Tax

and pay over the Balance to the Receivers General;

who are to tranſmit the Accounts into the Auditor's Office.

Tax, into the Office of the proper Auditor of His Majeſty's Revenue.

Recovery of Penalties, &c.

Provided always, and be it enacted, That all Penalties, all Coſts and Charges of Suit, and all Sums of Money, for which any Perſon or Perſons is or are by this Act made anſwerable, may and ſhall be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Wager at Law, or Protection, or more than One Imparlance, ſhall be allowed.

No Fee payable for any Warrant or Sum of Money iſſued in purſuance of this Act.

Provided always, and be it enacted, That no Fee or Gratuity whatſoever ſhall be given or paid for or upon account of any Warrant or Sum of Money which ſhall be iſſued in relation to, or in purſuance of, this Act.

Officers on Half-pay ſerving in the Militia, may receive the Subſiſtence-money payable to Lieutenants or Enſigns,

Provided always, and be it enacted, That any Perſon being on Half-pay, and ſerving in the Militia, ſhall and may, and he is hereby impowered to receive and take the Subſiſtence-money by this Act directed to be paid to Captains, Lieutenants, or Enſigns; and the receiving and taking ſuch Subſiſtence-money by any ſuch Captain, Lieutenant, or Enſign, ſhall not be deemed a Receiving or Taking Pay, ſo as in any Manner to prevent ſuch Perſon on Half-pay receiving his Half-pay; and ſuch Perſon ſhall take the following Oath before ſome Juſtice of the Peace, who is hereby impowered to adminiſter the ſame;

they taking the following Oath before a Juſtice.

The 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 Subſiſtence as a Lieutenant or Enſign, *as the Caſe may be*, for ſerving in the Militia of the County of

And the taking the ſaid Oath ſhall be ſufficient to intitle ſuch Perſon to receive his Half-pay, without taking any other Oath; any Law, Uſage, or Cuſtom, to the contrary thereof notwithſtanding.

Receiver General upon receiving a Warrant from the Commanding Officer, certifying the Receipt of the Cloathing, and an Order for Payment, is to pay the ſame accordingly.

And be it further enacted by the Authority aforeſaid, That the Receiver General of the Land Tax, ſo ſoon as he ſhall receive a Warrant under the Hand of the Colonel or Commanding Officer of their reſpective Regiments or Battalions, certifying the Receipt of the Cloathing, and an Order from the ſaid Colonel or Commanding Officer for the Money due on account of the ſame, payable to the Perſon or Perſons who furniſhed the ſaid Cloathing, ſhall pay the Sum mentioned in ſuch Order

to

to the Perſon intitled to receive the ſame; and ſuch Warrant and Order, together with the Receipt of the Perſon receiving the ſaid Money, ſhall be a ſufficient Diſcharge to ſuch Receiver General.

If any Regiment, &c. ſhall ceaſe, 3*s. per Diem* is to be paid to the Adjutant from ſuch Time to 25 *March*, 1768.

And be it further enacted by the Authority aforeſaid, That in caſe any Regiment, Battalion, or Independant Company, ſhall ceaſe and determine, during the Continuance of this Act, the Sum of Three Shillings per Diem ſhall be paid to ſuch Perſon as has actually ſerved as Adjutant to ſuch Regiment, Battalion, or Independant Company, from the Time ſuch Regiment, Battalion, or Independant Company ſhall ceaſe, to the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty eight.

Clauſe in the Act of the laſt Seſſion, relating to Militia Man liſting in any of the King's other Forces,

And whereas by an Act made in the laſt Seſſion of Parliament, it is enacted, That any Militia Man liſting himſelf into any of His Majeſty's other Forces, ſhall, over and above any Penalty or Puniſhment to which any ſuch Militia Man was liable, be deemed to be legally liſted, and ſhould, from the Day on which his Engagement to ſerve in the Militia ſhould end, belong as a Soldier to ſuch Corps of His Majeſty's other Forces into which he ſhall have liſted, and ſhould, till regularly diſcharged, be liable to all the Duties of a Soldier, and to all Pains and Penalties inflicted by the Act for puniſhing Mutiny and Deſertion, and the better Payment of the Army and their Quarters: And whereas the ſaid Proviſion hath been found very inconvenient, and prejudicial to the Militia Service; be it therefore enacted by the Authority aforeſaid, That the ſaid recited Proviſion ſhall be and is hereby repealed.

repealed.

Recruiting Parties from the King's other Forces, liſting Militia Men;

And be it further enacted by the Authority aforeſaid, That in caſe any Officer, Serjeant, or other Perſon recruiting for Men to liſt and ſerve in His Majeſty's other Forces, ſhall, at any Time from and after the paſſing of this Act, wilfully and knowingly liſt any Perſon who, at the Time of ſuch Liſting, ſhall be inrolled and engaged to ſerve in any Regiment, Battalion, or Independant Company of Militia, in that Part of Great Britain called England, every ſuch Liſting ſhall be deemed null and void; and in caſe any Militia Man ſhall, at any Time from and after the paſſing of this Act, deny to any Officer, Serjeant, or other Perſon recruiting for Men to liſt and ſerve in His Majeſty's other Forces, that he is, at the Time of his offering to liſt, a Militia Man then actually inrolled and engaged to ſerve; (which the ſaid Officer, Serjeant, or other Perſon, is hereby required to aſk any Man offering to liſt) and

ſuch Liſting deemed void.

Militia Man denying, at the Time of liſting, that he is inrolled, and engaged to ſerve;

and ſhall inliſt in His Majeſty's other Forces, or ſhall offer himſelf to be inrolled and ſerve in the Regiment, Battalion, or Independant Company of Militia, belonging to any other County, Riding, or Place; every ſuch Perſon ſo offending, on Conviction thereof by the Information and Oath of One Witneſs, before a Juſtice of the Peace for the County, Riding, or Place, wherein ſuch Perſon was firſt inrolled and engaged to ſerve in the Militia (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) ſhall be committed to the Common Gaol of ſuch County, Riding, or Place, there to remain, without Bail or Mainprize, 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 liable by Law; and every ſuch 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 ſhall, till regularly diſcharged therefrom, be ſubject to ſuch Duties, Pains, and Penalties, as the Soldiers in ſuch Corps ſhall be liable to.

or offering to be inrolled, and ſerve, in any other Regiment, &c. of Militia,

is to be committed for 6 Months, over and above any Penalty he is liable to by Law;

and at the End of his Engagement ſhall ſerve as a Soldier in the Corps in which he inliſted.

And whereas the ſeveral Powers granted by the Laws now in being, relating to the Militia Forces within that Part of Great Britain called England, for puniſhing Serjeants, Drummers, and Fifers, for Misbehaviour, Diſobedience of Orders, or Neglect of Duty, during the Time the Militia to which they belong is not in actual Service, or is not called out to annual Exerciſe, have been found defective and inſufficient; be it therefore enacted by the Authority aforeſaid, That if any Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, engaged to ſerve in any Regiment, Battalion, or Independant Company of Militia, within that Part of Great Britain called England, and who ſhall have received Pay therein at any Time from and after the Paſſing of this Act, during his Engagement to ſerve in any ſuch Regiment, Battalion, or Independant Company, and during the Time the Militia, to which he ſhall belong, is not in actual Service, or out at Annual Exerciſe, ſhall misbehave, be negligent in his Duty, or be diſobedient to the Orders of the Adjutant, or other his Superior Officer, and be thereof convicted upon the Oath of the Adjutant, or other his Superior Officer, or other credible Witneſs, before a Juſtice of the Peace for the County, Riding, or Place, to the Militia whereof ſuch Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, ſhall belong (which Oath ſuch Juſtice is hereby

Serjeants, Drummers, and Fifes,

guilty of Misbehaviour, Neglect of Duty, or Diſobedience of Orders, when the Regiment, &c. is not in actual Service, or out on Annual Exerciſe,

may (over and above the Penalty he is ſubject to by former Acts) be committed for 6 Months;

hereby impowered and required to adminiſter;) ſuch Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, (over and above any Penalty or Puniſhment to which he ſhall be liable by any former Law) ſhall be committed to the Common Gaol of the County, Riding, or Place, wherein ſuch Offender ſhall be engaged to ſerve in the Militia, there to remain without Bail or Mainprize for any Time not exceeding Six Months.

and deſerting, at any ſuch Time, may be apprehended, and committed;

And be it further enacted by the Authority aforeſaid, That in caſe any Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, during the Time the Militia to which he ſhall belong is not in actual Service, or out at Annual Exerciſe, ſhall deſert from the Regiment, Battalion, or Independant Company, in which he ſhall be inrolled and engaged to ſerve; it ſhall and may be lawful to and for any Headborough, Conſtable, or Tythingman, of the Town or Place where any Perſon who may be reaſonably ſuſpected to be ſuch a Deſerter ſhall be found, to apprehend, or cauſe him to be apprehended, and to cauſe ſuch Perſon to be brought before any Juſtice of the Peace living in or near ſuch Town or Place, who hath hereby Power to examine ſuch ſuſpected Perſon; and if by his Confeſſion, or the Teſtimony of One or more Witneſs or Witneſſes, upon Oath, or by the Knowledge of ſuch Juſtice, it ſhall appear or be found that ſuch ſuſpected Perſon is ſuch a Deſerter, ſuch Juſtice ſhall forthwith cauſe him to be conveyed to the Gaol of the County or Place where he ſhall be found, or to the Houſe of Correction, or other publick Priſon, in ſuch Town or Place where ſuch Deſerter ſhall be apprehended; and tranſmit an Account thereof to the Secretary at War for the time being, to the End ſuch Perſon may be proceeded againſt as is herein after directed; and the Keeper of ſuch Gaol, Houſe of Correction, or Priſon, ſhall receive the full Subſiſtence of ſuch Deſerter, during the Time that he or they ſhall continue in his Cuſtody, for the Maintenance of the ſaid Deſerter, but ſhall not be intitled to any Fee or Reward on account of his or their Impriſonment; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

of which an Account is to be tranſmitted to the Secretary at War, in order to Proſecution, &c.

Keeper of the Priſon to receive the Subſiſtence-money for his Maintenance.

Priſoner to be delivered up to the Order of the Secretary at War;

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Secretary at War for the time being, upon receiving ſuch Account as aforeſaid, if ſuch Deſerter ſhall be taken out of the County to the Militia whereof he or they ſhall belong, to iſſue out an Order, under his Hand and Seal, to the Gaoler or Keeper of the Priſon where ſuch Deſerter ſhall be confined, requiring ſuch Gaoler or Keeper to deliver

ſuch

ſuch Deſerter to the Perſon or Perſons therein named, which he is hereby required to do; and ſuch Perſon or Perſons ſhall thereupon convey ſuch Deſerter in ſuch Manner, and by ſuch Means, as the Secretary at War for the time being ſhall direct, before a Juſtice of the County to the Militia whereof ſuch Deſerter ſhall belong, who ſhall forthwith cauſe him to be conveyed to the Gaol, Houſe of Correction, or other publick Priſon, within the ſaid County, to the End ſuch Deſerter may be proceeded againſt as is herein after directed.

and conveyed to a Juſtice of the County, &c. in order to Commitment;

And be it further enacted by the Authority aforeſaid, That ſuch Deſerter ſhall remain and be kept in ſuch Gaol or Priſon without Bail or Mainprize, until ſuch Regiment, Battalion, or Independant Company of Militia, to which ſuch Deſerter ſhall belong, ſhall be called out to Annual Exerciſe, or imbodied and called forth into actual Service, which ſhall firſt happen; and the Officer then commanding ſuch Regiment, Battalion, or Independant Company, ſhall iſſue out an Order under his Hand and Seal, to the Gaoler or Keeper of the Priſon where ſuch Deſerter ſhall be confined, requiring ſuch Gaoler or Keeper to deliver ſuch Deſerter to the Perſon or Perſons therein named, which he is hereby required to do; and ſuch Officer commanding ſuch Regiment, Battalion, or Independant Company, is hereby impowered and required to ſummon and hold a Court-martial for the Trial of ſuch Deſerter, in ſuch Manner and with the ſame Power and Authority as given and directed by the Act for puniſhing Mutiny and Deſertion, and the better Payment of the Army and their Quarters; and if upon ſuch Trial ſuch Deſerter ſhall be found guilty, it ſhall and may be lawful to puniſh him in ſuch Manner as ſuch Court-martial ſhall in their Diſcretion think fit, agreeable to the Powers and Proviſion of the Articles of War, and the ſaid Act for puniſhing Mutiny and Deſertion, and the better Payment of the Army and their Quarters.

where he is to remain, till the Regiment be called forth into Service or Annual Exercise;

and he be demanded by his Commanding Officer,

and a Court-martial held for his Trial, &c.

And be it further enacted by the Authority aforeſaid, That if any Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, ſhall deſert, during the Time the Regiment, Battalion, or Independant Company, in which he ſhall be inrolled and be engaged to ſerve, ſhall be in actual Service, or at Annual Exerciſe, and ſhall not be apprehended during ſuch Time, ſuch Deſerter ſhall and may be apprehended and proceeded againſt in the ſame Manner as is herein before directed in the caſe of ſuch Serjeant Major, Serjeant, Drum Major, Drummer, or Fifer, deſerting, during the Time the Militia to which he ſhall belong

And deſerting at the Time of actual Service, or at Annual Exercise, and ſhall not be apprehended during ſuch Time, he may be proceeded againſt as in the former Caſe.

belong is not in actual Service, or out at Annual Exerciſe.

Perſons apprehending Deſerters, intitled to 20 *s.* Reward, by Warrant from the Juſtice to the Regimental Clerk.

And, for the better Encouragement of any Perſon to apprehend and ſecure ſuch Deſerters as aforeſaid, be it further enacted, That the Juſtice of the Peace before whom any ſuch Deſerter ſhall be committed, ſhall and may iſſue his Warrant in Writing to the Clerk of the Regiment, Battalion, or Independant Company, to which ſuch Deſerter ſhall belong, directing and requiring ſuch Clerk to pay out of the Stock belonging to ſuch Regiment, Battalion, or Independant Company, into the Hands of ſuch Perſon who ſhall apprehend any ſuch Deſerter, the Sum of Twenty Shillings for every Deſerter that ſhall be ſo apprehended and committed.

Penalty of concealing Deſerters is 5 *l.*

Provided always, That if any Perſon ſhall harbour, conceal, or aſſiſt, any ſuch Deſerter, knowing him to be ſo, the Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; to be levied and recovered in the ſame Manner as any Penalties or Forfeitures are to be levied and recovered in and by an Act of the Second Year of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Laws now in being relating to the raiſing and training of the Militia within that Part of *Great Britain* called *England*.

to be levied as Act 2 *Geo.* III. directs.

FINIS.