ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXXIII.

An Act to enable His Majesty more effectually to raise and assemble an additional Military Force in *Scotland*, for the better Defence and Security of the United Kingdom, and for the more vigorous Prosecution of the War. [6th *July* 1803.]

WHEREAS it is expedient, for the more effectual Defence and Security of the United Kingdom against the avowed Designs of the Enemy, and for the vigorous Prosecution of the War, that a strong additional Force should be forthwith raised and assembled in *Scotland*: 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 Lieutenants and Deputy Lieutenants, constituted and appointed by virtue or acting in the Execution of an Act, passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act to raise and establish a Militia Force in* Scotland, for the Counties, Stewartries, and Cities herein-after mentioned; and all Justices of

Lieutenants and Deputy Lieutenants appointed under 42 Geo. 3. c. 91. shall put this Act in Execution.

of the Peace, shall respectively have full Power and Authority, and are hereby authorized, empowered, and required to call together, levy, and enrol such Persons and in such Manner as is herein-after directed, and to do all Acts, Matters, and Things necessary for carrying this Act into Execution in like Manner, and as fully and effectually as they are respectively authorized, empowered, or required to carry into Execution the said recited Act.

Number of Private Men in each County.

II. And be it further enacted, That the Number of private Men to be raised by virtue of this Act shall be as follows; (that is to say), for the County of *Edinburgh* Two hundred and fifty; for the City of *Edinburgh* Two hundred and thirty-three; for the County of *Linlithgow* Seventy; for the County of *Haddington* One hundred and sixteen; for the County of *Berwick* One hundred and sixteen; for the County of *Peebles* Thirty-four; for the County of *Selkirk* Nineteen; for the County of *Roxburgh* One hundred and thirty-four; for the Stewartry of *Kircudbright* One hundred and thirteen; for the County of *Wigton* Eighty-nine; for the County of *Ayr* Three hundred and twenty-seven; for the County of *Renfrew* Three hundred and three; for the County of *Lanark* Five hundred and sixty-three; for the County of *Stirling* One hundred and ninety-seven; for the County of *Kinross* Twenty-six; for the County of *Fife* Three hundred and sixty-three; for the County of *Dunbarton* Eighty; for the County of *Bute* Forty-six; for the County of *Argyle* Two hundred and seventy-three; for the County of *Inverness* Two hundred and eighty-eight; for the County of *Perth* Four hundred and ninety; for the County of *Forfar* Three hundred and eighty-three; for the County of *Kincardine* One hundred and two; for the County of *Aberdeen* Four hundred and eighty; for the County of *Banff* One hundred and thirty four; for the County of *Elgin* One hundred and three; for the County of *Nairn* Thirty-two; for the County of *Cromarty* Twelve; for the County of *Ross* Two hundred and three; for the County of *Sutherland* Seventy-five; for the County of *Caithness* Ninety-one; for the County of *Dumfries* Two hundred and thirteen; and for the County of *Clackmannan* Forty-two.

Meeting of Lieutenancy shall appoint the Number of Men to be raised in each Parish, and the Days for the First Subdivision Meetings, and issue Orders to the Schoolmasters, *etc.* to amend Lists and affix them on the Church Doors, *etc.*

III. And be it further enacted, That a General Meeting of Lieutenancy shall be held in each County or Stewartry, within Ten Days after the passing of this Act, or as soon after as may be, and at such General Meeting the Lieutenant and Deputy Lieutenants, or such of them as shall be present at such Meeting, shall appoint the Number of Men to be raised in pursuance of this Act, for each Parish or other Division within such County or Stewartry, having regard where necessary to the Number of Yeomanry or Volunteer Corps enrolled in any of the said Parishes or Divisions, and entitled to Exemption under the Provisions of this Act, and shall appoint the Days for the first Subdivision Meetings, and issue Orders to Schoolmasters or to other Officers, in Manner directed by the said recited Act, to amend the Lists already returned under the same, in such Manner as that the Names of all Persons liable to serve according to the Provisions of this Act, may be balloted by virtue of this Act, to serve in the Army to be raised in pursuance thereof, and that the Names of all Persons exempted from serving under this Act, or who may have left the Parish for the Purpose of residing in any other Parish, shall be struck

ſtruck out, and to affix ſuch amended Liſts to the Doors of the Churches of their reſpective Pariſhes, or otherwiſe as is directed by the ſaid recited Act, and to give Notice in Manner therein directed of the Days of Appeals, (which Appeals are hereby directed to be heard and determined on the Days reſpectively appointed in the ſeveral Counties and Stewartries for ſuch firſt Subdiviſion Meeting); and ſuch Schoolmaſters, Conſtables, and other Officers, ſhall, without any Delay, proceed to amend ſuch Liſts, and affix the ſame according to the Directions of the ſaid recited Act, before the *Sunday* preceding the firſt Subdiviſion Meeting appointed under this Act.

New Liſts may be made when neceſſary.

IV. Provided always, and be it enacted, That it ſhall be lawful for the Deputy Lieutenants of any County or Stewartry, or City, if it ſhall appear to be abſolutely neceſſary for raiſing the Men under this Act, and not otherwiſe, to order and direct the making new Liſts of Perſons liable to ſerve, and to give Directions for that Purpoſe, and appoint Times for the Notices and Returns relating thereto; and then, and in ſuch Caſe all the Powers, Directions, Penalties, Fines, and Forfeitures in the ſaid recited Acts contained, relating to the making of new Liſts, ſhall be applied and put in force for that Purpoſe according to ſuch Directions, as fully as if the ſame were herein re-enacted, and ſuch reſpective Times for Notices and Returns, and other Matters and Things, were ſpecially herein directed and enacted.

Exemptions.

V. Provided always, and be it further enacted, That no Perſon being a Commiſſioned Officer in His Majeſty's other Forces, whether Regular or Militia, now embodied or in any One of His Majeſty's Caſtles or Forts, nor any Officer on the Half Pay of the Army, Navy, or Marines, nor any Non-commiſſioned Officer or private Man ſerving in any of His Majeſty's Regular or Militia Forces, or being a Profeſſor in any of the Four Univerſities in *Scotland*, nor any Clergyman, nor any licenſed Teacher of any ſeparate Congregation, in Holy Orders, or pretended Holy Orders, and not carrying on any Trade, or exerciſing any other Occupation for his Livelihood, and who ſhall have been ſo licenſed on or before the Eighth Day of *March* One thouſand eight hundred and three, nor any Pariſh Schoolmaſter, Conſtable, or other Peace Officer, nor any Perſon being and having been, on or before the Sixteenth Day of *June* One thouſand eight hundred and three, an articled Clerk, nor any Apprentice being at the paſſing of this Act under the Age of Twenty-one Years, nor any profeſſional Seaman or Seafaring Man actually earning his Livelihood as ſuch Seaman or Seafaring Man, nor any Perſon employed and muſtered in any of His Majeſty's Forts and Caſtles, nor any Man who has more than Two lawful Children under Ten Years of Age, and who is not poſſeſſed of any Eſtate in Lands, Goods, or Money, of the clear Value of One hundred Pounds, and who ſhall make Oath that he is not ſeiſed or poſſeſſed of ſuch Eſtate, ſhall be liable to ſerve perſonally or provide a Subſtitute, to ſerve in the Army to be raiſed by virtue of this Act, unleſs by Rotation it ſhall have come to the Turn of any ſuch Perſon to be again ballotted for; but no Perſon who has ſerved in any of His Majeſty's Regular Forces, or as a Subſtitute or Volunteer in the Militia, and hath been diſcharged from or quitted the ſame, ſhall by ſuch Service be exempted from ſerving in the ſaid Army to be raiſed by virtue of this Act, if he ſhall be choſen by Ballot.

VI. And

Clerks of General Meetings to certify to the Admiralty what Persons claim Exemptions as Seamen.

VI. And be it further enacted, That the respective Clerks of General Meetings of Lieutenancy, shall from Time to Time certify to the Admiralty, the Names and Residences of all Persons claiming to be exempt from being balloted to serve under the Provisions of this Act, as Professional Seamen or Seafaring Men.

Further Exemptions.

VII. Provided also, and be it further enacted, That no Officer, Non-commissioned Officer, Trumpeter, Drummer, or private Man, who shall have offered himself and been accepted, and who shall have been duly enrolled, on or before the Twenty-second Day of *June* One thousand eight hundred and three, in any Yeomanry or Volunteer Corps, raised or continued under an Act passed in the last Session of Parliament, the Services of which Corps shall have been accepted on or before the Twenty-second Day of *June* One thousand eight hundred and three, and whose Services shall, as to all such Corps formed in *Edinburgh* and *Glasgow* respectively, extend, in Cases of actual Invasion, or Appearance of Invasion, to those Places respectively in which they shall have been formed, and their respective Vicinities; and as to all other Corps, to the Military District in which such Corps shall be situate, shall be liable to serve personally, or provide a Substitute, to serve in the Army to be raised by virtue of this Act, as long only as he shall actually continue to belong to and serve in such Corps, in Manner herein-before mentioned.

No Person in Yeomanry or Volunteer Corps exempted unless entered in the Muster Roll on or before *June* 22, 1803;

Rolls to be returned to the Clerks of the General Meetings.

VIII. Provided also, and be it further enacted, That no Person in any such Yeomanry or Volunteer Corps as aforesaid, shall be exempted from Service under this Act, unless he shall have entered his Name in a Muster Roll of such Corps for Service, on or before the Twenty-second Day of *June* aforesaid, and shall be returned to the Deputy Lieutenant of the Subdivision in which he shall reside as so entered by the Commanding Officer of such Corps; and all Commanding Officers of such Corps are hereby required to return such Muster Rolls, signed by them respectively, to the Clerks of the General Meetings of Lieutenancy of their respective Counties, before the Day appointed for the First Subdivision Meeting under this Act.

No Person Five Feet Two Inches high shall be deemed unfit.

IX. And be it further enacted, That no Person chosen by Ballot to serve in the said Army to be raised by virtue of this Act, nor any Substitute being of the full Height of Five Feet Two Inches, who shall be otherwise able bodied and fit for Service, shall be deemed unfit for Service, or be liable to be discharged on Account of his Stature.

Subdivision Meetings shall determine Appeals, and send Duplicate of amended Lists to the Clerks to the General Meetings, who shall return Abstracts to the Privy Council; shall cause the Men to be balloted

X. And be it further enacted, That the Deputy Lieutenants assembled at such First Subdivision Meetings, shall proceed to hear and determine Appeals on such amended Lists; and after amending such Lists on such Appeals, shall cause Duplicates of such amended Lists to be sent to the Clerks to the General Meetings, who shall return Abstracts thereof to His Majesty's Privy Council; and shall forthwith cause the proper Number of Men to be chosen by Ballot out of the Lists returned for every Parish, and amended as aforesaid, and shall appoint another Meeting to be holden as soon as conveniently may be, and within Fourteen Days, in the same Subdivisions, for the Purpose of enrolling the Men required to serve as aforesaid, and shall issue out an Order to the Schoolmasters and

and to Conſtables or other Officers of the reſpective Pariſhes, to give Notice to every Man ſo ballotted to appear at ſuch Meeting, which Notice ſhall be given or left at the Place of Abode of every ſuch Perſon at leaſt Seven Days before ſuch Meeting; and ſuch Schoolmaſters, Conſtables, or other Officers reſpectively, ſhall attend ſuch Meeting, and make a Return upon Oath of the Days when ſuch Notice was ſerved; and every Perſon ſo choſen by Ballot, ſhall upon ſuch Notice appear at ſuch Meeting, and ſhall be enrolled, (in a Roll to be then and there prepared for that Purpoſe), to ſerve in the Army to be raiſed by virtue of this Act.

for, and appoint Meetings for enrolling them; order Schoolmaſters to give Notice to the Men to appear, &c.

XI. And be it further enacted, That if through the Neglect or Miſtake of any Lieutenant or Deputy Lieutenants, or any Schoolmaſters or Conſtables, or other Officers, or from any other Cauſe, any Act or Acts, Matters or Things, hereby required to be done at any ſuch Meeting as aforeſaid, ſhall not be performed, it ſhall be lawful for the Perſons reſpectively authorized and required to do any Act, Matter, or Thing to carry the ſame into Execution at any ſubſequent Meeting; and all ſuch Acts, Matters, and Things ſhall be as good, valid, and effectual, to all Intents and Purpoſes, as if the ſame had been done at the Meeting in this Act mentioned for ſuch Purpoſe; and if the full Number of Men appointed for any Subdiviſion ſhould not be duly enrolled at any Meeting appointed for that Purpoſe, the Deputy Lieutenants at ſuch Meeting, or at any ſubſequent Meeting, or any Two or more of them, may, and they are hereby required immediately to cauſe any Liſts to be amended, if neceſſary, and to proceed to a freſh Ballot, and to adjourn their Meeting, or appoint other Meetings, as may be expedient for carrying the Purpoſes of this Act duly and fully into Execution; and it ſhall be lawful for any One Deputy Lieutenant or Juſtice of the Peace to adminiſter the Oaths required by this Act to be taken by Perſons to ſerve in the ſaid Army, to any Perſon ballotted, or to any Perſon offering as a Volunteer under the Directions of this Act, or to any Perſon who ſhall offer to ſerve as a Subſtitute; and ſuch Deputy Lieutenant or Juſtice of the Peace is hereby authorized to direct and require the Clerk of the Subdiviſion, for which the Perſon having taken ſuch Oath is to ſerve, to enrol the Name of every ſuch Perſon, together with the Day on which the ſaid Oath was ſo adminiſtered to him, in the Roll of ſuch Subdiviſion.

Acts omitted to be done at any Meeting, may be done at a ſubſequent Meeting; and if the full Number ſhall not be enrolled, a freſh Ballot ſhall be had, *etc.*

One Deputy Lieutenant or Juſtice may adminiſter Oaths, and require the Clerk of the Subdiviſion to enrol the Perſons ſworn.

XII. And be it further enacted, That whenever it ſhall appear to any Two or more Deputy Lieutenants aſſembled at any Subdiviſion Meeting, that any Perſon choſen by Ballot to ſerve in the ſaid Army is unable by reaſon of any Infirmity, or is otherwiſe unfit for the Service, ſuch Deputy Lieutenants ſhall and are hereby empowered and required to diſcharge ſuch Perſon, and immediately to amend the Liſt for the Place for which ſuch Perſon ſhall have been ballotted, and to cauſe another Perſon to be choſen in his ſtead, by Ballot, according to the Directions of this Act.

Subdiviſion Meetings may diſcharge unfit Perſons, and cauſe others to be choſen.

XIII. Provided always, and be it further enacted, That it ſhall be lawful for Perſons ballotted to ſerve in the ſaid Army to find and produce Subſtitutes, who being of the ſame or ſome adjoining County or

Perſons ballotted may find Subſtitutes; and the Deputy Lieutenants may

provide Substitutes for Quakers and levy the Expence.

or Stewartry, and able and fit to serve, and being approved in Manner directed by the said recited Act and this Act, shall be enrolled and sworn; and the Persons finding such Substitutes shall not be again liable to be ballotted to serve or to find Substitutes to serve under this Act, unless it shall again come to the Turn of any Person; and the Deputy Lieutenants may also provide proper Substitutes, of the same or some adjoining County or Stewartry, for Quakers, and levy the Expence thereof on such Quakers, according to the Provisions of the said recited Act; and no Person produced as a Substitute shall be rejected by any Deputy Lieutenants for or on Account of the Number of his Children; any Thing in any former Act contained to the contrary notwithstanding.

Substitutes not to be objected to on Account of Children.

Penalty on Persons chosen by Ballot (not being Quakers) neglecting to serve or find Substitutes.

XIV. And be it further enacted, That, if any Person chosen by Ballot, according to the Directions of this Act, to serve in the said Army (not being One of the People called *Quakers*), shall refuse or neglect to appear and take the said Oath, and serve in the said Army, or to provide a Substitute to be approved as aforesaid, who shall take the said Oath, and sign his Consent to serve as his Substitute, every such Person so refusing or neglecting shall forfeit and pay the Sum of Twenty Pounds; and whenever any Ballot shall take place for the filling up any Vacancy, or otherwise in the same Parish or Place, under the Authority of this Act, after the Expiration of One Year from the Time of such Person being so ballotted as aforesaid, such Person shall be liable to be ballotted again to serve or provide a Substitute under this Act; and in Default of Payment of any such Penalty, or for want of sufficient Effects whereon to levy the same, the Name of such Person, if fit to serve, and not being of the People called *Quakers*, shall be entered on the Roll; and such Person shall be delivered over to some proper Officer in His Majesty's Service, near to such Parish or Place, and shall be compelled to serve, in like Manner as any other Person 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.

If Penalty be not paid, the Person shall be compelled to serve.

No Man shall be enrolled till examined by a Surgeon.

XV. And be it further enacted, That no Man shall be approved or enrolled to serve in the Army to be raised under this Act, either as a ballotted Man or as a Substitute or Volunteer, until he shall have been carefully examined by some Surgeon of competent Skill, and shall have been declared and reported by such Surgeon to be neither ruptured, lame, maimed, nor afflicted with any Disorder that may render him unfit to serve, but to be in every Respect able and fit for Service; and the Deputy Lieutenants assembled at their Subdivision Meetings, or any Two Deputy Lieutenants, shall, in all Cases, before they proceed to enrol any Man for the said Army, cause such Examination to be carefully made; and it shall be lawful for the said Deputy Lieutenants, and they are hereby empowered and directed to require the Attendance of any Surgeon or Assistant Surgeon of any Regiment, Battalion, or Corps of His Majesty's Regular or Militia Forces, or any Surgeon, or Assistant Surgeon, or Mate in any Military Hospital, or any Surgeon or Mate on the Staff of the Forces, if any such Medical Officer is within a reasonable Distance, and can conveniently be had, or otherwise to require the

Deputy Lieutenants may require the Attendance of certain Surgeons,

the Attendance of any other competent Surgeon for that Purpose, and a reasonable Allowance, not exceeding Two Shillings and Sixpence for every Man so examined, shall be made to the Surgeon performing such Examination, and shall be paid in like Manner as Allowances are by the said recited Act of the Forty-second Year aforesaid, directed to be made and paid to Surgeons employed in examining Men balloted for the Militia.

Allowance to be made the Surgeon for Attendance.

XVI. And be it further enacted, That every Man who shall be balloted under this Act to serve in the said Army, shall be enrolled to serve within the United Kingdom of *Great Britain* and *Ireland*, and within the Islands of *Guernsey*, *Jersey*, and *Alderney*, for the Defence of the same, and not elsewhere, for Five Years, and shall take the following Oath; (that is to say),

Balloted Men shall be enrolled to serve within certain Limits, and 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 that I will 'faithfully serve His Majesty in *Great Britain* and *Ireland*, or the Islands 'of *Guernsey*, *Jersey*, and *Alderney*, in any of His Majesty's Regiments, 'Battalions, or Corps now established, or to be formed for the De- 'fence of the same, for the Period of Five Years, unless I shall be 'sooner discharged.'

And every Substitute or Volunteer enrolled to serve in the said Army, shall be liable to serve in any Part of *Great Britain* or *Ireland*, or the Islands of *Guernsey*, *Jersey*, and *Alderney*, and not elsewhere, and shall take the following Oath; (that is to say),

Substitutes or Volunteers shall be liable to serve within the same Limits, and 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 His Majesty in *Great Britain* and *Ireland*, or 'in the Islands of *Guernsey*, *Jersey*, and *Alderney*, in any of His Ma- 'jesty's Regiments, Battalions, or Corps now established, or to be formed 'for the Defence of the same, for the Period of Five Years, and until 'Six Months after the Ratification of a Definitive Treaty of Peace with '*France*, unless I shall be sooner discharged.'

And every Person enrolled to serve under this Act in the said Army as a Substitute or Volunteer, shall, before such Enrolment, be examined upon Oath before the Deputy Lieutenants, as to his Fitness to serve, and other Circumstances, and the Oath to be administered to him, shall be in the Words or to the Effect following:

and shall be examined as to their Fitness, and take an Oath to the following Effect.

'I, *A. B.* do swear, That I have no Rupture, nor am I subject to Fits, 'nor am I disabled by Lameness or otherwise, but have the perfect 'Use of my Limbs, and that I am not an Apprentice, or a Seaman or 'Seafaring Man, and that I do not belong to His Majesty's Navy, 'Army, or Marines, nor to the Militia.'

XVII. And be it further enacted, That if the Inhabitants of any Parish or Place, shall provide and produce to the said Deputy Lieutenants, or any Two or more of them, at any Subdivision Meeting for chusing the Militia Men by Ballot, any Volunteer or Volunteers, who shall be approved in Manner herein directed, such Volunteer or Volunteers so examined

If the Inhabitants of any Parish shall produce at Subdivision Meetings any Volunteers, they shall be enrolled.

examined and approved, shall be then and there sworn in and enrolled to serve for such Term and on the same Conditions as is herein-before provided in case of Substitutes produced by Persons chosen by Ballot; and the said Deputy Lieutenants shall cause only such Number of Persons to be chosen by Ballot, out of the List returned for such Parish or Place, as shall be then wanted to make up the whole Number to serve for such Parish or Place.

Persons may provide Volunteers or offer themselves to serve, and if approved, may be enrolled, *etc.*

XVIII. And be it further enacted, That it shall be lawful for any Person or Persons to provide Volunteers, being Men of the same or some adjoining County or Stewartry, to serve in the said Army for any Subdivision within any County, and to produce such Volunteers before any Deputy Lieutenants or Justices of the Peace of the same Subdivision, at any Time previous to the Day appointed for chooſing the Men by Ballot in such Subdivision in pursuance of this Act, or for any Persons of the same or adjoining County or Stewartry, willing to serve therein, to offer themselves to serve in the said Army for any such Subdivision, and to appear before any such Deputy Lieutenant or Justice of the Peace, within such Time and at such Place as aforesaid; and every such Person so produced or appearing, who shall be approved of by the said Deputy Lieutenant or any Justice of the Peace as aforesaid, may be enrolled to serve in the said Army as a private Man, according to the Provisions of this Act; and such Deputy Lieutenants and Justices of the Peace respectively before whom any such Volunteer shall be enrolled, shall cause the Clerks of the Meetings for the respective Subdivisions, to enrol the Names of all such Volunteers in such Manner as they are required to enrol the Names of Persons chosen by Ballot, and the Names of all *such* Volunteers shall be so entered within the respective Subdivisions before the Time appointed for ballotting the Men within the same.

Volunteers shall be sent to the Place of Assembly and if those enrolled before taking the Ballot, shall amount to a certain Number, the Deputy Lieutenants may suspend the Ballot, and shall send an Account of the Number enrolled to the Clerk of the General Meeting, to be transmitted to the Secretary at War, and His Majesty may direct a further Suspension of the Ballot, at the End of which

XIX. And be it further enacted, That the Deputy Lieutenants shall from Time to Time order all Volunteers to be forwarded to the Place of Assembly for their respective Counties or Stewartries as herein-after mentioned; and if the Number of Volunteers enrolled by virtue of this Act in any Subdivision, before the Time appointed for taking the Ballot as before directed, shall not amount to Two-third Parts of the whole Number of Men appointed to be raised within such Subdivision, the Deputy Lieutenants shall, at the Time and Place before appointed, proceed to ballot for such Number of Men only as shall be then wanted to make up the whole Number to serve for such Subdivision, making a fresh Appointment of the Number of Men to be raised for the respective Parishes in such Subdivision, according to the Number then wanted as aforesaid; and if the Number of Volunteers who shall have been then enrolled shall amount to or exceed such Two-third Parts, then the said Deputy Lieutenants may suspend the Ballot appointed to be taken, for any Space of Time not exceeding Ten Days, of which like Notice shall be given as is herein-before directed, and they shall forthwith transmit an Account of the Number of Volunteers so enrolled, to the Clerk of the General Meetings of Lieutenancy, who shall transmit the same, without Delay, to His Majesty's Secretary at War; and it shall be lawful for His Majesty, on the Transmission of such Account, to direct a further Suspension of the said Ballot

Ballot for such Time as shall be deemed expedient, in order to give a reasonable Opportunity to complete the Quota of such Subdivision by the Enrolment of Volunteers; and in such Case it shall be lawful for the Deputy Lieutenants and Justices of the Peace acting for such Subdivision, within the Time allowed by His Majesty, in any Order transmitted for that Purpose by His Majesty's Secretary at War, to enrol such Number of Men as Volunteers in the said Army, as shall be wanting to complete the Quota of Men to be raised for such Subdivision, in the Manner before directed: Provided always, that if at the Expiration of the Time allowed by His Majesty, the whole Number of Men to be raised for such Subdivision shall not have been enrolled, the Deputy Lieutenants, without further Delay, shall proceed to ballot for the Number of Men then wanted to make up such Number, according to the Provisions of this Act, making a fresh Appointment of the Number of Men to be raised for each Parish or Place, according to the Numbers then wanted as aforesaid; but if at the End of the Time so allowed, the whole Number of Men to be so raised for such Subdivision shall be compleated, then the Deputy Lieutenants shall transmit an Account thereof to the Clerk of the General Meetings of the said County or Stewartry as aforesaid, who shall transmit the same to His Majesty's Secretary at War, and in such Case no Ballot shall take place for such Subdivision.

Period, the Number wanting shall be ballotted for, etc.

XX. And be it further enacted, That when any Person shall have received any Money for the Purpose of serving as a Substitute or Volunteer, either in the way of Earnest, or in part Payment of any Sum agreed to be given for his becoming such Substitute or Volunteer, or in any other Manner as such Substitute or Volunteer, and shall afterwards refuse or neglect to appear to be enrolled and sworn to serve as such, it shall be lawful for any Two Deputy Lieutenants, or any Justice of the Peace or Magistrate to whom Complaint shall be made thereon, to cause any such Person to be brought before them or him by Warrant; and if such Person shall refuse to be enrolled and sworn to serve as aforesaid, or shall neglect or refuse, or be unable to return the Sum of Money so advanced as aforesaid, to the Person or Persons from whom he received it, together with the further Sum of Forty Shillings by way of Forfeit, such Deputy Lieutenants or Justices may, and they are hereby required, to commit such Person to the Common Gaol of the County or Stewartry for the Space of Three Months, there to remain without Bail or Mainprize.

Substitutes or Volunteers having received Money, and not appearing to be enrolled, shall return it and pay a Penalty, or be imprisoned.

XXI. And be it further enacted, That the Sum of One Guinea shall be paid by the Collector of the Land Tax to the respective Commanding Officers of Companies, in Manner directed by the said Act of the Forty-second Year aforesaid, for the Use of every Man raised under this Act, when and so soon as any such Men shall respectively join at the Place of Assembly appointed for that Purpose; which Sums shall be respectively paid, applied, and accounted for, in Manner directed by the said Act.

One Guinea shall be paid by the Collector of the Land Tax for every Man who shall join at the Place of Assembly,

XXII. And be it further enacted, That an additional Bounty of One Guinea shall be paid by the Collector of the Land Tax aforesaid, for and in respect of every Man ballotted to serve, who shall appear to be enrolled and sworn personally to serve under this Act, as soon as such Men shall have respectively joined their Regiment, Battalion, or Corps, to the Cap-

and an additional Guinea for each Man on joining his Corps.

tain of the respective Companies to which such Men shall belong, which shall be accounted for by such Captain to the Men entitled thereto on the Twenty-fourth Day of the Month succeeding the Time of the same being paid by such Collector; and such Sums shall be allowed in the Accounts of such Collectors respectively.

His Majesty may appoint the Times and Places for assembling the Men enrolled, and send Officers to receive them, Notice whereof shall be transmitted by the Secretary at War to the Deputy Lieutenants, and when none are sent, the Deputy Lieutenants shall order the Men to repair to the Places of Assembly, *etc.*

XXIII. And be it further enacted, That it shall be lawful for His Majesty to appoint the Times and Places in each County and Stewartry for the assembling of the Men enrolled under this Act, and also to appoint and send proper Officers and Non-commissioned Officers to receive such Men, Notice whereof shall be transmitted by His Majesty's Secretary at War to the Deputy Lieutenants respectively; and where no such Officers or Non-commissioned Officers shall be so sent, the Deputy Lieutenants shall order the Men, when enrolled, to repair forthwith to the Places of Assembly so appointed, and shall cause to be advanced to such Men such Pay, for the Purposes of subsisting such Men during such March, as is directed in the Act of the Forty-second Year aforesaid, in relation to the Militia, when embodied; and all Justices of the Peace, Magistrates, Constables, and other Officers, may, and they are hereby required, to do all other Acts, Matters, and Things, in relation to billetting such Men, and providing sufficient Carriages for the forwarding the March of such Men, as they are authorized and directed to do with respect to any of His Majesty's Forces.

His Majesty may cause the Men to be placed in Corps appointed to serve within certain Limits, or to be formed into new Corps, *etc.* and may appoint Officers to command and discipline them; and the Army raised under this Act shall be subject to the Mutiny Laws.

XXIV. And be it further enacted, That it shall be lawful for His Majesty to cause the Men enrolled under this Act to serve as aforesaid, to be placed in such of the existing Regiments, Battalions, or Corps, as may be from Time to Time appointed to serve in *Great Britain*, *Ireland*, *Guernsey*, *Jersey*, and *Alderney*, or to be formed into such new Regiments, Battalions, or Corps, as His Majesty shall judge necessary, and in such Manner as shall be best adapted to the Defence and Protection of the United Kingdom, and Notice shall be given by His Majesty's Secretary at War to the respective Lieutenants of Counties, of the respective Regiments, Battalions, and Corps, to which the Men enrolled for their respective Counties shall be appointed; and it shall also be lawful for His Majesty to appoint such Officers and Non-commissioned Officers to command and discipline such Regiments, Battalions, or Corps, as His Majesty shall think fit; and every such Officer, and every Non-commissioned Officer and Drummer in any such Regiment, Battalion, or Corps, and every such private Man, from the Time of his Enrolment respectively, as well as the whole Army to be raised by virtue of this Act, shall be subject to all the Provisions, Rules, Regulations, Pains, and Penalties, as well Pains of Death as others, as are or may be contained in any Act of Parliament then in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and any Articles of War made in pursuance thereof, and all the Provisions, Powers, Authorities, Pains, Penalties, and Forfeitures, as well Pains of Death as others, contained in every such Article and Articles of War, shall be in force with respect to the Army to be raised by virtue of this Act, and shall extend to all Officers, Non-commissioned Officers, Drummers, and private Men of the same, in all Cases whatsoever.

XXV. Provided

XXV. Provided always, and be it further enacted, That none of the Regiments, Battalions, and Corps in which the Men to be raiſed under this Act ſhall be placed or formed as aforeſaid, ſhall, during the Time that any ſuch Men ſhall remain appointed to or formed in the ſame as aforeſaid, on any Account be carried or ordered to go out of the United Kingdom of *Great Britain* and *Ireland*, and the Iſlands of *Guernſey*, *Jerſey*, and *Alderney*; and none of the ſaid Men to be raiſed by virtue of this Act, ſhall be compellable or compelled on any Pretence whatſoever, to ſerve out of the United Kingdom and the Iſlands of *Guernſey*, *Jerſey* and *Alderney* aforeſaid, unleſs they ſhall freely and voluntarily enliſt in any of His Majeſty's Forces for general Service, and ſhall have been for that Purpoſe previouſly and duly diſcharged from their Service in the Army to be raiſed by virtue of this Act.

None of the Corps in which the Men ſhall be placed ſhall be ordered out of certain Limits, nor any of the Men be compellable to ſerve out of them.

XXVI. And be it further enacted, That the reſpective Lieutenants and Deputy Lieutenants ſhall, upon the Receipt of any ſuch Notice as aforeſaid, of the Regiment, Battalion, or Corps in which the Men raiſed in their reſpective Counties ſhall be formed, forthwith tranſmit to the Officer commanding ſuch Regiment, Battalion, or Corps, or Officers reſpectively commanding ſuch Regiment, Battalions, or Corps, when more than One, Certificates of the Numbers and Names of Men belonging to their reſpective Counties, as well as of the Subdiviſions and Pariſhes for which they reſpectively ſerve; and all Vacancies that ſhall ariſe in the ſaid Army, by Death or Deſertion of any Men enrolled therein, or in conſequence of any ſuch Men being reclaimed as Deſerters from His Majeſty's other Forces, or from the Marines or Militia, or by ſuch Men becoming unfit for Service, and being duly diſcharged accordingly, ſhall be filled up and ſupplied in ſuch and the like Manner, and under ſuch and the like Penalties, as are contained in the ſaid recited Act, except in ſo far as any ſuch Penalties or Forfeitures are by this Act varied, altered, or increaſed; and the reſpective Commanding Officers and Adjutants of ſuch Regiments, Battalions, or Corps, ſhall, in order to the having ſuch Vacancies duly and ſpeedily ſupplied, from Time to Time, tranſmit and cauſe to be tranſmitted to the Clerks of General Meetings, and Lieutenants and Deputy Lieutenants, all ſuch Certificates, Returns, and Accounts, in relation to ſuch Vacancies, as are directed in the ſaid recited Acts; provided that no Vacancy cauſed by the Diſcharge of any Man as unfit for Service, ſhall be filled up, except his Diſcharge ſhall be ſigned by the Colonel or other Commanding Officer of the Regiment, Battalion, or Corps, and certified by Two Deputy Lieutenants of the County or Stewartry to which he ſhall belong.

The Lieutenants and Deputy Lieutenants ſhall tranſmit Certificates to the Commanding Officers of the Men raiſed; and all Vacancies ſhall be ſupplied according to 42 Geo. 3. c. 91. and the Commanding Officers and Adjutants ſhall tranſmit to the Clerks of the General Meetings, &c. Returns relating to Vacancies as directed thereby.

XXVII. And be it further enacted, That the reſpective Colonels or other Commanding Officers of the Regiments, Battalions, or Corps of Men raiſed under this Act, ſhall tranſmit to the Clerk of the Commiſſioners of Supply for any County or Stewartry failing or delaying to furniſh the Proportion of Men directed to be raiſed by this Act, or as often as any Deficiency ſhall ariſe, a Certificate in the Form in the Schedule to this Act annexed, marked (A.) of the Deficiencies and Vacancies that remain to be filled up in their reſpective Regiments, Battalions, or Corps, and the Clerk of Supply ſhall certify the ſame to the ſaid Commiſſioners of Supply, who ſhall thereupon, within Ten Days thereafter, aſſeſs the Penalty of Twenty

Commandant to tranſmit to the Clerks of the Commiſſioners of Supply Certificates in the Form in the annexed Schedule (A.) and the Commiſſioners ſhall aſſeſs 20*l.* for each Man certified to be deficient, and

a further Penalty of 20 l. every Three Months till Deficiencies are filled up.

Twenty Pounds for each private Man ſo certified to be deficient as aforeſaid, to be levied in Manner directed by the ſaid recited Act; and if within Three Months after the Date at which any ſuch Aſſeſſment ſhall have been made, any Deficiency or Deficiencies in reſpect whereof any ſuch Aſſeſſment ſhall have been made, ſhall not have been made good and filled up, according to the Proviſions of the ſaid Act and of this Act, the Commiſſioners of Supply ſhall forthwith aſſeſs and levy, in like Manner as aforeſaid, a further and additional Penalty of Twenty Pounds for every private Man ſo deficient, and ſhall from Time to Time, at the Expiration of every ſucceeding Three Months, proceed to aſſeſs and levy further and additional Penalties as aforeſaid, of Twenty Pounds for each private Man deficient, until ſuch Deficiency or Deficiencies ſhall have been filled up; and ſuch ſeveral Penalties may and ſhall be aſſeſſed, levied, and recovered, according to the Proviſions of the ſaid recited Act, and applied as by this Act directed, for which Purpoſe the reſpective Clerks of the Commiſſioners of Supply ſhall tranſmit to the Lord Chief Baron, and other Barons of His Majeſty's Court of Exchequer in *Scotland*, the Numbers of Men deficient, purſuant to the Returns made to them according to the Directions of this Act; and the King's Attorney in Exchequer is hereby directed and required to proceed to compel the Performance of this Act, and to levy and collect the Pains, Penalties, and Forfeitures hereby impoſed, in the ſame Manner as he is directed and required to compel Performance of the ſaid recited Act, and to levy any Pains, Penalties, or Forfeitures, thereby impoſed.

Recovery of Penalties.

Proviſions of recited Act to apply to Men enrolled under this Act who ſhall deſert.

XXVIII. And be it further enacted, That all and every the Rules, Regulations, Pains, Penalties, and Proviſions, in the ſaid recited Act, as to Perſons deſerting from the Militia, ſhall be in full Force and applied to all Perſons enrolled to ſerve in the Army to be raiſed by virtue of this Act, who ſhall deſert after ſuch Enrolment; and it ſhall be lawful to proceed againſt ſuch Deſerters either according to the Proviſions of any Act in Force for the Puniſhment of Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, or any Articles of War made in purſuance thereof.

Pariſhes ſhall complete their Quotas without Loſs of Time; Application of Penalties for refuſing to ſerve or find Subſtitutes.

XXIX. And be it further enacted, That in all Caſes the reſpective Pariſhes ſhall complete their Quota of Men ordered to be raiſed under this Act without Loſs of Time; and that the Money ariſing by Penalties incurred for refuſing to ſerve in the Militia, or to find Subſtitutes to ſerve in their room, ſhall be applied by any Two or more Deputy Lieutenants within their reſpective Subdiviſions, in providing Subſtitutes for the Perſons who have paid ſuch Penalties, which Subſtitutes ſhall be examined, approved, ſworn in, and enrolled to ſerve for the ſame Term, in the ſame Manner, and on the ſame Conditions as are herein-before provided in the Caſe of Subſtitutes provided by Perſons choſen by Ballot; and if any Surplus ſhall remain the ſame ſhall be paid to the Collector of the Ceſs of the County or Stewartry within which the ſame ſhall ſo reſpectively be paid or levied, and ſhall forthwith by ſuch Collector be carried to the Account of the Paymaſter General of the Army, or tranſmitted and paid into the Hands of the ſaid Paymaſter General of the Army, if required ſo to do, to be applied in the raiſing Men for the ſaid Army, for ſuch County or Stewartry, or for His Majeſty's Regular Forces, as His Majeſty ſhall think fit.

XXX. And

Clerks to General Meetings, *etc.* to be rewarded for their Trouble.

XXX. And be it further enacted, That the reſpective Clerks to the General Meetings of Lieutenancy, and Clerks to Subdiviſion Meetings, and all other Officers and Perſons whatever, entitled under the ſaid recited Act to any Remuneration for their Pains and Labours in executing the Proviſions of the ſaid Act, who ſhall execute the like or other Proviſions of this Act, ſhall for ſuch Services reſpectively receive ſuch Rewards as are directed by the ſaid Act for ſuch Services, and alſo ſuch further Reward for their Pains and Trouble in and about the executing of this Act, as the Deputy Lieutenants aſſembled at any Meeting held for that Purpoſe, at which not leſs than Five Deputy Lieutenants ſhall be preſent, ſhall think reaſonable and proper, and ſhall certify under their Hands and ſuch reſpective Rewards to the reſpective Collectors, who ſhall, on the Production of ſuch Certificate ſo ſigned as aforeſaid, pay the Sum or Sums of Money therein ſpecified, out of any publick Monies in their Hands, and the ſame ſhall be allowed in their Accounts.

His Majeſty may direct the Commandant to diſcharge any Men willing to enliſt into His Forces for general Service, *etc.*

XXXI. And be it further enacted, That it ſhall be lawful for His Majeſty, from Time to Time, and under ſuch Bounties, Rules, Regulations, and Reſtrictions as may to His Majeſty ſeem moſt expedient, and as may be declared in General Orders, to direct the Colonel or other Commanding Officer of any Regiment, Battalion, or Corps, into which any Men raiſed under this Act ſhall be placed or formed, to diſcharge any ſuch Men ſo raiſed, who ſhall be willing to enliſt in His Majeſty's Forces for general Service: Provided always, that the Pariſh in which any ſuch Men ſhall have been raiſed, ſhall not be compellable or compelled to fill up any Vacancy occaſioned by the enliſting of any Men under any ſuch Diſcharge as aforeſaid.

If any ſuch Perſon ſhall refuſe to enliſt, he ſhall continue to belong to the Corps from which diſcharged.

XXXII. Provided always, and be it further enacted, That if any Perſon ſo diſcharged for the Purpoſe of being enliſted as aforeſaid, ſhall notwithſtanding refuſe to enliſt purſuant to ſuch Declaration ſo made by him as aforeſaid, that then and in every ſuch Caſe, ſuch Perſon ſhall continue to belong to the Regiment, Battalion, or Corps from which he ſhall have been ſo diſcharged for the Purpoſe of enliſting as aforeſaid, notwithſtanding any ſuch Diſcharge.

Wives and Families of Corporals and Privates entitled to Relief.

XXXIII. And be it further enacted, That the Wives and Families of the Corporals and private Men, raiſed and enrolled to ſerve under this Act, ſhall be entitled to ſuch and the like Relief, and under ſuch and the like Circumſtances, as are mentioned in any Act paſſed or to be paſſed in this Seſſion of Parliament, for providing Relief for the Families of Militia Men in *Scotland*, when called out into actual Service; and for that Purpoſe all the Rules, Regulations, Proviſions, Powers, Authorities, Penalties, and Forfeitures in the ſaid recited Act contained, ſhall extend and be conſtrued to extend to the giving ſuch Relief as aforeſaid, as fully and effectually as if the ſame were herein enacted: Provided always, that no Aſſeſſment ſhall be made to make good the Amount of any Sums paid for ſuch Relief to ſuch Wives and Families under this Act, in the Manner directed by the ſaid Act, to make good the Sums paid to the Wives and Families of Militia Men purſuant thereto.

Act not to impede levying of Men to complete the embodied Militia.

XXXIV. And be it further enacted, That nothing herein contained ſhall be conſtrued in any Manner to impede or delay the levying of Men, who ought

ought to be raiſed from Time to Time to complete the Militia now embodied, or to vary the Manner of proceeding therein; but that all ſuch Levies ſhall be effected in like Manner as if this Act had not been paſſed.

Proviſions of 42 Geo. 3. c. 91. to extend to this Act.

XXXV. And be it further enacted, That all Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Bounties, Clauſes, Matters, and Things contained in the aforeſaid Act of the Forty-ſecond Year of His Majeſty's Reign, ſhall, ſo far as the ſame are applicable, and are not hereby altered, varied, or repealed, be applied and practiſed for the Purpoſe of raiſing the Men directed to be raiſed by this Act, in as full and ample a Manner as if the ſaid Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Bounties, Clauſes, Matters, and Things were again repeated and enacted in this Act.

Act may be altered or repealed this Seſſion.

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

SCHEDULE (A.)

ADDITIONAL ARMY OF SCOTLAND.

County of *or*, Stewartry of
or, City or Place [*as the Caſe may be*].

CERTIFICATE of Number of Vacancies; dated the Day of

Subdiviſions.	Pariſhes.	Total Number of Quota.	Numbers of Men actually ſerving.	Vacancies to be filled up.

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