

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. XC.

An Act to enable His Majesty annually to train and exercise a Proportion of His Subjects in *England*, under certain Regulations, and more effectually to provide for the Defence of the Realm.

[16th *July* 1806.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act to amend and render more effectual an Act, passed in the present Session of Parliament, intituled, 'An Act to enable His Majesty more effectually to 'provide for the Defence and Security of the Realm during the present War, 'and for indemnifying Persons who may suffer in their Property by such 'Measures as may be necessary for that Purpose;' and to enable His Majesty more effectually and speedily to exercise his ancient and undoubted Prerogative in requiring the Military Service of His liege Subjects in case of Invasion of the Realm:* And whereas another Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act to amend an Act made in this present Session of Parliament, intituled, 'An Act to 'amend and render more effectual an Act, passed in the present Session of 'Parliament, intituled, "An Act to enable His Majesty more effectually to "provide for the Defence and Security of the Realm during the present "Hostilities, and for indemnifying Persons who may suffer in their Property by "such Measures as may be necessary for that Purpose;" and to enable His 'Majesty more effectually and speedily to exercise his ancient and undoubted 'Prerogative in requiring the Military Service of his liege Subjects in case of 'Invasion of the Realm:'* And whereas it is expedient that the said Acts should

43 G. 3. c. 96.

43 G. 3. c. 120.

ſhould be repealed, and that ſuch of the Proviſions thereof as it may be neceſſary to continue, ſhould be conſolidated in this Act; may it therefore pleaſe Your Majeſty that it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of the ſame, That from and after the paſſing of this Act, the ſaid recited Acts ſhall be and the ſame are hereby repealed.

Recited Acts repealed.

His Majeſty's Lieutenants, Deputy Lieutenants, &c. under Militia Act 42 G. 3. c. 90. to put this Act into Execution.

II. And be it further enacted, 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 for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*, for the ſeveral Counties, Ridings, Diviſions, Cities, and Places, in the ſaid recited Act mentioned; and all Juſtices of the Peace, and all Conſtables, Tythingmen, Headboroughs, Churchwardens, and Overſeers of the Poor, and other Officers in the ſaid recited Act mentioned reſpectively, ſhall have full Power and Authority, and are hereby authorized, empowered, and required, 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; and it ſhall be lawful for ſuch Lieutenants and Deputy Lieutenants for that Purpoſe to hold General and Subdiviſion Meetings, and adjourn ſuch Meetings reſpectively from Time to Time, and to do any Act, Matter, or Thing, required to be done under this Act at any ſubſequent or other General or Subdiviſion Meeting.

Extending all Proviſions relating to Counties to Ridings, thoſe to Hundreds to Rapes, &c. and all Powers to Conſtables to Tythingmen, &c.

III. And be it further enacted, That all Proviſions, Directions, Clauſes, Matters, and Things whatever in this Act contained relating to Counties, ſhall extend and be conſtrued to extend to all Ridings, Diviſions, Cities, and Places; and all Proviſions, Directions, Clauſes, Matters, and Things in this Act contained relating to Hundreds, ſhall extend and be conſtrued to extend to all Rapes, Lathes, Wapentakes, and other Diviſions in or of any ſuch County, Riding, Diviſion, City, or Place; and all Proviſions, Directions, Clauſes, Matters, and Things, in this Act contained, relating to Pariſhes, ſhall extend and be conſtrued to extend to all Townſhips, Tythings, and Places, and to all Extra-parochial Places united therewith for the Purpoſes of this Act; and all Powers by this Act given to any Conſtable, ſhall extend to all Tythingmen, Headboroughs, Peace Officers, and other Perſons acting as Conſtables in any Counties, Hundreds, Pariſhes, and Places in which there ſhall be no Conſtable, as fully and amply as if they were ſeverally and reſpectively repeated in every ſuch Proviſion, Direction, and Clauſe, and with relation to every ſuch Matter or Thing.

Privy Council to apportion any Number of Men not exceeding 200,000, among the Counties, according to the

IV. And be it further enacted, That it ſhall be lawful for His Majeſty, on any Returns now made or which ſhall hereafter be made of the Numbers of Perſons liable to ſerve in the Militia in the ſeveral Counties in *England*, under any Act now in force, or under any Act which may be paſſed in this Seſſion of Parliament, to direct His Privy Council to take ſuch Returns into Conſideration, and to apportion any Number of Men,

not exceeding Two hundred thouſand, among the ſaid Counties, according to the Number ſo returned, and thereupon to direct that the Numbers ſo apportioned ſhall be tranſmitted to the reſpective Lieutenants of the ſaid Counties, Notice whereof ſhall be thereupon Thrice printed in the *London Gazette*; and ſuch Lieutenants ſhall, immediately after the laſt Publication of ſuch Notice, ſummon General and Subdiviſion Meetings of Lieutenancy in their reſpective Counties, and, at ſuch General Meetings, the Numbers ſo fixed for each reſpective County ſhall be divided and apportioned among the Hundreds of ſuch reſpective Counties, and at ſuch Subdiviſion Meetings, the Numbers ſo apportioned among each reſpective Hundred ſhall be divided and apportioned among the Pariſhes of ſuch reſpective Hundreds, in the Manner now in uſe with reſpect to the Militia.

Number of Perſons returned liable to ſerve in the Militia of England.

Notice to be publiſhed Thrice in the Gazette.

V. And be it further enacted, That no articled Clerk or Apprentice, nor any Perſon muſtered, trained, or doing Duty, or employed in any of His Majeſty's Docks or Dock Yards, for the Service thereof, or employed and muſtered in His Majeſty's Service in the Tower of *London*, *Woolwich* Warren, the ſeveral Gun Wharfs at *Portſmouth*, or at the ſeveral Powder Mills, Powder Magazines, or other Storehouſes belonging to His Majeſty, under the Direction of the Board of Ordnance, nor any Perſon being free of the Company of Watermen of the River *Thames*, nor any poor Man who has more than One Child born in Wedlock, nor any Perſon ſerving by Subſtitute in the Militia, or under any Act or Acts for raiſing any additional Force for the Defence of the Realm, ſhall, by reaſon thereof, reſpectively be exempt from being ballotted and trained, and exerciſed and ſerving under the Proviſions of this Act, notwithſtanding ſuch Perſons may, by reaſon of coming within any of ſuch Deſcriptions as aforeſaid, reſpectively be exempt from ſerving in the Militia.

Certain Perſons, though exempt from the Militia, not to be exempt from being ballotted and trained under this Act.

VI. Provided always, and be it further enacted, That no licenſed Teacher of any ſeparate Congregation in Holy Orders or pretended Holy Orders, and not carrying on any other Trade, or exerciſing any other Occupation for his Livelihood, except that of a Schoolmaſter, nor any Medical Man actually practiſing as ſuch, and being a Houſekeeper, ſhall be liable to be ballotted or to be trained and exerciſed or to ſerve under the Proviſions of this Act, ſo long only as they ſhall reſpectively continue within any of the Deſcriptions aforeſaid.

Exempting certain Perſons from Service under this Act.

VII. Provided always, and be it further enacted, That in making all ſuch Apportionments in relation either to Counties, Hundreds, or Pariſhes, regard ſhall be had to the Number of Perſons ſerving in Yeomanry or Volunteer Corps in ſuch Counties, Hundreds, and Pariſhes reſpectively, and exempt by reaſon thereof from being ballotted, trained, and exerciſed under this Act; and alſo to the Number of Perſons in ſuch Counties, Hundreds, and Pariſhes reſpectively exempt from ſerving in the Militia, and who ſhall nevertheleſs be liable to be ballotted, trained, and exerciſed under the Proviſions of this Act, ſo as that all ſuch Apportionments ſhall be made on the Numbers of Perſons in ſuch Counties, Hundreds, and Pariſhes reſpectively, actually liable to be trained and exerciſed under this Act.

Directing, that in making Apportionments regard be had to the Perſons actually liable to be trained and exerciſed under this Act in the County, Hundred, and Parith.

VIII. And

Clerks of General and Subdiviſion Meetings to tranſmit Apportionments.

VIII. And be it further enacted, That the Clerks to ſuch General Meetings ſhall, within Seven Days after making ſuch Apportionments among the Hundreds of their reſpective Counties, tranſmit the ſame, duly certified by the ſaid General Meetings reſpectively, to the reſpective Clerks of the Subdiviſion Meetings within their Counties, on pain of forfeiting, for any Neglect to tranſmit ſuch Apportionments, the Sum of Two Hundred Pounds, and on pain of forfeiting, for omitting to tranſmit the ſame to any Hundred or Hundreds, the Sum of Fifty Pounds for each Hundred ſo omitted; and the Clerks to ſuch Subdiviſion Meetings ſhall alſo, within Seven Days after the Apportionment of the Numbers among the Pariſhes of their Subdiviſion, tranſmit the ſame to the High Conſtables, who ſhall iſſue their Precepts accordingly to the ſeveral Conſtables of ſuch reſpective Pariſhes, on pain of forfeiting by the ſaid Clerks of Subdiviſion Meetings for omitting to tranſmit the ſame, One hundred Pounds, and for omitting any Pariſh or Pariſhes, the Sum of Twenty Pounds for each Pariſh omitted.

Penalty for Neglect.

His Majeſty may order Ballots in any Counties of any Proportions.

IX. And be it further enacted, That it ſhall be lawful for His Majeſty to direct that any Number of Men not exceeding ſuch Two Hundred Thouſand as aforeſaid in the Whole, and in ſuch Proportions as ſhall have been fixed for the ſeveral Counties in *England* reſpectively, ſhall be forthwith ballotted and enrolled out of the Liſts of Perſons liable to ſerve in the Militia, and from the Perſons liable to ſerve under this Act; and alſo from Time to Time to direct that the Whole of the Number of Perſons ſo ballotted and enrolled in any County, or in any Part or Parts thereof, or any Proportion of ſuch Number, to be taken either by Ballot or according to the Order in which the Names ſhall have been ballotted, or according to any Claſs or Claſſes with reſpect to Age, Marriage, or Number of Children, ſhall be trained and exerciſed under this Act; and that in conſequence of any Warrant to that Effect under His Majeſty's Royal Sign Manual to the Lieutenant of any ſuch County, ſuch Ballot and Training ſhall take place in Manner herein-after provided, and ſuch Lieutenant ſhall thereupon forthwith, by Precept under his Hand and Seal, ſummon Subdiviſion Meetings for the making of ſuch Ballots.

Regulations reſpecting Volunteers enrolling themſelves.

X. And be it further enacted, That in all Caſes in which ſuch Ballot ſhall be ſo directed, and any Perſons between the Ages of Eighteen and Thirty Years, and fit for Military Service, ſhall voluntarily enrol themſelves for Military Service under the Proviſions of this Act, in any Pariſh, and ſhall agree to be trained and exerciſed, and to ſerve according to the Proviſions of this Act, if the Perſons ſo voluntarily enrolling themſelves, and agreeing to be ſo trained and exerciſed, and ſerve, ſhall amount to the Number to be enrolled by Ballot under ſuch Apportionment as aforeſaid in any ſuch Pariſh, then no Ballot ſhall take place in ſuch Pariſh; and if the Perſons ſo voluntarily enrolling themſelves, and agreeing as aforeſaid, ſhall not amount to the Number required to be enrolled by Ballot in any ſuch Pariſh, under ſuch Apportionment as aforeſaid, then the Number of Perſons ſo voluntarily enrolling themſelves, and agreeing as aforeſaid, ſhall be deducted from the Number ſo required to be enrolled by Ballot as aforeſaid, and the Remainder only ſhall be ballotted for in ſuch Pariſh; and all Perſons ſo voluntarily enrolling themſelves, and agreeing as aforeſaid, ſhall be trained and exerciſed, and ſerve in the ſame Manner, and at the ſame Time and

and Places, and under the same Regulations, and be subject to the same Provisions, as if they had been ballotted for.

His Majesty may allow Pay for additional Training to Volunteers, or Bounty not exceeding 10s. in Addition to the Pay of 1s. per Day mentioned in the Schedule.

XI. And be it further enacted, That it shall be lawful for His Majesty, if He shall see fit, to order and direct by any One of His principal Secretaries of State, that any Volunteers under this Act shall receive Pay of One Shilling *per* Day for any additional Number of Days of Training and Exercise, not exceeding Twenty-four Days, in addition to the Twenty-four Days in the Schedule to this Act mentioned; or if He shall see fit, in like Manner to order and direct that any Volunteers training and exercising under this Act for any Number of Days not less than Twenty-four, shall receive, at the Expiration of such Number of Days Training and Exercise, any Sum not exceeding Ten Shillings, in addition to the Pay of One Shilling *per* Day in the Schedule to this Act mentioned, to be paid to such Volunteers in such Manner and in such Proportion as His Majesty shall please to direct.

Notice to be given on the Church Door, &c. of the Ballots.

Manner of Balloting.

XII. And be it further enacted, That Notice shall be given by the Deputy Lieutenants or Clerk of Subdivision Meetings, by affixing the same on the Doors of the Churches or Chapels, or on other conspicuous Places in the several Parishes within their respective Subdivisions, of the Days, Times, and Places appointed for Ballots under this Act, in their respective Subdivisions; and the Names of the Persons liable to be ballotted shall publickly, and in the presence of any such Magistrates, Churchwardens, Overseers of the Poor, and Chief and other Constables as chuse to attend, be called over from the Lists, and put into the Boxes or Glasses for ballotting, and shall in like Manner be publickly drawn out, and the Names of the Persons so drawn shall be publickly called over, and be entered in a Book by the Clerks of the Subdivision, or Persons appointed by them, or the Deputy Lieutenants, for that Purpose; and such calling over of the Names, and ballotting for Persons to be enrolled under this Act, shall take place at the Days, Times, and Places appointed, and shall not commence before Ten of the Clock, nor continue longer than Six in the Evening; and if such Ballotting shall not be complete in One Morning, the Boxes shall be sealed with the Seals of any Two of the Deputy Lieutenants, and the Clerk of the Meeting; and such Seals be broken, and the Ballotting be finished in like publick Manner, on the succeeding Day.

Names of Persons ballotted to be sent to Constables; Notices to be given and Appeals heard, and fresh Ballots, if necessary. Persons to be enrolled, and Abstracts of Enrolment sent to Constables.

XIII. And be it further enacted, That the Deputy Lieutenants of such Meetings shall appoint Days and Places for holding Meetings for hearing Appeals against such Ballots; and the Clerks of the Subdivision Meetings at which such Ballots shall have taken place, shall within Three Days transmit to the Constables, or other Officers of the Parishes within their Subdivision, the Names of the Persons ballotted therein respectively; and such Constable shall thereupon give Notice to every such Person, by delivering the same to him or his Wife, or some Servant or Member of his Family, or leaving the same at his usual or last Place of Abode, together with Notice of the Days of hearing Appeals against such Ballots; and it shall be lawful for the Deputy Lieutenants, and they are hereby required on hearing such Appeals, to amend the Lists if it shall be deemed necessary by His Majesty, and so ordered, and to proceed to a fresh Ballot, and adjourn such Meeting, and direct like Notice to be given to the Persons

ballotted, and appoint other Meetings in cafe the ſame ſhall be neceſſary for hearing Appeals, and freſh Ballots, until the full Number required ſhall be enrolled; and the Names of all the Perſons who ſhall have volunteered to ſerve under this Act, and of all Perſons ſo ballotted, and who ſhall not have appealed, or on having appealed ſhall not have been ſtruck out, ſhall be entered on a Roll to be provided by the Clerk of the Subdiviſion Meetings for that Purpoſe; and the Clerks of ſuch Meetings ſhall within Ten Days tranſmit Abſtracts of ſuch Roll, containing the Names of the ſeveral Perſons enrolled in the reſpective Pariſhes to the Conſtables thereof.

Time of Service.

XIV. And be it further enacted, That all Perſons enrolled to be trained and exerciſed under this Act, ſhall for the Firſt Year continue liable to be trained and exerciſed according to the Proviſions of this Act, until the Firſt Day of *November* One thouſand eight hundred and ſeven; and all Perſons ſo enrolled in or for any ſucceeding Year ſhall continue liable to be trained and exerciſed from the Firſt Day of *November* in the Year in which ſuch Perſons ſhall have been or ought to have been ſo ballotted and enrolled, until the Firſt Day of *November* following; and every ſuch Perſon ſhall be trained and exerciſed under the Proviſions of this Act, unleſs exempted under any of the Proviſions herein-after contained.

Enrolled Perſons actually trained, not liable to be ballotted for again for Two Years.

XV. And be it further enacted, That no Perſon who ſhall have been enrolled for Training and Exerciſing, and Service, under this Act, and who ſhall have been actually ſo trained and exerciſed, ſhall be liable to be ballotted for again during the Two ſucceeding Years after the Expiration of the Year in which he ſhall have been ſo enrolled, trained, and exerciſed as aforeſaid, ſuch Years being to be reckoned as above, from the Firſt Day of *November* in one Year, to the Firſt Day of *November* in the ſucceeding Year.

Penalty on Perſons ballotted not appearing.

XVI. And be it further enacted, That if any Volunteer or Perſon ſo ballotted and enrolled under this Act ſhall refuſe or neglect to appear within ſuch Period and at ſuch Place as ſhall be appointed for that Purpoſe, (which Times and Places ſhall be appointed by the Deputy Lieutenants, in their reſpective Subdiviſions, under any Order of the Lieutenant of the County, and Notice thereof given by the Conſtables of the ſeveral Pariſhes, by putting up the ſame on Churches, Chapels, or other conſpicuous Places), and to ſign the Regulations in the Schedule to this Act annexed for Men enrolled under this Act, ſuch Volunteer or other Perſon ſhall forfeit the Sum of Ten Pounds; or if a Perſon not having or receiving any annual Sum of Money, Profits, Gains, Allowances, or other Income whatſoever, amounting in the Whole to One hundred Pounds, the Sum of Five Pounds; and every ſuch Fine ſhall be paid to the Clerk of the Subdiviſion Meetings, who ſhall on Receipt thereof give a Certificate, without Fee or Reward, of the ſame being paid; and the Payment of ſuch Fine ſhall exempt ſuch Perſon from Training and Exerciſe for that Year, and no longer, and ſuch Perſon ſhall be liable to be ballotted in the ſucceeding Year, and in like Manner to ſerve or pay ſuch Fine as aforeſaid, and ſo in each ſucceeding Year.

XVII. And

XVII. And be it further enacted, That every Perſon claiming to be exempted from Training and Exerciſe and Service under this Act, upon Payment of the Fine of Five Pounds inſtead of Ten Pounds, and every Perſon claiming any Reduction of any Fine for Abſence from Training and Exerciſing by reaſon of not having any Income amounting to One hundred and fifty Pounds or Fifty Pounds *per Annum* reſpectively, ſhall make and ſign a Declaration of the Amount of his Income before a Deputy Lieutenant or Juſtice of the Peace or Magiſtrate, or produce a Certificate of the Amount of ſuch Income allowed by any Commiſſioner under any Act relating to the Rates, and Duties ariſing on Property, Profeſſions, Trades, and Offices, or to any Allowances made on any ſuch Rates and Duties within Twelve Months previous to the Production of ſuch Certificate; and every Perſon who ſhall make any falſe Declaration in relation to any ſuch Claim, ſhall forfeit and pay for ſuch Offence the Sum of Fifteen Pounds.

Perſons claiming Exemption, upon Payment of Fine, to ſign a Declaration.

XVIII. Provided always, and be it further enacted, That if any Perſon ſo ballotted ſhall at any Time, whether before or after his being ſo ballotted, have enrolled or enrol himſelf as a Volunteer in any Corps which ſhall at that Time have been accepted by His Majeſty, and ſhall produce a Certificate of being ſo enrolled, and of being properly clothed, armed, and equipped, according to the Regulations of the Corps, from the Commanding Officer for the Time being of ſuch Corps, ſuch Perſon ſhall be ſtruck out of the Enrollment under this Act, and be exempt from Ballot, and from being trained and exerciſed under this Act, ſo long as he ſhall continue to be a Member of ſuch Volunteer Corps.

Ballotted Perſons going into Volunteer Corps to be ſtruck out of Enrolment, and be exempt from Ballot.

XIX. Provided always, and be it further enacted, That every Perſon claiming Exemption from Ballot, and from Training and Exerciſe under this Act, by reaſon of his becoming a Member of any Yeomanry or Volunteer Corps, ſhall, between the Tenth Day of *September* and the Firſt Day of *October* in the Year ſucceeding that in which he claimed ſuch Exemption, produce to the Conſtable or other Peace Officer, acting as ſuch under this Act, of the Pariſh or Place of his Reſidence, a Certificate from the Commanding Officer of ſuch Corps, or from the Officer commanding the Troop or Company of ſuch Corps of which he may be a Member, bearing Date between the Tenth Day of *September* and the Firſt Day of *October*, of his being at that Time an effective Member of ſuch Corps, according to the Laws in force for the Regulation of Yeomanry and Volunteers, which Certificate the Conſtable ſhall tranſmit to the Clerk of the Subdiviſion Meeting; and in Default of the Production of ſuch Certificate, every ſuch Perſon ſhall be liable to pay, and ſhall pay a Fine of Fifteen Pounds, to be levied, collected, and applied in the ſame Manner as Fines relating to training and exerciſing under this Act are directed to be levied, collected, and applied.

Exemptions for Volunteers to be certified by their Commanding Officers, and a Fine to be levied if not produced.

XX. And be it further enacted, That if any Perſon, being One of the People called *Quakers*, or of the People called *Unitas Fratrum*, or *United Brethren*, who ſhall be ballotted under this Act, ſhall produce before the Deputy Lieutenants at any Subdiviſion Meeting, or any Two Deputy Lieutenants or Juſtices of the Peace, a Certificate under the Hands of Two or more reſpectable Houſekeepers being of the People called *Quakers*, or of

Quakers and United Brethren to be exempted on Payment of Fines.

of the People called *Unitas Fratrum*, or *United Brethren*, reſident within the County or Place of Reſidence of ſuch Perſon, and dated within Three Months immediately preceding the Day on which ſuch Certificate ſhall be produced as aforeſaid, acknowledging ſuch Perſon to be one of their Perſuaſion, ſuch Perſon ſhall not be enrolled for Training or Exerciſe, or if he ſhall have been enrolled, ſhall be ſtruck out of the Enrolment; and it ſhall be lawful for any ſuch Deputy Lieutenants or Juſtices to adjudge any ſuch Perſon to pay ſuch Proportion of ſuch Fines as are by this Act impoſed on Perſons enrolled for Non-attendance at Training and Exerciſing, not exceeding Seven Pounds nor leſs than Twenty Shillings for the Year in which he ſhall have been ſo ballotted, as to ſuch Deputy Lieutenants or Juſtices may appear to be proper, according to the Situation in Life, and Property of ſuch Perſon; and the Amount of Fine ſo adjudged by ſuch Deputy Lieutenants or Juſtices may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon by Warrant under their Hands and Seals (the Overplus, if any, after Deduction of reaſonable Charges, being rendered to the Party); and if no Goods or Chattels can be found, whereby the Sum ſo impoſed upon ſuch Quaker or United Brother can be levied, then it ſhall and may be lawful for any Deputy Lieutenant or Juſtice of the Peace, if he ſhall think proper, to commit ſuch Quaker or United Brother to Priſon, there to remain for any Time not exceeding Fourteen Days, unleſs ſuch Sum ſhall be ſooner paid and ſatisfied.

Juſtices may appoint Deputies for Quakers refuſing to act as Conſtables.

XXI. Provided always, and be it further enacted, That if any Chief or other Conſtable, Headborough, Tythingman, or Overſeer, ſhall be of the People called *Quakers* (and certified to be ſo by Two Perſons of the People called *Quakers*) and ſhall neglect or refuſe to perform the Duties required by this Act, it ſhall be lawful for any Two Juſtices of the Peace acting for the Diviſion within which ſuch Quaker ſhall be ſuch Officer as aforeſaid, and they are hereby required in all Caſes where the Circumſtances of the Caſe ſhall in their Judgement render it expedient and neceſſary for the due Execution of the Proviſions of this Act, by their Order under their Hands and Seals, to appoint a fit and proper Perſon to be Deputy to ſuch Quaker for the Purpoſe only of carrying this Act into Execution; and every Perſon ſo appointed Deputy as aforeſaid ſhall have and exerciſe all the Powers, Authorities, and Juriſdictions, given by this Act to ſuch Officer for whom he ſhall ſo act, and ſhall do and perform all the like Duties and Offices under the like Pains, Penalties, and Forfeitures as are hereby impoſed for Neglect of Duty of any ſuch Officer as aforeſaid, in like Manner in every reſpect as the Perſon for whom he ſhall ſo act; and where an Appointment of any Deputy ſhall be ſo made, the principal Chief Conſtable, Headborough, Tythingman, or Overſeer (being one of the People called *Quakers*) ſhall be and he is hereby diſcharged from the Performance of any Duty required of him by this Act, and from all Penalties incurred for Neglect thereof after the Time of ſuch Appointment.

Perſons enrolled to be ſubject to certain Rules and Regulations.

XXII. And be it further enacted, That all Perſons from Time to Time enrolled under this Act, and all Serjeants and Conſtables, ſhall be ſubject and liable to all the Rules, Regulations, Fines, Penalties, and Forfeitures in the Schedule to this Act annexed contained, in relation to Perſons enrolled, and to Serjeants and Conſtables, in like Manner as if all ſuch Rules, Regulations,

Regulations, Fines, Penalties, and Forfeitures had been ſeverally and ſeparately enacted in the Body of this Act; and all ſuch Fines, Penalties, and Forfeitures may be recovered under this Act as if they were inſerted in the Body thereof.

Perſons of bodily Inability to train, ſhall be excuſed.

XXIII. And be it further enacted, That it ſhall be lawful for any Two Deputy Lieutenants, or any Deputy Lieutenant and Juſtice of the Peace, on the Certificate of any Phyſician, Surgeon, or Apothecary, actually practiſing as ſuch, that any Perſon enrolled to be trained, exerciſed, and ſerve, under this Act, is from Illneſs or any bodily Infirmity or Debility unable to be trained and exerciſed, to cauſe ſuch Perſon to be ſtruck out of the Enrolment, and excuſed from ſuch Fine, and from any further Service under this Act, ſo long as ſuch Illneſs, bodily Infirmity, or Debility ſhall continue.

Clerks of Subdiviſion Meetings ſhall tranſmit to the Clerk of the General Meetings Abſtracts and Copies of Rolls.

XXIV. And be it further enacted, That the Clerks of all Subdiviſion Meetings ſhall, after every Subdiviſion Meeting in which any Perſon ſhall have been ballotted and enrolled to be trained and exerciſed, and ſerve under this Act, make out Abſtracts of the Liſts of ſuch Ballot and Enrolment, and ſhall tranſmit the ſame to the Clerk of the General Meetings for the County wherein ſuch Subdiviſions ſhall be ſituate, within Ten Days; and every ſuch Clerk who ſhall omit or neglect to make ſuch Return as aforeſaid within ſuch Period as aforeſaid, or ſhall knowingly or wilfully make any falſe Return, ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds; and Abſtracts of ſuch Liſts ſhall be tranſmitted by the Lieutenants of each County to One of His Majeſty's Principal Secretaries of State, at ſuch Periods as His Majeſty may be pleaſed to direct; and all ſuch Liſts and Abſtracts ſhall be made out in ſuch Form as any ſuch Secretary of State ſhall pleaſe to direct.

His Majeſty may order Perſons to be trained, and regulate the Time and Place of Exerciſe.

Sunday not to be a Day of Exerciſe, unleſs ſpecially ordered by His Majeſty.

XXV. And be it further enacted, That in all Caſes where His Majeſty ſhall have directed that any Perſons ſo enrolled ſhall be trained and exerciſed under this Act, the Lieutenant of the County or Place to which ſuch Warrant ſhall be directed, ſhall require the reſpective Deputy Lieutenants in the Subdiviſions of ſuch County, to fix proper Times and Places of Training and Exerciſing (ſubject nevertheleſs to any Orders or Directions of His Majeſty's Secretary of State in that Behalf) and to cauſe publick Notice of ſuch Times and Places of Exerciſe and Training to be given in the Churches or Chapels of the reſpective Pariſhes during Divine Service, and to be affixed on the Doors of ſuch Churches or Chapels, and in the Market Places (if any), and if there ſhall be no Church, Chapel, or Market Place, then on ſome other convenient and conſpicuous Place: Provided always, that the Deputy Lieutenants ſhall not appoint *Sunday* as a Day of Exerciſe, unleſs His Majeſty ſhall deem it neceſſary, and, by any Order ſignified by One of His Principal Secretaries of State, empower or direct them ſo to do.

Limitation of Times and Places of Training.

XXVI. Provided always, and be it further enacted, That no Perſon ſhall be required to attend any greater Number of Days Training and Exerciſe in the Whole, than Twenty-four Days in the Year, or to go, for the Purpoſe of being ſo trained or exerciſed, to any greater Diſtance from his uſual Place of Reſidence than Five Miles.

One Conſtable in every Pariſh to attend at the Exerciſe, for which he ſhall have an Allowance.

XXVII. And be it further enacted, That One of the Conſtables or other Peace Officers, as the Caſe may be, ſhall in every Pariſh duly attend at the Times and Places appointed for ſuch Training and Exerciſe as aforeſaid, unleſs prevented by Sickneſs, or other unavoidable Accident, to be proved to the Satisfaction of any Two of the Deputy Lieutenants of the Diviſion wherein ſuch Pariſh or Pariſhes ſhall be ſituate: Provided always, that where any ſuch Training and Exerciſe ſhall be regulated by Diſtricts, or any other Diviſion than Pariſhes, or when Two or more Pariſhes, or Parts of Pariſhes, ſhall be united for the Purpoſe of Training and Exerciſe, then the Conſtable or other Peace Officer of One Pariſh only ſhall be required to attend, and ſuch Attendance ſhall be regulated among the Conſtables or other Peace Officers of the ſeveral Pariſhes from which the Men ſhall come by Precept from the High Conſtable, under a Warrant to be iſſued for that Purpoſe by any Deputy Lieutenant; and every ſuch Conſtable or other Peace Officer who ſhall conduct himſelf in the Diſcharge of his ſaid Duty to the Satisfaction of the Deputy Lieutenants of ſuch Subdiviſion, ſhall be entitled at the End of each Year, or on his going out of Office, to ſuch reaſonable Reward, not exceeding the Sum of Five Pounds, for his Pains and Trouble therein, as the Deputy Lieutenants of ſuch Subdiviſion aſſembled at any Meeting ſhall think adequate thereto, and ſhall certify under their Hands, the ſame to be paid out of the County Stock of the County or Place to which the ſame ſhall relate; and if any ſuch Conſtable or other Peace Officer ſhall neglect or refuſe to attend at ſuch Times and Places of Training and Exerciſing as ſhall be fixed, unleſs prevented by Illneſs, or other unavoidable Accident, to be proved as aforeſaid, he ſhall forfeit and pay any Sum not exceeding Twenty Shillings for every Day on which he ſhall ſo refuſe or neglect to attend.

Penalty on Neglect.

General and Subdiviſion Meetings to appoint Special Conſtables.

XXVIII. And be it further enacted, That it ſhall be lawful for the Lieutenant or Deputy Lieutenants of any County at any General Meeting, and alſo for the Deputy Lieutenants within their reſpective Subdiviſions thereof, whenever they ſhall deem it expedient, to nominate and appoint from amongſt the Perſons who would under the Proviſions of this Act be exempt from being enrolled for Military Service under this Act in any Pariſh, ſuch Number of Perſons uſually reſident therein, who may be willing to undertake and perform the Duty of Conſtables in the Execution of this Act, as ſuch Lieutenant or Deputy Lieutenants ſhall think fit to be ſpecial Conſtables for all or any of the Purpoſes of this Act within ſuch Pariſh, or to appoint any Perſons to act as Conſtables inſtead of any Perſons being of the People called Quakers, according to any Act relating to the Militia; and the Deputy Lieutenants ſhall thereupon forthwith cauſe the Names of the Perſons who ſhall be ſo appointed Special Conſtables, to be tranſmitted to the Chief Conſtable, or other proper Officer of the Hundred or Diſtrict within which ſuch Pariſh ſhall be ſituate; and all Perſons ſo appointed Special Conſtables as aforeſaid, ſhall and may thereupon do and perform all ſuch Acts, Matters, and Things in the Execution of this Act, or of ſuch and ſo many of the Purpoſes thereof for which they ſhall be ſo appointed as aforeſaid, within their reſpective Pariſhes, as any other Conſtables therein are by this Act empowered and required to do and peform in the Execution thereof.

XXIX. And be it further enacted, That on the Days appointed for Training and Exercise under this Act, the Officer or Serjeant attending at such Training and Exercise, and the Constable present at such Meeting, shall call the Muster Roll of the Men enrolled in such Parish or united Parishes, and mark the Names of the Persons present at such Training and Exercise, and also the Names of all Absentees and Defaulters; and the Persons calling such Muster Roll shall thereupon sign the same so marked, and certify the same to be a true and correct Account of the Persons present at such Training and Exercise, and also of the Absentees. On the Days of Exercise the Muster Roll shall be called, and the Names of the Persons attending, and the Defaulters marked.

XXX. And be it further enacted, That it shall be lawful for the Lieutenant or Deputy Lieutenants of any Counties in *England*, subject nevertheless to such Orders as may be given in that Behalf by His Majesty, through One of His principal Secretaries of State, to make Orders for the Care and Custody of any Arms and Accoutrements provided and supplied in order to the Instruction of the Men so to be trained and exercised; and the Expence thereof, not exceeding for every Stand of Arms and Set of Accoutrements the Sum of Three Shillings *per Annum*, being fixed by Order of such Lieutenant or Deputy Lieutenants, shall and may be paid out of the County Stock of the County or Place to which the same shall relate. The Lieutenancy, subject to the Orders of His Majesty, may make Orders for the Custody of the Arms and Accoutrements supplied for training the Men.

XXXI. And be it further enacted, That all Muskets delivered for the Purpose of Training and Exercising under this Act, shall be marked distinctly in some visible Place with the Letters "*G. R.*" and in case any Man shall not re-deliver to the Person duly authorized to receive such Arms, or shall refuse to replace the same in the Place assigned for the keeping thereof after Exercise, or shall sell, pawn, or lose any Arms or Accoutrements delivered to him, or shall wilfully damage any such Arms, every such Man shall for every such Offence forfeit and pay a Sum not exceeding Three Pounds; and if such Man shall not immediately pay such Penalty, the Justice of the Peace before whom he shall be convicted, shall commit him to any Gaol or House of Correction, to be kept to hard Labour for any Time not exceeding One Month, or until he shall have paid the said Penalty. Muskets to be marked. Penalty on Persons not re-delivering or damaging them.

XXXII. And be it further enacted, That if any Person shall knowingly and wilfully buy, take in Exchange, or conceal any Arms or Accoutrements so delivered from the Training and Exercising under this Act, the Person so offending shall forfeit and pay for every such Offence the Sum of Ten Pounds; and if such Offender shall not immediately pay such Penalty, and shall not have sufficient Goods and Chattels whereon to levy such Penalty, the Justice before whom he or she shall be convicted, shall commit him or her to the common Gaol, there to remain, without Bail or Mainprize, for the Space of Three Months, or until he shall have paid the said Fine. Penalty for buying such Arms or Accoutrements.

XXXIII. And be it further enacted, That it shall be lawful for His Majesty, at any Time, and from Time to Time, to appoint any General and other Officers, and also to appoint or cause to be appointed any Serjeants and other Non-commissioned Officers, for the Commanding, Training, and Exercising the Persons enrolled to be trained and exercised, and to serve under this Act. His Majesty may appoint Officers.

XXXIV. Provided

On Apprehenſion of immediate Invaſion, His Majeſty may embody Perſons enrolled.

XXXIV. Provided always, and be it further enacted, That it ſhall be lawful for His Majeſty, on Apprehenſion of immediate Invaſion, to order that all the Perſons enrolled to be trained and exerciſed, and to ſerve under this Act, or any Claſs or Claſſes, or Proportion of any ſuch Perſons as aforeſaid, ſhall be embodied within their reſpective Counties for any Time not exceeding Twenty-one Days, but not to be marched out of the County to which they ſhall belong, unleſs in caſe of actual Invaſion, or of the Appearance of an Enemy in force upon the Coaſt: Provided always, that if no ſuch Officers ſhall be appointed by His Majeſty as aforeſaid, or until ſuch Officers ſhall be appointed, all Perſons ſo enrolled to be trained and exerciſed, and to ſerve under this Act, ſhall be under the Command of the Lieutenants and Deputy Lieutenants of the Counties in which ſuch Men ſhall be ſo enrolled, or of any Officers appointed for that Purpoſe by ſuch Lieutenants.

In caſe of Invaſion, or Appearance of Enemy, His Majeſty may place enrolled Men in exiſting Regiments, or form new Corps thereof, to be led into any Part of Great Britain, and to be ſubject to Mutiny Act.

XXXV. And be it further enacted, That in all Caſes of actual Invaſion of any Part of the United Kingdom, or on the Appearance of an Enemy in force upon the Coaſt, it ſhall be lawful for His Majeſty, by any Order in Council, or Proclamation, to draw out and aſſemble, and embody, all or any Part, Proportion, or Claſs, as aforeſaid, of the Men who ſhall have been ballotted and enrolled to be trained and exerciſed, and to ſerve under this Act for the then Year or the preceding Year, and from Time to Time to attach ſuch Men, or any of them, to the Regiments, Battalions, or Corps of Regulars, or Militia belonging to their reſpective Counties, if the ſame can conveniently be done; or if by reaſon of the unavoidable Diſtance of ſuch Regiments, Battalions, or Corps, the ſame cannot conveniently be done, then in any other Regiment, Battalion, or Corps of Regulars or Militia then ſerving in *Great Britain*, or to cauſe ſuch Men, or any of them, to be formed into new Regiments, Battalions, or Corps, or otherwiſe to employ them in Military Service, as the Occaſion ſhall require; and to direct all or any of the ſaid Men to be led into any Part of *Great Britain* for the Repelling and Prevention of any ſuch Invaſion, or for the Suppreſſion of any Rebellion or Inſurrection ariſing or exiſting at the Time of any ſuch Invaſion; and from the Time of any Men being drawn out and embodied on any Apprehenſion of immediate Invaſion, or on the Appearance of an Enemy in force upon the Coaſt, and until they ſhall be diſembodied by His Majeſty's Order, ſuch Men ſhall be ſubject to all the Proviſions contained in any Act of Parliament which ſhall be then in force for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, and the Articles of War made in purſuance thereof; and all the Proviſions contained in every ſuch Act, and Articles of War, ſhall be in force with reſpect to them, and ſhall extend to all the Officers, Non-commiſſioned Officers, Drummers, and private Men, ſo drawn out and aſſembled, while embodied as aforeſaid, in all Caſes whatſoever.

Perſons called out to take the following Oath.

XXXVI. And be it further enacted, That every Perſon ſo called out as aforeſaid ſhall, upon repairing to the Place of Aſſembly, take the following Oath, and which ſhall and may be then and there adminiſtered to him by any Lieutenant or Juſtice of the Peace; (that is to ſay),

'I, *A. B.*

'I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful and bear true Allegiance to His Majeſty King *George* the Third, and that I will faithfully ſerve His Majeſty within *Great Britain*, ſo long as I ſhall be required ſo to do, under the Proviſions of an Act for enabling His Majeſty, to train and exerciſe a Proportion of His Subjects, and to provide for the Defence of the Realm.' Form of Oath.

'So help me GOD.'

XXXVII. Provided alſo, and be it further enacted, That none of the Perſons who ſhall be ſo drawn out by virtue of this Act, ſhall be compellable, on any Pretence whatſoever, to ſerve out of that Part of the United Kingdom called *Great Britain*, or in any other Caſe or Manner than is herein ſpecified, or be kept embodied for a longer Period than One Month after the Enemy ſhall have been repelled or driven from the Coaſt, or after any ſuch Rebellion or Inſurrection ſhall have been ſuppreſſed. No Perſon ſo embodied ſhall be compelled to ſerve out of Great Britain.

XXXVIII. And be it further enacted, That it ſhall be lawful for His Majeſty, although no Invaſion ſhall have taken place, and before any Enemy ſhall appear in force upon the Coaſt, to give from Time to Time proviſional Orders for forming the Men actually ſo enrolled, and alſo the Men who ſhall have been enrolled in the preceding Year, into Regiments, Battalions, or Corps, under General and other Officers, and alſo for attaching ſuch Perſons to any ſuch Regiments, Battalions, or Corps of Regulars or Militia as aforeſaid, and alſo in relation to the drawing out, aſſembling, and embodying ſuch Men in the Event of any ſuch Invaſion, or Appearance of the Enemy in force upon the Coaſt; and all ſuch proviſional Orders of His Majeſty ſhall, when the Caſe ſhall ariſe, be as valid and effectual, and be obeyed, obſerved, and performed in the ſame Manner, in all Reſpects, until any further or other Orders ſhall be given by His Majeſty in that Behalf, as if the ſame had been iſſued and given at the Time of any ſuch Invaſion, or Appearance of the Enemy upon the Coaſt. His Majeſty may give proviſional Orders for embodying the Men enrolled.

XXXIX. And be it further enacted, That the Lieutenant in every County may and ſhall, on any Direction from His Majeſty, aſcertain and fix upon, and give public Notice of proper Places of Aſſembly within their reſpective Counties; and alſo of proper general Signals for drawing out and aſſembling any Men under this Act in caſe of Invaſion, or the Appearance of any Enemy in force upon the Coaſt, either by firing of Guns, or by Flags, Beacons, Rockets, or otherwiſe, as ſhall appear moſt expedient and beſt adapted to the Nature of the Country, and moſt effectual for the giving immediate Notice therein of any ſuch Invaſion, or Appearance of an Enemy upon the Coaſt. Notice to be given of the Places of Aſſembly, and of the Signals to be uſed.

XL. And be it further enacted, That if any Perſon ſo ordered to be drawn out, aſſembled, and embodied under this Act, and reſident in the County or Diſtrict for which he ſhall be enrolled when ſuch Order or Proclamation is iſſued, or Signal made, and not labouring under any Infirmity incapacitating him from Military Service, and not prevented by any inevitable Accident or Neceſſity, ſhall not appear and march in purſuance of ſuch Order, or upon the making of any ſuch general Signals of Alarm as aforeſaid, every ſuch Man ſhall be liable to be apprehended and puniſhed as a Deſerter, according to the Proviſions Perſons enrolled not appearing purſuant to Order or Signal, ſhall be deemed Deſerters.

visions of any Act which shall be then in force for punishing Mutiny and Desertion, and of the Articles of War made in pursuance of the same; and if any Person shall harbour and conceal any such Man when ordered to be embodied as aforesaid, knowing him to be enrolled under this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

When His Majesty shall order the Men enrolled to be embodied, the Occasion shall be communicated to Parliament.

XLI. Provided always, and be it further enacted, That whenever His Majesty shall deem it expedient to order and direct that any Men enrolled for Military Service under this Act, or any Part, Proportion, or Class as aforesaid of such Men, shall be embodied under this Act, the Occasion of such Order shall be communicated to Parliament, if Parliament shall be then sitting, as early as the same can be done after the issuing of such Order; and if Parliament shall not be then sitting, then the Occasion of such Order shall be declared in Council, and notified by Proclamation.

Officers and Men, when drawn out, entitled to Pay of the Regulars, and Chelsea Hospital.

XLII. And be it further enacted, That on and from the Day of drawing out, assembling, and embodying the Men enrolled for Military Service in any County under this Act, the Officers and Men of such County so drawn out, assembled, and embodied, shall be entitled to the same Pay as the Officers and Men of His Majesty's other Infantry Forces; and if any Non-commissioned Officer, Drummer, or private Man, shall be maimed or wounded in actual Service, he shall be entitled to the Benefit of *Chelsea* Hospital, in the same Manner as any Non-commissioned Officer, Drummer, or private Man, belonging to any of His Majesty's Forces.

When Persons enrolled are ordered out, Money for Necessaries shall be paid.

XLIII. And be it further enacted, That when the Persons enrolled for Training and Exercising, and Service, under this Act as aforesaid, shall be ordered out into actual Service or embodied before Invasion, the Receiver General of the Rates and Duties under the Management of the Commissioners for the Affairs of Taxes for the County to which such Person shall belong, shall and is hereby required forthwith to pay to the Captain or other Commanding Officer of every Company of Persons so ordered out into actual Service, or to such other Person as the said Lieutenant or Deputy Lieutenants shall appoint to receive the same, the Sum of Two Pounds Two Shillings, and in case of being embodied before any Invasion, the Sum of Thirty Shillings, for each Person, for the Purpose of providing Necessaries; and all the Money so paid by the said Receiver General shall be allowed him in his Accounts.

After Defeat and Expulsion of the Enemy, or Suppression of Rebellion or Insurrection, the Persons drawn out shall be returned to their Parishes, and marching Money allowed.

XLIV. And be it further enacted, That after the Defeat and Expulsion of the Enemy from the Realm, and Suppression of any such Rebellion or Insurrection, to be notified by His Majesty's Proclamation, all and every such Persons who shall have been so drawn out, assembled, or embodied, under the Provisions of this Act, shall forthwith be returned to their respective Parishes; and it shall be lawful for His Majesty to order and direct that the Sum of One Guinea shall be paid, under the Direction of any General or other superior Officer under whose Command such Men shall then happen to be, to every such Person so permitted to return Home as aforesaid, over and above the usual Rate of Pay to which such

Perſon ſhall be entitled, in order the better to enable him to return to his Pariſh.

Lord Lieutenants may, with the Approbation of His Majeſty, appoint any Deputy Lieutenants to act for them.

XLV. And be it further enacted, That it ſhall be lawful for any Lord Lieutenant of any County, with the Approbation of His Majeſty, to appoint any Deputy Lieutenant to act for him within the County, as Lieutenant thereof, during the neceſſary and unavoidable Abſence, Sickneſs, or other Diſability of ſuch Lord Lieutenant, and no longer, and to appoint any Deputy Lieutenant to act as Lieutenant of any Diviſion of ſuch County; and all Vice Lieutenants ſo appointed under this Act ſhall, from and after the paſſing thereof, rank within their reſpective Counties as Lieutenant Colonels of Militia; and all Lieutenants of Diviſions ſo appointed under this Act, ſhall rank within their reſpective Counties as Majors of Militia; and all other Deputy Lieutenants acting as ſuch in their reſpective Subdiviſions, ſhall rank within their reſpective Counties as Captains of Militia.

Warden of Cinque Ports to put this Act in Execution in like Manner as Lieutenants of Counties.

XLVI. And be it further enacted, That the Warden of the Cinque Ports, two ancient Towns, and their Members, and in his Abſence his Lieutenant or Lieutenants, and all Magiſtrates, Jurats, Conſtables, Churchwardens Overſeers of the Poor, and other Officers within the ſame, ſhall put in Execution within the ſaid Ports, Towns, and Members, all the Powers and Authorities given and granted by this Act, and do or cauſe to be done all Acts, Matters, or Things thereby required, in like Manner as Lieutenants of Counties, and their Deputy Lieutenants, Conſtables, Churchwardens, Overſeers of the Poor, and other Officers, may put in Execution all ſuch Powers and Authorities, and do or cauſe to be done ſuch Acts, Matters, and Things reſpectively.

Wardens of Stannaries to put in Execution the Act in like Manner,

XLVII. And be it further enacted, That the Warden of the Stannaries, Special Deputy Warden, and all other Officers of the Stannaries in *Great Britain*, ſhall reſpectively, in obedience to His Majeſty's Orders, to be iſſued for that Purpoſe, procure like Returns to be made, and all other Matters to be done, touching the Tinners of the Counties of *Devon* and *Cornwall*, according to the Cuſtoms of the Stannaries and Privileges of the working Tinners, as are hereby required to be done by the Lieutenants and Deputy Lieutentants aforeſaid, touching other Perſons reſiding in the ſaid Counties of *Devon* and *Cornwall*, not entitled to the Benefit of ſuch Privileges; and ſuch Warden, Special Deputy Warden, and other Officers of the Stannaries, ſhall have ſuch and the like Powers and Authorities to do and execute all and every the Matters and Things which ſhall be ſo required to be done as aforeſaid, as the Lieutenants and Deputy Lieutenants of the ſeveral Counties have for doing the ſeveral Matters and Things hereby required to be done by them reſpectively.

who ſhall have the ſame Military Rank, &c. as the Lieutenants of Counties.

XLVIII. And be it further enacted, That the Lord Warden and the Special Deputy Warden of the Stannaries ſhall have the ſame Military Command and Rank, and the Lord Warden the ſame Power of appointing a Special Deputy Warden to act in his Abſence within the Stannaries, as the Lieutenants and Vice Lieutenants have in their reſpective Counties.

XLIX. And

Act ſhall not extend to London.

XLIX. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to the City of *London*.

Fines for not proceeding to ballot and enrol.

L. And be it further enacted, That every County, Hundred, and Pariſh, for which Men ſhall not have been ballotted and enrolled according to the Proviſions of this Act, under any Order made for that Purpoſe, ſhall be ſubject to a Fine of Five Pounds for every Man required by this Act to be enrolled in ſuch County, Hundred, or Pariſh, remaining deficient in ſuch Enrolment.

Mode of fining Places which have not proceeded to ballot.

LI. And be it further enacted, That in caſe proper Returns of Enrolment under this Act for any County, Hundred, or Pariſh, ſhall not have been made, it ſhall be lawful for the Court of Exchequer, on Application of His Majeſty's Attorney General (if it ſhall ſee fit) to grant a Rule, calling upon the Treaſurer of the County, the Chief Conſtable of the Hundred, or Conſtable of any Pariſh, in reſpect of which ſuch Application ſhall be made, to ſhew Cauſe why ſuch County, Hundred, or Pariſh reſpectively ſhould not be fined; and if no ſufficient Cauſe be ſhewn to the Court within ſuch Time as ſhall be ſpecified in ſuch Rule upon ſuch Treaſurer, Chief Conſtable, or Conſtables reſpectively, then to fine ſuch County, Hundred, or Pariſh, in reſpect of which ſuch Application ſhall be made, in any Sum not exceeding Five Pounds *per* Man for every Man deficient on ſuch Enrolment, and to cauſe ſuch Fine to be levied by Diſtringas, or other Proceſs applicable to the Nature of the Caſe, according to the Rules and Practice of ſuch Court, upon the Chief Conſtable or Clerk of Subdiviſion Meetings as to Hundreds, or upon the Conſtables and Overſeers of the Poor of the Pariſh; and it ſhall alſo be lawful for the ſaid Court of Exchequer thereafter to remit any ſuch Fine or Fines, on Proof to the Satisfaction of the Court, that the proper Ballot and Enrolment have been executed under this Act, and duly returned.

Deputy Lieutenant or Juſtice may do any Act required to be done by Deputy Lieutenants, except at General Meetings.

LII. And be it further enacted, That where Deputy Lieutenants are by this Act directed or empowered to do any Act, Matter, or Thing, in or concerning the Execution thereof, the ſame ſhall be good and valid if it be done by any One Deputy Lieutenant, or, in the Abſence of any Deputy Lieutenant, by One Juſtice of the Peace, except as to all ſuch Matters as are directed to be done by Deputy Lieutenants acting in the Abſence of a Lieutenant or Vice Lieutenant, or at any General Meeting, or at any Subdiviſion Meeting held for the Purpoſe of making Apportionments: Provided always, that where Two Deputy Lieutenants only ſhall be able to attend any Subdiviſion Meeting for hearing Appeals, or making Apportionments, or ſuperintending any Ballots or Enrolments under this Act, it ſhall be lawful for any One Juſtice of the Peace, or Magiſtrate, or where One Deputy Lieutenant only ſhall be able to attend any ſuch Meeting, it ſhall be lawful for any Two Juſtices of the Peace, or Magiſtrates of the Diviſion or Diſtrict, to ſit and act with ſuch Deputy Lieutenant or Deputy Lieutenants, with all ſuch Powers and Authorities relating thereto, as are in this Act or any Act relating to the Militia, given to Deputy Lieutenants.

Recovery of Penalties by Action.

LIII. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, which ſhall exceed Fifteen Pounds ſhall be

recovered by Action of Debt, Bill, Plaint, or Information, at the Suit of His Majesty's Attorney General, or at the Suit of any Person appointed to sue for the same, by any Lieutenant or Deputy Lieutenants, or Vice-Lieutenants acting for any Lieutenant in any of His Majesty's Courts of Record at *Westminster*, or the Courts of Great Session in the Principality of *Wales*, or the Courts of the Counties Palatine of *Chester*, *Lancaster*, and *Durham* (as the Case shall require) wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Justices of Peace or Deputy Lieutenant may determine Penalties not exceeding 15*l*.

LIV. And be it further enacted, That it shall be lawful for any Justice of the Peace, or Deputy Lieutenant, residing near the Place where any Offence shall be committed against this Act, which subjects the Offender to any pecuniary Penalty, not exceeding Fifteen Pounds, to hear and determine such Offence at any Time within Six Months after the Offence committed; and such Justice of the Peace or Deputy Lieutenant shall, upon any Information exhibited, or Complaint made in that Behalf, summon the Party accused, and also the Witnesses on either Side, and shall examine into the Matter of Fact; and upon due Proof made thereof, either by the voluntary Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, to give Judgement for the Penalty or Forfeiture, as by this Act is directed, and to issue his Warrant under his Hand and Seal for the levying any pecuniary Penalties or Forfeitures so adjudged, on the Goods of the Offender, and to cause Sale to be made thereof in case they shall not be redeemed within Six Days, rendering to the Party the Overplus, if any; and where the Goods of the Offender cannot be found sufficient to answer the Penalty, to commit such Offender to Prison, there to remain for any Time not exceeding Three Months, unless such pecuniary Penalty shall be sooner paid and satisfied; and if any Person or Persons shall find himself or themselves aggrieved by the Judgement of any such Justice or Deputy Lieutenant, then he or they shall and may, upon giving Security to the Amount or Value of such Penalty and Forfeiture, together with such Costs as shall be awarded in case such Judgment shall be affirmed, appeal to the Justices of the Peace at the next General Quarter Sessions for the County, Riding, or Place, who are hereby empowered to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and in case the Judgment shall be affirmed, it shall be lawful for such Justices to award the Person or Persons to pay such Costs occasioned by such Appeal, as to them shall seem meet.

but Appeal may be made to Quarter Sessions.

Penalty on Witnesses neglecting to appear.

LV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before such Justice or Deputy Lieutenant, touching any of the Matters relative to this Act, either on the Part of the Prosecutor, or Persons accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Neglect or Refusal, to be allowed of by such Justice or Deputy Lieutenant before whom the Prosecution shall be depending, that then every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be levied and paid in such Manner, and by such Means, as is directed as to the other Penalties.

Convictions to be drawn up in the following Form.

LVI. And be it further enacted, That the Juſtice or Deputy Lieutenant before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following, or in any other Form of Words to the ſame Effect, *mutatis mutandis*; (that is to ſay),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord in the County of *A. B.* of was convicted before 'me, *C. D.* One of His Majeſty's Juſtices of the Peace [*or*, One of the 'Deputy Lieutenants, *as the Caſe may be*] for the ſaid County, reſiding 'near the Place where the Offence was committed, for that the ſaid *A. B.* 'on the Day of now 'laſt paſt, did, contrary to the Form of the Statute in that Caſe made and 'provided [*here ſtate the Offence againſt the Act*] and I do declare and 'adjudge, that the ſaid *A. B.* hath forfeited the Sum of

Mitigation of Penalties.

LVII. Provided always, and be it further enacted, That it ſhall be lawful for any ſuch Juſtice, or Deputy Lieutenant, to mitigate and leſſen any ſuch Penalty in ſuch Manner as he ſhall ſee fit (reaſonable Coſts and Charges of the Officers and Informers, as well in making the Diſcovery as in proſecuting the ſame, being always allowed over and above ſuch Mitigation) ſo as ſuch Mitigation do not reduce the Penalty to leſs than One Moiety of the Penalty incurred, over and above the ſaid Coſts and Charges; any Thing contained in this or any other Act of Parliament to the contrary notwithſtanding.

Orders of Conviction not to be removed by Certiorari.

LVIII. And be it further enacted, That no Order or Conviction made in purſuance of this Act by any Lieutenant, Deputy Lieutenant, or Juſtice of the Peace, ſhall be removed by *Certiorari*, into any Court whatever; and that no Writ of *Certiorari* ſhall ſuperſede Execution, or other Proceedings, upon any ſuch Order or Conviction, but that Execution and other Proceeding ſhall be had thereupon; any ſuch Writ or Writs notwithſtanding.

Application of Penalties.

LIX. And be it further enacted, That all Fines, Penalties, and Forfeitures incurred by any Officers or Perſons concerned in the Execution of this Act, or incurred, paid, or levied under any of the Proviſions of this Act, relating to the Enrolment of any Perſons under this Act, or to any Perſons liable to be ballotted or enrolled under this Act, or under any of the Proviſions relating thereto, ſhall go and be applied under any general or particular Order or Orders of One of His Majeſty's principal Secretaries of State, in the Diſcharge of any Expences of any Training or Exerciſing under this Act, within the County, Riding, or Place where the ſame ſhall ariſe, or any incidental Expences attending the Execution of this Act, within ſuch County, Riding, or Place.

Reward to Clerks and other Officers.

LX. 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 whatſoever, entitled under any Acts relating to the Militia to any Remuneration for their Pains and Labour in executing the Proviſions of any Acts relating to the Militia, who ſhall execute the like or other Proviſions of this Act to the Satisfaction of the Lieutenants and De-

puty Lieutenants, ſhall, for ſuch Services reſpectively, receive ſuch Rewards as are directed by the ſaid Acts, or ſuch future Reward for their Pains and Trouble in and about the executing 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 ſhall, on the Production of ſuch Certificates ſo ſigned as aforeſaid, to the reſpective Receivers General in *England*, be paid out of any Public Monies in their Hands, and be allowed in their Accounts.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times be ſued, moleſted, or proſecuted for any Thing by him or them done in purſuance of this Act, or of any Clauſe, Matter, or Thing herein contained, ſuch Perſon or Perſons ſhall or may plead the General Iſſue, and give the Special Matter in Evidence for his or their Defence; and if, upon the Trial, a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs become nonſuited, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt the Plaintiff or Plaintiffs. General Iſſue may be pleaded.

LXII. And be it further enacted, That this Act may be altered, amended, or repealed, by any Act or Acts to be made in this preſent Seſſion of Parliament. Act may be altered in this Seſſion.

SCHEDULE

SCHEDULE to which this Act refers.

Rules and Regulations relating to Persons enrolled under an Act for the Defence of the Realm.

All Persons trained under this Act to be allowed Pay for Twenty-four Days, at One Shilling *per* Day.

To attend at the Places and Times fixed for Exercise, and obey all Orders of Officers or Serjeants relating to Training and Exercising, during Times of Exercise; to take due care of Arms; and to deposit them where required.

FINES FOR NON-ATTENDANCE.

Forfeiture of Pay, and Ten Shillings for every Day short of Eight Days in each Four Months, if Days shall be so appointed; or for every Day short of Twenty-four Days, if Days shall be appointed yearly.

Persons not having or receiving any Annual Sums of Money, Profits, Gains, Allowance, or other Income, amounting in the Whole to One hundred and fifty Pounds *per Annum*, to forfeit Five Shillings instead of Ten Shillings, for each of such Absences.

Persons not having any annual Sum of Money, Profits, Gains, Allowances, or other Income, amounting in the Whole to Fifty Pounds *per Annum*, to forfeit Two Shillings instead of Ten Shillings for each of such Absences.

Persons excused from Poor Rates, or being Part of the Family of any Persons excused from Poor Rates by reason of Poverty, and who are by reason thereof exempt from the Payment of such Rates and Duties, to forfeit Two Shillings instead of Ten Shillings, for each of such Absences.

Persons prevented by Illness, certified by Physician, Surgeon, or Apothecary actually practising, or Clergyman and Constable, to Satisfaction of Deputy Lieutenant, or Justice of the Peace or Magistrate, to forfeit only Pay.

Persons absent on Business, and making good Days on any succeeding Period, to have Fines returned for such Days, by Order of Deputy Lieutenant or Justice, on Certificate of Serjeant and Constable.

Persons removing during the Year from the Parish or Place of Residence, to have a Certificate of Exercise up to the Time of Removal from the Officer or Serjeant, or, in the Absence of any Officer or Serjeant, the Constable or other Peace Officer of the Parish or Place (which they are hereby required to give on Demand thereof, without Fee or Reward).

On

On Production of such Certificate to any Deputy Lieutenant, or Justice of the Peace of the Division, or to the Officer, Serjeant or Constable of the Parish or Place to which such Person shall remove, such Person to be entered as if ballotted in such Parish or Place, and to be there trained and exercised, and to have Credit for the Days of Exercise contained in his Certificate.

Producing of such Certificate, and conforming to Regulations of this Act in Parish or Place of subsequent Residence, to exempt from Fines for Non-attendance in the first Parish or Place.

During Absence from Parish, Certificate of Training and Exercise in any other Parish to be received, and to exempt from Fines in Parish of Enrolment for those Days.

Person enrolled, and afterwards leaving *Great Britain*, and giving Notice to Constable, discharged from Penalties for not Training and Exercising, so long as he shall continue out of *Great Britain*.

Person absent for temporary Purposes only, from the Parish of Enrolment, and Training and Exercising, who shall on Return prove to Satisfaction of any Deputy Lieutenant, or Justice of the Peace or Magistrate, that he could not train and exercise during such Absence, either by reason of travelling, or not continuing a sufficient Length of Time in one Place, or there being no Training and Exercising in the Parishes or Places in which he shall have been during such Absence, may, by such Deputy Lieutenant, or Justice or Magistrate, be discharged from Fines during such Absence.

For MISCONDUCT.

For irregular Conduct, or not behaving in an orderly Manner, or disobeying the lawful Commands of any Officer or Serjeant commanding or training, or exercising, to forfeit Pay of the Day, or Pay of the Day and any Sum not exceeding Ten Shillings, at the Discretion of any Justice of the Peace, Magistrate, or Deputy Lieutenant.

Officer or Serjeant empowered to deliver any such Person into the Custody of the Constable, to be by him taken before a Justice of the Peace, or Deputy Lieutenant, so that such Person shall not be kept in Custody for any Night previous to being taken before a Magistrate.

All Fines may be levied by Distress under the Act; and, if no Distress, Offender may be imprisoned for any Period not exceeding Two Days, for Nonpayment of any Fine not exceeding Five Shillings, and not exceeding Five Days for any Fine not exceeding Twenty Shillings, in Addition to any adjudged Imprisonment.

MUSTER ROLLS to be kept by Serjeant and Constables, to be returned to Clerk of Subdivision Meetings, and to Commanding Officer of District.

Roll to be called at the Hour of Meeting.

Persons coming after Roll Call not to be entitled to be inserted in Muster.

Serjeants and Constable to give Certificates, on Demand, to every Person belonging to any other Parish, who shall train and exercise, of his having trained and exercised according to the Act, and of the Number of Days, specifying the Days on which he shall have so exercised.

Serjeant or Conſtable taking any Money or Bribe, or Gift of any Sort, for any falſe Muſter, or for the Training or Exerciſing of any Men, or for any Certificate, to be fined Ten Pounds, and treble the Money or Value of Gift received, and impriſoned at Diſcretion of the Juſtice, or Deputy Lieutenant, not exceeding Two Months, (to be recovered and applied as any Penalty or Forfeiture under Fifteen Pounds may be recovered under this Act).

Fines to be collected by Conſtable, or any Overſeer of the Poor, and to be paid to Overſeer of the Poor, and the Account kept by them of Amount.

To be ſubject to Diſtribution according to Orders, under the Act.

Deputy Lieutenant may, with Approbation of Lieutenant, and His Majeſty, eſtabliſh Rewards for Skill in firing at Target with Ball, under any Regulation to be approved of by General Officer of the Diſtrict and Lieutenant, to be defrayed out of Fines.

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