ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXXII.

An Act for repealing an Act, made in the Thirty-eighth Year of the Reign of His present Majesty, intituled, *An Act for raising a Body of Miners in the Counties of* Cornwall *and* Devon, *for the Defence of the Kingdom during the present War*; and for the more effectually raising and regulating a Body of Miners for the Defence of *Great Britain*.

[22d *June* 1802.]

WHEREAS by the Laws now in force for regulating the Militia of *England*, it is provided that nothing therein contained should extend to the Miners in the Counties of *Devon* and *Cornwall*, but that the Warden of the Stannaries, in pursuance of His Majesty's Commission in that Behalf, and such as He should commissionate and authorize under him, should have and use the like Powers, and array, assess, arm, muster, and exercise the said Miners within the said Counties, or either of them, as hath been theretofore used, and according to the ancient Privileges and Customs of the said Stannaries, and the like Provision had been made by divers former Acts of Parliament concerning the Militia: And whereas by Reason of the Length of Time

which

which elapſed ſince any Commiſſion hath iſſued to the Warden of the Stannaries aforeſaid to array, aſſeſs, arm, muſter, and exerciſe the ſaid Miners, great Difficulties might occur in the Execution of ſuch Commiſſion: And whereas an Act was made in the Thirty eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for raiſing a Body of Miners in the Counties of* Cornwall *and* Devon *for the Defence of the Kingdom during the preſent War:* And whereas it is expedient that the ſaid Act ſhould be repealed, and that further and more effectual Proviſion ſhould be made for raiſing and regulating a Body of Miners, within the Counties of *Cornwall* and *Devon*, for the Defence of *Great Britain*; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the ſaid recited Act, paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty, ſhall be repealed; and that His Majeſty may from Time to Time, as Occaſion ſhall require, iſſue His Commiſſion to the Warden of the Stannaries of the Counties of *Devon* and *Cornwall* for the Time being, giving him Power and Authority during His Majeſty's Pleaſure, and ſuch Warden is hereby, according to ſuch Commiſſion, authorized and required to call together, arm, array, and cauſe to be trained and exerciſed, ſuch Miners Once in every Year, in ſuch Numbers and in ſuch Manner as herein-after is directed; and the ſaid Warden ſhall conſtitute and appoint, from Time to Time, ſuch Perſons as he ſhall think fit, being qualified as herein-after mentioned, to be his Deputy Wardens for the ſpecial Purpoſes of this Act, the Names of ſuch Perſons having been firſt preſented to and approved by His Majeſty; and the ſaid Warden ſhall alſo appoint ſuch Field Officers, and other Officers as herein-after directed, qualified as herein-after mentioned, to train, diſcipline, and command the Miners ſo to be armed and arrayed, according to the Rules, Orders, and Directions after mentioned, and ſhall certify to His Majeſty the Names and Ranks of all ſuch Officers ſo to be appointed; and if His Majeſty ſhall, within Fourteen Days after ſuch Certificate ſhall have been laid before Him, ſignify His Diſapprobation of any of the Perſons ſo to be appointed, it ſhall not be lawful for the ſaid Warden to grant a Commiſſion to any Perſon ſo diſapproved, but Commiſſions ſhall be granted by the ſaid Warden to all ſuch Perſons ſo to be appointed as ſhall not be diſapproved by His Majeſty; and the Officers ſo appointed ſhall rank with the Militia Officers of this Kingdom, according to the Dates of their reſpective Commiſſions, and with all Officers of His Majeſty's Regular Forces, in the ſame Manner as the ſaid Militia Officers are entitled to Rank; and the Commiſſions ſo to be granted by the ſaid Warden ſhall not be vacated by Reaſon of the Revocation, Expiration, or Diſcontinuance of His Majeſty's Commiſſion to the ſaid Warden: Provided always, that if any Warden of the ſaid Stannaries to whom His Majeſty ſhall have iſſued His Commiſſion as aforeſaid ſhall be removed from or reſign his Office of Warden of the ſaid Stannaries, and ceaſe to be Warden of the ſaid Stannaries, the ſaid Commiſſion, iſſued to the ſaid Warden for the Purpoſes aforeſaid, and all and every the Powers and Authorities veſted in ſuch Warden by virtue of ſuch Commiſſion, and of this Act, ſhall ceaſe and determine: Provided alſo, that on every ſuch Removal or Reſignation His Majeſty may iſſue His Commiſſion to any Warden of the Stannaries, appointed to ſucceed on any

3 Geo. 3. c. 74.

Recited Act repealed.

His Majeſty may authorize the Warden of the Stannaries to call out and exerciſe the Miners.

Warden ſhall appoint his Deputies and Officers, &c.

Rank of Officers.

Commiſſions not vacated by the Revocation or Expiration of the Warden's Commiſſion.

Vacancy, to exercise the Powers hereby given to the Warden of the Stannaries for the Time being, and such Warden shall thereupon have full Power and Authority to exercise all the Powers vested in such Warden by the said Commission, and by this Act.

Warden shall appoint 12 at least Special Deputy Wardens, qualified as herein directed, &c.

II. And be it further enacted, That the said Warden shall constitute and appoint Twelve Special Deputy Wardens, at the least, for the Purposes of this Act, if so many Persons can be found qualified as hereinafter directed; that is to say, every such Person so to be appointed a Special Deputy Warden shall be qualified in the same Manner as Deputy Lieutenants are required to be qualified in the said Counties of *Cornwall* and *Devon*, by the Laws in force relating to the Militia of *England* (or by any Act to be passed in this Session of Parliament, or by any former Act or Acts); and every Person so to be appointed a Special Deputy Warden shall take and subscribe the Oaths, and make, repeat, and subscribe the Declaration required to be taken, made, repeated, and subscribed by such Deputy Lieutenants, by virtue of any such Act, changing only what ought to be changed.

Warden shall displace Deputies or Officers, on His Majesty's Pleasure being signified for that Purpose.

III. And be it further enacted, That His Majesty, His Heirs and Successors, may, from Time to Time, as He and they shall think fit, signify His and their Pleasure to the Warden of the Stannaries to displace all or any Deputy Wardens or Officers aforesaid, and thereupon the said Warden shall forthwith displace such Deputy Wardens or Officers, and appoint others within the same County, with the like Qualifications, and under and subject to the like Provisions and Restrictions, to serve in their Stead.

Justices with Deputy Wardens may act.

IV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace of the said Counties respectively, together with One or more special Deputy Warden or Deputy Wardens, to do all Matters and Things in the Execution of this Act which might be done by a like Number of Special Deputy Wardens, in the same Manner as Justices of the Peace are authorized to act with Deputy Lieutenants in executing the Laws concerning the Militia.

Warden shall appoint a Clerk of the General Meetings, and the Deputy Wardens a Clerk for their Subdivisions.

Allowance to Clerks.

V. And be it further enacted, That the said Warden shall, from Time to Time, appoint a Clerk of the General Meetings, to be holden as hereinafter directed, and may displace such Clerk, if he shall think fit, and appoint another in his Room; and the Special Deputy Wardens within their respective Subdivisions, or the major Part of those present at any Subdivision Meeting, shall also, from Time to Time, appoint a Clerk for their Subdivisions, and may displace such Clerk, as they or the major Part of them shall think fit, and appoint another in his Room; and such Clerk of such General Meeting shall be paid Five Guineas for every General Meeting; and such Clerks of Subdivision Meetings shall be paid One Guinea for every Subdivision Meeting; such Fees to be paid by the Receiver General of the Land Tax in the Counties of *Cornwall* and *Devon* respectively; and such Clerks shall receive no other Fee or Reward whatsoever.

General Meetings shall be holden an-

VI. And be it further enacted, That General Meetings of the said Warden and Special Deputy Wardens shall be holden at the most convenient

Towns

nually, of which 14 Days Notice ſhall be given.

Towns of the Counties of *Cornwall* and *Devon* reſpectively; and ſuch Meetings ſhall conſiſt of the Warden and Two Special Deputy Wardens at the leaſt, or on the Death, Removal, or Abſence of the Warden, of Three Special Deputy Wardens at the leaſt; and One ſuch General Meeting ſhall be holden within each of the ſaid Counties, annually, upon the laſt *Tueſday* which ſhall happen before the Tenth Day of *October* in every Year; and the ſaid Warden and Two Deputy Wardens (or on the Death, Removal, or Abſence of the Warden), any Three Deputy Wardens, when they ſhall find it neceſſary for carrying the Purpoſes of this Act into Execution, may ſummon, or cauſe to be ſummoned, other General Meetings, on any Days to be fixed by ſuch Summons; and Notice of ſuch Meetings ſhall be given Fourteen Days at the leaſt before the Day of any ſuch Meeting, in ſome Newſpaper or Newſpapers, uſually circulated in the ſaid Counties of *Cornwall* and *Devon* reſpectively; and ſuch General Meeting ſhall and may ſummon other Meetings, and be adjourned in the ſame Manner as General Meetings of Lieutenancy may be ſummoned and adjourned by virtue of the Laws then in force, concerning the Militia Forces in *England*.

Firſt General Meeting ſhall appoint Subdiviſion Meetings, &c.

VII. And be it further enacted, That the ſaid Warden and Special Deputy Wardens, or ſuch of them as ſhall be preſent at the Firſt General Meeting to be held in purſuance of this Act, in each of the ſaid Counties of *Cornwall* and *Devon*, ſhall appoint the ſeveral Subdiviſion Meetings, which ſhall be held within the Four Stannaries of *Blackmore*, *Foymore*, *Tywarnhaite*, *Penwith*, and *Kerrier* reſpectively, for the County of *Cornwall*, and within the Four Stannaries of *Chagford*, *Aſhburton*, *Plymton*, and *Taviſtock*, for the County of *Devon*; which Subdiviſion Meetings ſhall conſiſt of Two Special Deputy Wardens, or One Special Deputy Warden and One Juſtice of the Peace for the County within which ſuch Subdiviſion Meetings ſhall be holden; and ſuch Subdiviſion Meetings ſhall have the like Powers and Authorities, for the Purpoſes of this Act, as the Subdiviſion Meetings of Lieutenancy have for the Purpoſes of the ſeveral General Acts concerning the Militia Forces of *England*.

Annual Meetings ſhall iſſue Orders to the Chief Conſtables, &c. to return to the Special Deputy Wardens Liſts of Miners between 18 and 45 Years.

VIII. And be it further enacted, That the ſaid Warden and Special Deputy Wardens reſpectively preſent at every annual Meeting in each of the ſaid Counties, ſhall iſſue their Orders to the Chief Conſtables, and where there is no Chief Conſtable, to ſome other Officer of the Hundred or other Diviſion within the ſaid Counties reſpectively where Miners do dwell, requiring every ſuch Chief Conſtable, or other Officer, to iſſue an Order under his Hand to all Conſtables, Tythingmen, and other Officers of every Pariſh, Tything, or Place within the ſaid Hundreds or other Diviſions reſpectively where Miners do dwell, to return to the Special Deputy Wardens within their reſpective Subdiviſions, at the Places and at the Times to be appointed for that Purpoſe, full and true Liſts in Writing of all and every the Miners dwelling within their reſpective Pariſhes and Places, between the Ages of Eighteen and Forty-five Years, diſtinguiſhing their reſpective Occupations as Miners, and where the true Names and Deſcriptions of ſuch Miners cannot be procured, their common Appellations ſhall be ſufficient, and diſtinguiſhing which of ſuch Perſons ſo returned labour under any Infirmity likely to incapacitate them from ſerving in purſuance of this Act, or claim to be exempt from ſerving in the Militia, together with the Ground of ſuch Claim of Exemption, under

any Act or Acts which may be in force relating to the Militia of *England*; and having firſt affixed a true Copy of the Liſt intended to be ſo returned, on the Door of the Church or Chapel belonging to every ſuch Pariſh or Place, or if any ſuch Pariſh or Place ſhall have no Church or Chapel belonging thereto, then on the Door of the Church or Chapel of ſome Pariſh or Place adjoining, on ſome *Sunday* Morning before ſuch Return ſhall be made, which ſhall be Three Days at the leaſt before the Meeting appointed for receiving ſuch Return; and having alſo written at the Bottom of ſuch Copy, ſo affixed on the Door of ſuch Church or Chapel, Notice of the Day and Place of ſuch Meeting; and that all Perſons who ſhall think themſelves aggrieved may then appeal, and that no Appeal will afterwards be received; and at the Days and Places ſo to be appointed for the Returns of ſuch Liſts, the Conſtables, Tythingmen, and other Officers reſpectively ſhall attend, and verify the ſame upon Oath; and the ſaid Special Deputy Wardens, or any Two or more of them, or any Special Deputy Warden and One or more Juſtice or Juſtices of the Peace aſſembled in their reſpective Subdiviſions, ſhall proceed to hear Appeals, and amend ſuch Liſts, and cauſe Duplicates of ſuch amended Liſts to be made, and otherwiſe to act therein in the ſame Manner as Deputy Lieutenants and Juſtices are authorized to proceed in the like Caſes, and with the like Regard to Exemptions claimed as in reſpect to the Returns of Men to be ballotted for the Militia in *England*.

Copies of Liſts ſhall be affixed on the Church Door.

Appeals when to be made.

Subdiviſions may hear Appeals, *etc.*

IX. Provided always, and be it enacted, That no Perſon ſhall be ſtruck off the ſaid Liſts upon Appeal on Pretence that ſuch Perſon is not a privileged Miner, if ſuch Perſon, being above the Age of Eighteen Years, was left out of the Liſt laſt returned under the Laws concerning the Militia Forces of *England* for the Pariſh or Place where he reſided as a privileged Miner, and unleſs ſuch Perſon ſhall, upon Oath, or Affirmation (if a Quaker), declare that he was not left out of ſuch Liſt by reaſon of his being a privileged Miner, but by Miſtake or Neglect, or for ſome other Cauſe.

No Perſon above 18 to be ſtruck off the Liſt as not being a privileged Miner, if left out of the Liſts laſt returned as One.

X. And be it further enacted, That if any Conſtable, Tythingman, or other Officer, ſhall wilfully omit or neglect to inſert in any ſuch Liſt, the Name of any Perſon which ought to be inſerted therein, every ſuch Conſtable, Tythingman, or other Officer ſhall forfeit and loſe, for every ſuch Offence, the Sum of Twenty Pounds.

Penalty of 20*l.* for omitting Names in Liſts.

XI. And be it further enacted, That in order to enable the ſaid Special Deputy Wardens to correct and amend the ſaid Liſts, and diſcover whether all the Names have been inſerted which ought to have been inſerted therein, the ſaid Special Deputy Wardens ſhall, if they ſhall think fit, iſſue their Precept to the Chief Captain of any Mine, or to the Agent of any Blowing Houſe or Smelting Houſe within any Subdiviſion, requiring ſuch Chief Captain or Agent to return, to ſuch Special Deputy Wardens, at any Subdiviſion Meeting as they ſhall ſee fit, a true Liſt of all the working Miners employed in or about the Buſineſs of ſuch Mine, Blowing Houſe, or Smelting Houſe, and deſcribing their Occupations as Miners, and where they reſpectively dwell; and if any ſuch Captain or Agent ſhall wilfully omit or neglect to inſert in ſuch Liſt the Name of any Perſon which ought to be inſerted therein, ſuch Captain or Agent ſhall forfeit and loſe the Sum of Fifty Pounds.

Special Wardens may require Chief Captains of Mines, or Agents of Blowing Houſes, to return Liſts of the Miners employed, *etc.*

Penalty of 50*l.* for omitting Names in ſuch Liſts.

After Lists are completed, Special Deputy Wardens shall appoint the Number of Men to serve for each Subdivision, and for each Place therein, and appoint another Meeting for chusing the Men by Ballot, *etc.*

XII. And be it further enacted, That after such Return shall have been made, and such Lists amended and made compleat as aforesaid, the said Special Deputy Wardens, within their respective Subdivisions, shall, at Subdivision Meetings to be holden for that Purpose, appoint what Number of Men shall serve for each Subdivision, and shall direct what Number of Men so to be appointed to serve for such Subdivision shall serve for each Parish and Place within such Subdivision, in Proportion to the Numbers appointed to serve for such Subdivision, and shall appoint another Meeting to be holden within the same Subdivision as soon as conveniently may be, and within Three Weeks from the Day of the prior Meeting, and shall issue an Order to the Chief Constables, or other Officers of the respective Hundreds and Places within such Subdivision, requiring them to give Notice to the Constable, Tythingman, or other Officer of every Parish or Place within their respective Hundreds and Places, of the Time and Place of the next Subdivision Meeting; and the said Special Deputy Wardens, or any Two of them, at such Subdivision Meeting, shall cause the Number of Men appointed to serve as aforesaid to be chosen by Ballot out of the Duplicate of the List returned for every Parish and Place, and amended as aforesaid, in the same Manner as Men are or shall be chosen by Ballot to serve in the Militia in *England*, and shall appoint another Meeting to be holden in the same Subdivision as soon as conveniently may be, and within Three Weeks after such prior Meeting, and shall issue an Order to the Chief Constables, or other Officers of the several Hundreds or Places within such Subdivision, to direct the Constable, or other Officer of every Parish or Place, to give Notice to each Man so chosen to serve as aforesaid to appear at such Meeting so to be appointed, which Notice shall be given to him, or left at his Place of Abode, at least Seven Days before such Meeting; and such Constable or other Officer shall attend such Meeting, and make a Return on Oath of the Service of such Notice, and every Person so chosen by Ballot shall upon such Notice appear at such Meeting, and there take the following Oath; that is to say,

Persons chosen shall take the following Oath;

'I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King *George*; and I do swear, that I will faithfully serve in the Regiment of Miners of the Counties of *Cornwall* and *Devon*, within *Great Britain*, for the Defence of the same, during the Time of Five Years, for which I am inrolled, unless I shall be sooner discharged.'

and 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 said Regiment for the Space of Five Years.

Persons balloted may produce Substitutes, who may be inrolled.

XIII. Provided always, and be it further enacted, That any Person so chosen by Ballot may produce a Substitute, who shall be examined, approved, enrolled, and sworn in the same Manner, under the like Regulations, for the same Term, and with the like Limitation of Service as Substitutes may be sworn and enrolled under any Acts which now are or may be in force for regulating the Militia in *England*.

If the full Number of Men for any Subdivision shall not be inrolled, a fresh Ballot shall be taken.

XIV. And be it further enacted, That if, through any Neglect or Mistake, or from any other Cause, the full Number of Men appointed for any Subdivision should not be duly enrolled at the Meeting appointed for that Purpose, then the said Special Deputy Wardens, or any Two or more of

of them, at their ſaid Meeting or at ſome ſubſequent Meeting, are hereby required immediately to proceed to a freſh Ballot, and to adjourn their Meeting, and appoint other Meetings and amend the Liſts, and repeat the amending of Liſts as may be neceſſary and expedient for carrying the Purpoſes of this Act duly and fully into Execution, in the ſame Manner as Deputy Lieutenants may do for the like Purpoſes by the Laws in force concerning the Militia.

A Depnty Warden or Juſtice may adminiſter Oaths, and direct the Clerk to inrol the Perſons ſworn.

XV. And be it further enacted, That it ſhall be lawful for any One Special Deputy Warden or Juſtice of the Peace to adminiſter the Oath herein-before required to be taken, either to any Perſon ballotted, or to any Perſon who ſhall offer to ſerve as a Subſtitute, and ſuch Special Deputy Warden or Juſtice of the Peace is hereby authorized to direct and require the Clerk of the Subdiviſion, for which every ſuch Perſon is to ſerve, to enroll on the Roll of ſuch Subdiviſion the Name of ſuch Perſon, together with the Day on which the ſaid Oath was ſo adminiſtered to ſuch Perſon.

If Perſons choſen by Ballot do not appear or provide Subſtitutes, they ſhall forfeit 15 *l.* and be liable to ſerve on a new Ballot; and if Penalty be not paid, ſhall be compellable to ſerve.

XVI. And be it further enacted, That if any Perſon choſen by Ballot as aforeſaid ſhall refuſe or neglect to appear and take the Oath aforeſaid, and ſerve in the ſaid Regiment, or provide a Subſtitute who ſhall be examined, approved, ſworn, and enrolled according to the Proviſions herein-contained; every ſuch Perſon ſo refuſing or neglecting ſhall forfeit and pay the Sum of Fifteen Pounds, and be liable, at the Expiration of Five Years, to ſerve in the ſaid Regiment or provide a Subſtitute; and in Default of Payment of ſuch Penalty as aforeſaid, or for Want of ſufficient Effects whereon to levy the ſame, the Name of ſuch Perſon ſhall be entered on the Roll, and ſuch Perſon ſhall be delivered over to the proper Officer of the Regiment, and ſhall be compelled to ſerve in the ſaid Regiment for ſuch Term, to be computed from the Time of his being apprehended, as any other Perſon then ballotted for would be liable to ſerve, and ſhall be ſubject to the ſame Puniſhment for afterwards abſconding or deſerting as he would have been ſubject to in caſe he had appeared and been duly ſworn and inrolled: Provided always, That if any Perſon, ſo ballotted to ſerve in the ſaid Regiment, ſhall be One of the People called *Quakers*, the ſame Proceedings ſhall be had with reſpect to ſuch Perſon as may be had with reſpect to a Quaker ballotted to ſerve in the Militia in *England*; and all and every the Proviſions with reſpect to the People called *Quakers* in the ſeveral Acts concerning the Militia Forces of *England* ſhall be carried into Execution in the levying of Men to be raiſed by virtue of this Act, in the ſame Manner and as fully and amply as if the ſame had been repeated and enacted in the Body of this Act.

Quakers ballotted to be proceeded with as Quakers in the Militia Forces.

Subdiviſion Meetings may order Perſons to ſerve who have fraudulently changed their Reſidence.

XVII. And be it further enacted, That if any Two or more Deputy Wardens or Juſtices of the Peace ſhall, at any of their Subdiviſion Meetings, receive Information, or ſhall ſuſpect that any Perſon, whoſe Name ſhall be inſerted in any Liſt to be returned in purſuance of this Act, ſhall wilfully quit or leave his Place or Reſidence for the Purpoſe of avoiding the Service required by this Act, it ſhall be lawful for them to make Enquiry thereof, and to ſummon ſuch Perſons as they ſhall think neceſſary to appear before them, at ſuch Time and Place as they ſhall appoint, and to examine ſuch Perſons upon Oath (which Oath any One of them is hereby

authorized to adminiſter); and in caſe it ſhall appear that ſuch Change of Reſidence was fraudulent, in order to avoid ſerving in the ſaid Miners Regiment, it ſhall be lawful for ſuch Deputy Wardens, or Juſtices of the Peace, or any Two of them, to appoint ſuch Perſon ſo fraudulently changing his Reſidence, to ſerve as a Private Man in the ſaid Regiment, for the Pariſh, Tything, or Place for which ſuch Liſt ſhall have been returned, if there ſhall be a Vacancy; and if there ſhall be no Vacancy at that Time, then upon the Firſt Vacancy that ſhall happen; and if any ſuch Perſon ſhall neglect or refuſe to ſerve in the ſaid Regiment purſuant to ſuch Order, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds.

Penalty of 10*l.* for refuſing to ſerve.

Liſts of Two Places may be added together.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Special Deputy Wardens, or any Two or more of them, within their reſpective Subdiviſions, to add together the Liſts of Two or more Pariſhes or Places within ſuch Subdiviſion, and proceed upon ſuch Liſts, added together, in the ſame Manner as if ſuch Liſts had been originally returned for One Pariſh or Place, ſo as to make the Choice of Men by Ballot within every Pariſh and Place in each Subdiviſion, as equal as poſſible.

If Liſts be loſt, the Deputy Wardens may cauſe new Liſts to be made out.

XIX. And be it further enacted, That if the Liſt of any Pariſh or Place ſhall be loſt or deſtroyed, it ſhall be lawful for the ſaid Special Deputy Wardens, or any Two or more of them, to cauſe a new Liſt of ſuch Pariſh or Place to be made and returned to them at their next or any ſubſequent Subdiviſion Meeting, and to enforce the Return thereof, and to proceed thereupon in the ſame Manner as they might have done upon the Liſt ſo loſt or deſtroyed, if the ſame had not been loſt or deſtroyed.

Eſtabliſhment of the Regiment.

XX. And be it further enacted, That the Number of Private Men to be raiſed, in the Firſt Inſtance by virtue of this Act, ſhall be in the Proportion of One in Fourteen of all ſuch Miners within the ſaid Counties of *Devon* and *Cornwall*, as are liable to ſerve under the Proviſions of this Act; and that from and after the Twenty-fifth Day of *June* One thouſand eight hundred and five, the Number of Private Men as aforeſaid ſhall be raiſed in Proportion to the Number of Private Men to be then furniſhed by the County of *Cornwall* for the Militia of the ſame County under any Act or Acts which may be then in force concerning the Militia Forces of *England*; and the ſaid Private Men to be raiſed by virtue of this Act ſhall form a Regiment of Four Companies, to each of which there ſhall be One Captain, One Lieutenant, and One Enſign, and the Field Officers of the ſaid Regiment ſhall be One Lieutenant Colonel Commandant and One Major: Provided always, that no Field Officer of the ſaid Regiment ſhall be Captain of a Company: Provided always, that the ſaid Lieutenant Colonel Commandant may be appointed, with the Approbation of His Majeſty, to ſerve with the Rank of Colonel, in caſe he ſhall have ſerved as an Officer for Five Years in His Majeſty's Regular Forces, or in the embodied Militia: Provided always, that in caſe of any Augmentation being made to the ſaid Regiment as herein-after mentioned, no new Companies ſhall be added thereto, unleſs the Number of Private Men ſhall be then ſufficient to form more than Four Companies of Sixty Private Men at the leaſt.

 XXI. And

The Warden may be the Lieutenant Colonel.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Warden, if he ſhall think fit, with the Approbation of His Majeſty, to be the Lieutenant Colonel Commandant of the ſaid Regiment, inſtead of appointing another Perſon to be Lieutenant Colonel Commandant thereof.

Warden to call out the Regiment yearly for 21 Days, to be trained and exerciſed, and the Regulations of the Militia ſhall extend thereto.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Warden, and he is hereby required, Once in every Year, to call out the ſaid Regiment, or any Part or Proportion thereof, not being leſs than Two Companies, for the Purpoſe of being trained and exerciſed together for the Space of Twenty-one Days, at ſuch Time or Times, and Place or Places, as he ſhall appoint, with the Approbation of His Majeſty; and in caſe the Whole of ſuch Regiment ſhall not be called out in order to be trained and exerciſed at the ſame Time, the reſpective Parts thereof ſhall be trained and exerciſed ſucceſſively, until the Whole of the Men ſerving in ſuch Regiment ſhall have been trained and exerciſed for the Space of Twenty-one Days in every Year; and all the Rules, Regulations, Powers, Directions, and Proviſions contained in any Act relating to the Militia of *England*, not repugnant to the Proviſions of this Act, ſhall extend and be conſtrued to extend to the ſaid Regiment, or any Part thereof, when ſo called out as aforeſaid, as fully and effectually to all Intents and Purpoſes, as if the ſaid Rules, Regulations, Powers, Directions, and Proviſions were repeated and re-enacted in the Body of this Act.

Officers ſhall have certain Qualifications.

XXIII. And be it further enacted, That the Lieutenant Colonel Commandant, and other Officers of the ſaid Regiment, ſhall be Perſons having the like Qualifications as are or ſhall be by Law required for Officers of the ſame Rank, ſerving in the Militia for the Counties of *Cornwall* and *Devon*.

His Majeſty may appoint an Adjutant.

XXIV. And be it further enacted, That His Majeſty may and ſhall appoint One proper Perſon, who ſhall have ſerved, or ſhall, at the Time of ſuch Appointment, actually ſerve in ſome of His Majeſty's other Forces, or in any Body of Militia that has been drawn out and embodied for the Space of Five Years, to be the Adjutant of the ſaid Regiment of Miners; and ſuch Adjutant ſhall and may have the like Privileges, Benefits, and Advantages, and no other, as any Adjutant appointed to any Body of Militia is entitled to by the Laws in force concerning the Militia.

The Warden ſhall appoint a Surgeon,

XXV. And be it enacted, That the ſaid Warden ſhall and may, with the Approbation of His Majeſty, appoint One fit and proper Perſon who ſhall have paſſed his Examination at Surgeons Hall, and received his Certificate accordingly, to be Surgeon of the ſaid Regiment; and ſuch Surgeon ſhall be entitled to the ſame Pay and Emoluments, and be ſubject to the ſame Rules and Regulations as Surgeons ſerving in the Militia.

and the Lieutenant Colonel Commandant a Regimental Clerk.

XXVI. And be it further enacted, That the Lieutenant Colonel Commandant of the ſaid Regiment ſhall appoint a Regimental Clerk, who ſhall execute the Office of Paymaſter, in the ſame Manner, and with the like Benefits as Perſons appointed to the like Offices by the Colonels or Commanding Officers of Regiments or Battalions of Militia.

Serjeants, Corporals, and Drummers, ſhall be appointed in the ſame Proportion as to Militia Regiments.

XXVII. And be it further enacted, That Serjeants, Corporals, and Drummers ſhall be appointed to the ſaid Regiment, in the ſame Manner, and in the ſame Proportion as Serjeants, Corporals, and Drummers, are appointed to Militia Regiments in *England*; and ſuch Serjeants, Corporals, and Drummers, ſhall take the ſame Oath to ſerve faithfully in the ſaid Regiment of Miners, as Serjeants, Corporals, and Drummers of Militia are required to take to ſerve in the Militia, changing only what ought to be changed.

When His Majeſty ſhall augment the Militia, the Warden ſhall augment in a like Proportion the Regiment of Miners.

XXVIII. And whereas it may be expedient, in caſe His Majeſty ſhould order any Increaſe to be made to the Militia Forces of *England*, that a proportionate Augmentation ſhould be made to the ſaid Regiment; be it therefore enacted, That whenever His Majeſty ſhall, by His Royal Proclamation, and by virtue of any Act or Acts which may be in force concerning the Militia of *England*, order and direct, that the Number of Men ſerving for the ſeveral Counties, Ridings, and Places in *England*, ſhall be increaſed, the ſaid Warden and Deputy Wardens ſhall immediately, on the iſſuing of any ſuch Proclamation, aſſemble and forthwith proceed to apportion the Number of Men neceſſary to be raiſed for augmenting the ſaid Regiment, in the ſame Proportion as may be directed by the ſaid Proclamation for augmenting the Militia of the County of *Cornwall*, among the Hundreds or other Diviſions of the ſaid Counties where Miners dwell, and ſhall afterwards proceed to raiſe and enrol ſuch Men at ſuch Time or Times as ſhall be ſpecified in ſuch Proclamation; and all the Powers, Proviſions, Regulations, Rules, Penalties, Forfeitures, Bounties, Allowances, Clauſes, Matters, and Things in this Act contained, ſhall be applied, practiſed, and put in Execution, for raiſing, training, exerciſing, embodying, and calling out into actual Service, the Supplementary Miners by this Clauſe directed to be raiſed and enrolled, in as full and ample a Manner in every Reſpect, as far as the ſame are applicable, as if the ſaid Number of them ſo added to the ſaid Regiment had been included in the Number of Men required and directed to be raiſed by virtue of this Act.

The Proviſions of any Act, concerning the Militia Forces of *England*, for holding Meetings, &c. ſhall extend to this Act, ſo far as applicable.

XXIX. And be it further enacted, That all and every the Proviſions contained in any Act made or to be made concerning the Militia Forces of *England*, for holding the ſeveral General and Subdiviſion Meetings of Lieutenancy of the ſeveral Counties and Places therein mentioned, and appointing new or other Meetings, and for procuring and compelling Returns and Proceedings thereon, and for ballotting Men to ſerve in the ſaid Militia, and all and every the Powers, Proviſions, Rules, Regulations, Penalties and Forfeitures, Bounties, Allowances, Clauſes, Matters, and Things contained in any ſuch Act, relative to the raiſing, training, embodying, and calling out the ſaid Militia, or providing for the Families of Militia Men called out, or reſpecting the paying, clothing, or ſubſiſting the Militia, or touching the billetting the ſaid Militia, or in any Manner relating to or concerning ſuch Militia, or any Officers or Men ſerving therein, ſhall be applied, practiſed, and put in Execution with reſpect to the Regiment hereby directed to be raiſed, and the Officers or Men ſerving therein, in as full and ample Manner as if all and every ſuch Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Bounties and Allowances, Clauſes, Matters, and Things had been again repeated and enacted in this Act, ſo far as the ſame reſpectively are applicable

applicable to the Provisions of this Act, and are not repugnant to or altered thereby.

XXX. Provided always, and be it further enacted, That neither the Whole, nor any Part of the said Regiment, shall, on any Account, be carried or ordered to go out of *Great Britain*. Regiment not to go out of *Great Britain*.

XXXI. And be it further enacted, That the Provisions of an Act, passed in the Twenty-fourth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others acting in Obedience to their Warrants*, shall extend to the said Warden and Deputy Wardens while acting in the Execution of this Act, in like Manner and as fully and effectually as the same extend to Justices of the Peace, acting in the Execution of their Office. Provisions of 24 Geo. 2. c. 24. shall extend to the Warden and his Deputies.

XXXII. And be it further enacted, That the Acceptance of a Commission in the said Regiment shall not vacate the Seat of any Member returned to serve in Parliament, and that no Person, being an Officer of the said Regiment, shall be compelled to serve the Office of Sheriff. Acceptance of a Commission not to vacate the Seat of any Member of Parliament.

XXXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed, which shall exceed the Sum of Twenty Pounds, shall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in any of the Stannary Courts in the Counties of *Cornwall* and *Devon*, wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Imparlance shall be allowed; and that all Fines, Penalties, and Forfeitures by this Act imposed, which shall not exceed the Sum of Twenty Pounds, shall, on Proof upon Oath of the Offence before any Justice of the Peace of the County, Riding, or Place where the Offence shall be committed, be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale to the Person whose Goods and Chattels shall have been so distrained and sold; and for Want of sufficient Distress, such Justice is hereby required, in all Cases where no particular Time of Commitment is herein-before directed, to commit such Offender to the common Gaol of the County, Riding, or Place where the Offence shall have been committed, for any Time not exceeding Three Months; and the Money arising by all such Fines, Penalties, and Forfeitures, the Application whereof is not otherwise particularly directed by this Act, shall be paid to the Clerk of the said Regiment, and shall be made Part of the publick Stock of such Regiment. Penalties how to be recovered.

XXXIV. And be it further enacted, That no Order of Conviction made by the said Warden or Two Special Deputy Wardens, or by One Special Deputy Warden, together with any One Justice of the Peace, or by any Justice or Justices of the Peace, by virtue of this Act, shall be removed by *Certiorari* out of the County, Riding, Division, City, Town, or Place wherein such Order or Conviction shall have been made, into any Court whatsoever; and that no Writ of *Certiorari* shall supersede Execution or other Proceedings upon any such Order or Conviction so made in pur- No Order of Conviction to be removed by *Certiorari*, *etc.*

ſuance of this Act, but that Execution and other Proceedings ſhall be had and made thereupon; any ſuch Writ or Writs, or Allowance thereof, notwithſtanding.

Limitation of Actions.

XXXV. And be it further enacted, That if any Action or Suit ſhall be brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid in the County, Riding, or Place where the Cauſe of Complaint did ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if the Jury ſhall find for the Defendant or Defendants in any ſuch Action or Suit, or if the Plaintiff or Plaintiffs ſhall be nonſuit, or diſcontinue his or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant hath in other Caſes to recover Coſts by Law.

General Iſſue.

Treble Coſts.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.