

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. CL.

An Act for enabling His Majesty to establish a permanent Local Militia Force in *Scotland*, under certain Restrictions, for the Defence of the Realm. [4th *July* 1808.]

WHEREAS it is expedient in the present Circumstances of *Europe*, that a Local Militia Force should be established, trained, and permanently maintained, under certain Restrictions, in *Scotland*, to be called forth and employed in case of Invasion, in Aid of His Majesty's Regular and Militia Forces for the Defence of the Realm: 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 a permanent Local Militia Force shall be ballotted and enrolled in *Scotland*, at such Periods, and in such Counties and Stewartries, or in any such Divisions or Parts of any Counties and Stewartries, and in such Proportions in any such Divisions or Parts of any Counties and Stewartries, as His Majesty shall, by any Warrant or Warrants under His Royal Sign Manual specify, order, and direct in that Behalf, according to the Provisions of this Act, and under the Restrictions and Regulations herein-after mentioned.

A permanent Local Militia shall be ballotted and enrolled in Scotland.

II. Provided always, and be it further enacted, That the Number of Men so ballotted and enrolled under this Act shall not in any County, Stewartry, or Division, or Part of any County or Stewartry, exceed such Number as will, in Addition to and together with, and including the effective

Not to exceed Six Times, including Volunteers, the original Quota under 42 G. 3. c. 91.

effective Yeomanry and Volunteers ſerving in ſuch County or Stewartry or ſuch Diviſion or Part of ſuch County or Stewartry reſpectively, at the Time of ſuch Ballot, amount to Six Times the reſpective original Quota or Proportion of the original Quota of Militia of ſuch County or Stewartry, or Diviſion or Part of ſuch County or Stewartry reſpectively, under an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, relating to the Militia of *Scotland*: Provided always, that ſuch effective Yeomanry and Volunteers ſhall be excluſive of Supernumeraries ſerving without Pay above the Eſtabliſhment of ſuch Corps who ſhall have been enrolled therein after the Firſt Day of *April* laſt.

Deficiencies in effective Volunteers ſhall be ſupplied by additional Militia Men.

III. Provided alſo, and be it further enacted, That when and ſo often as the Number of effective Yeomanry and Volunteers in any County or Stewartry, or Diviſion or Part of any County or Stewartry, ſhall be reduced by the diſbanding or diſcontinuing the Services of any Corps of Yeomanry or Volunteers, or by reaſon of the effective Members of any ſuch Corps being diminiſhed, it ſhall be lawful for His Majeſty, from Time to Time, to order and direct that a Number of Local Militia Men, equal in Amount to ſuch Deficiency, ſhall be forthwith ballotted and enrolled under this Act, ſo that the Number in the whole of the Local Militia under this Act, and effective Yeomanry and Volunteers as aforeſaid, ſhall be equal to Six Times the Amount of ſuch Quota or Proportion of Quota as aforeſaid.

On receiving Order to ballot Men, Lord Lieutenant, &c. to appoint General and Subdiviſion Meetings.

IV. And be it further enacted, That immediately after any ſuch Order ſhall have been received by any Lord Lieutenant, Vice Lieutenant, or Three Deputy Lieutenants, executing the Office of Lord Lieutenant; the ſaid Lord Lieutenant, Vice Lieutenant, or Deputy Lieutenants ſhall ſummon General and Subdiviſion Meetings, and ſuch General and Subdiviſion Meetings reſpectively ſhall enquire in what Pariſhes or Places ſuch Deficiency ſhall have ariſen, and ſhall proceed to divide and apportion the Numbers ſo deficient among the Pariſhes and Places reſpectively in which ſuch Deficiency ſhall be found to exiſt, and proceed to the ballotting and enrolling of Men for the Local Militia, according to the Proviſions of this Act.

His Majeſty may order Counties to be divided wherein more than One Corps is to be raiſed.

V. And be it further enacted, That it ſhall be lawful for His Majeſty in any caſe in which more than One Regiment, Battalion, or Corps of Local Militia is ordered to be raiſed in any County or Stewartry, to direct the Lieutenant, Vice Lieutenant, or Depury Lieutenants of ſuch County or Stewartry to divide ſuch County or Stewartry for the Purpoſes of this Act into ſuch Number of Diviſions as there are Regiments, Battalions, or Corps to be raiſed in ſuch County or Stewartry, Regard being had to the Number of Perſons liable to ſerve, and the Eſtabliſhment of each Regiment, and all other Circumſtances of local Convenience; and from and after ſuch Diviſion, each of ſuch Diviſions of ſuch County or Stewartry ſhall ſupply all Vacancies ariſing in the Regiments, Battalions, or Corps reſpectively belonging to ſuch Diviſions: Provided always, that ſuch Diviſions and all Apportionments made in purſuance thereof, may be from Time to Time varied or altered as Occaſion may require.

Powers of Militia Acts to extend to this Act.

VI. And be it further enacted, That all Powers, Proviſions, Rules, Regulations, Exemptions, Penalties, Forfeitures, Clauſes, Matters, and Things contained in the ſaid Act of the Forty-ſecond Year of His Majeſty's

Majesty's Reign, or in any Act passed in the last Session of Parliament, or in any other Acts now in force relating to the Militia of *Scotland*, shall, as far as the same are applicable, and can be applied to and for the Purpose of carrying this Act into Execution, and are not hereby altered, varied, or repealed, be used, exercised, applied, and put in force for raising the Local Militia, and for the training and exercising the same, as the Regular Militia may be trained and exercised when not embodied, until the said Militia shall be called out and embodied under any Order in Council or Proclamation pursuant to the Provisions of this Act, and all Powers, Provisions, Rules, Regulations, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts, in relation to the Regular Militia of *Scotland* when embodied, and not hereby altered, varied, or repealed, shall, as far as the same are applicable and can be applied, be used, exercised, applied, and put in force in relation to the Militia under this Act, when so called out and embodied, in as full and ample a Manner as if the said Powers, Provisions, Rules, Regulations, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things were again repeated and re-enacted in this Act: Provided always, that all Acts, Matters, and Things to be done by any Deputy Lieutenants or Justices (save and except such Matters and Things as are required to be done by the several Acts at General Meetings of Lieutenants) shall and may be done and performed by Two Deputy Lieutenants, or by One Deputy Lieutenant and One Justice of the Peace.

Two Deputy Lieutenants, or One and a Justice, may act.

VII. And be it further enacted, That the Men to be raised under this Act shall be ballotted out of and from the Persons between the Ages of Eighteen and Thirty, returned in the Lists now existing, or which may hereafter be made or amended and corrected, in Conformity to the Provisions contained in any Act relating to the Militia of *Scotland*; and it shall be lawful for His Majesty, if He shall think fit, to order and direct the making out any new Lists, and in such Classes as to Age or otherwise, and in such Form, as may be deemed expedient for the Purpose of carrying this Act into Execution.

Ballot shall be out of Persons between 18 and 30 Years of Age.

VIII. And be it further enacted, That on making out or amending of any Lists after the passing of this Act, of Persons fit to serve in the Local Militia, every Person who shall wilfully neglect to appeal within the Time appointed for that Purpose, shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of any Two or more Deputy Lieutenants, or Justices of the Peace or Magistrates; and on Non-payment thereof be imprisoned, at the Discretion of any Two or more Deputy Lieutenants, or Justices of the Peace or Magistrates as aforesaid, for any Time not exceeding Fourteen Days.

Persons returned as fit to serve, not appealing within the limited Time, liable to Penalty.

IX. And be it further enacted, That no Person shall be appointed or act as a Constable for the Purpose of assisting in the making out any new Lists, or otherwise in aiding in the Execution of this Act, who shall not be above the Age of Thirty Years.

Constables shall be above 30 Years old.

X. And be it further enacted, That it shall be lawful for any Two Deputy Lieutenants, or any Deputy Lieutenant and Justice of the Peace, upon the Examination of any Person stating his Inability to serve from Illness, bodily Infirmity or Debility, or if such Person is prevented by such Illness or Infirmity from attending, on such Certificate of any Physician or Surgeon

Persons unable to serve from Illness or bodily Infirmity shall be excused.

Surgeon actually practising as such, as shall be satisfactory to such Deputy Lieutenant or Justice, that any Person enrolled to serve under this Act is from Illness or any bodily Infirmity or Debility unable to serve, to cause such Person to be struck out of the Enrolment, and excused from Fine and from Service under this Act, so long as such Illness, bodily Infirmity, or Debility shall continue.

Certain Persons exempted from Service.

XI. And be it further enacted, That no Licensed Preacher or Teacher of any 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 Physician or Surgeon, and no Persons doing Duty or employed at any Powder Mills, Powder Magazines, or other Storehouses belonging to His Majesty, under the Direction of the Board of Ordnance, shall be liable to be balloted for the Local Militia, so long as they respectively continue within any of the Descriptions aforesaid; and every Person who shall have served or is now serving in Person in the Additional Military Force, raised under an Act passed in the Forty-third Year of the Reign of His present Majesty, or who shall have been balloted, and shall have provided any Substitute, or shall have paid any Fine for not serving or finding a Substitute in such Additional Force, shall be exempt from Ballot and Service in the Local Militia, in like Manner and for the same Period as such Person was or is exempt from Ballot and Service in the Regular Militia, during the Continuance of the said Act of the Forty-third Year aforesaid; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

Period of Exemption from Service of certain Persons.

XII. Provided always, and be it further enacted, That no Person having served in the Regular Militia or such Additional Force, or provided any Substitute, or paid any Fine for not serving or finding any Substitute in the Regular Militia or such Additional Force as aforesaid, shall be entitled to Exemption from being balloted under this Act for any longer Period than Four Years after the Expiration of hi Period of Service, if he shall have served in Person, or Six Years from the Period of any such Substitute being enrolled, or Four Years after having paid any such Fine.

Certain Persons exempted from serving in the Militia, liable to serve in the Local Militia.

XIII. And be it further enacted, That no Articled Clerk or Apprentice, nor any Peace Officer or Constable (except such Persons as shall have been regularly appointed Constables) nor any poor Man who has less than Four Children born in Wedlock, nor any Person under the Height of Five Feet Four Inches, who shall be of the Height of Five Feet Two Inches or upwards, shall by reason thereof respectively be exempt from being balloted and serving under this Act, notwithstanding such Persons may, by coming within any such Descriptions as aforesaid respectively, be exempt from serving in the Militia under any Acts relating to the Militia.

Apprentices balloted shall not enlist in the Army, &c. without the Master's Consent.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize any Apprentice balloted under this Act to enlist in the Army, Navy, Marines, or Regular Militia, or to enter as a Volunteer in the Local Militia, without the Consent of his Master; provided also, that no Ballot, Enrolment, and Service under this Act, shall extend to make void or in any Manner

to affect any Indenture of Apprenticeship or Contract of Service between any Master or Servant, notwithstanding any Covenant or Agreement in any such Indenture or Contract; and no Service under this Act of any Apprentice or Servant, shall be deemed or construed or taken to be an Absence from Service, or a Breach of any Covenant or Agreement as to any Service or Absence from Service, in any Indenture of Apprenticeship or Contract of Service; any Thing contained in any Act or Acts of Parliament, or Law or Laws, or Deed or Indenture of Apprenticeship, or Contract of Service to the contrary notwithstanding.

Service under this Act not to affect Indentures, or Contracts between Masters and Servants.

XV. And be it further enacted, That every Person chosen by Ballot to serve in the Local Militia, shall appear at some Meeting to be appointed for that Purpose; and if on Examination such Person shall be found able and fit for Service, he shall then and there take the following Oath; (that is to say),

Persons ballotted to 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 in the Local Militia of the County, Stewartry, or City of within *Great Britain*, for the Defence of the same, during the Time of Four Years for which I am enrolled, unless I shall be sooner discharged.

'So help me GOD.'

And every such Person shall be then and there enrolled in a Roll to be prepared for that Purpose, to serve in the Local Militia of such County, Stewartry, or City, as a private Local Militia Man, for the Space of Four Years.

and to be enrolled to serve for Four Years.

XVI. And be it further enacted, That if any Person ballotted to serve in the Local Militia under this Act, shall, after Notice given to him, or left at his usual or last Place of Abode, of his having been so ballotted, refuse or neglect to appear within such Period, and at such Place as shall be appointed for that Purpose within the Subdivision for which he shall have been so ballotted (which Time and Places shall be appointed by the Deputy Lieutenants in their respective Subdivisions, under any Order of the Lieutenant of the County, Stewartry, or City, and Notice thereof given by the Schoolmasters or other Officers of the several Parishes, by putting up the same on Churches, Chapels, or other conspicuous Places) and be enrolled under this Act, and take the Oath to serve under this Act, such Person having or receiving any annual Sum of Money, Profits, Gains, Allowances, or other Income whatsoever, amounting in the Whole to Two hundred Pounds or upwards, clear of all Burdens, Taxes, and legal Deductions, shall forfeit the Sum of Thirty Pounds; or such Person not having or receiving any annual Sum of Money, Profits, Gains, Allowances, or other Income whatsoever, amounting in the Whole to Two hundred Pounds, clear of all Burdens, Taxes, and legal Deductions, shall forfeit the Sum of Twenty Pounds; and if not amounting in the Whole to One hundred Pounds clear of all Burdens, Taxes, and legal Deductions, the Sum of Ten 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, which Certificate shall be countersigned by some Justice of the Peace or Deputy Lieutenant, and shall, within Twenty-eight Days after the Receipt thereof, remit the same

Persons ballotted not appearing to be enrolled, liable to be fined.

Fines to be paid to the Clerk of the Subdivision Meetings, and paid into the

Bank, to Account of the Paymaster General.

same to the Bank of *England*, to a separate Account of the Paymaster General of His Majesty's Forces, for the Purposes of the Local Militia of *Great Britain*, which separate Account the said Paymaster General is hereby required to open at the Bank of *England*; and the Payment of such Fine shall exempt such Person from being balloted and enrolled under this Act for Two Years and no longer; and such Person shall be liable to be balloted and enrolled in the Year next but one after that in which he shall have been so balloted as aforesaid, and in like Manner to serve or pay such Fine as aforesaid, and so in each Second succeeding Year.

Fines to exempt for Two Years only.

Persons imprisoned for Non-payment of Fines, liable to serve when released.

XVII. And be it further enacted, That any Person imprisoned for the Non-payment of any Fine for not appearing to be enrolled, or for refusing or neglecting to attend Exercise, shall be liable to serve for the full Period of Four Years after the Expiration of such Imprisonment.

Persons claiming Exemption upon Payment of 20l or 10l., to sign a Declaration that their Income does not exceed certain Sums, or produce a Certificate to that Effect.

XVIII. And be it further enacted, That every Person claiming to be exempted from Service under this Act, upon Payment of the Fines of Twenty Pounds or Ten Pounds instead of Thirty Pounds, shall sign a Declaration that the Amount of his Income does not exceed Two hundred Pounds or One hundred Pounds as aforesaid, as the Case may be, and shall deliver the same to the Deputy Lieutenants before whom he shall appear to claim such Exemption, or produce a Certificate to the like Effect, allowed by any Commissioners 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 Fifty Pounds in Addition to such Fine.

Penalty of 50l. for making false Declaration.

Persons balloted engaging to serve in any Volunteer Corps at their own Expence, shall have Half of their Fines remitted;

XIX. Provided always, and be it further enacted, That if any Person balloted to serve in the Local Militia, shall enter and enrol himself as a Member of any Yeomanry or Volunteer Corps, and engage to serve therein at his own Expence, and without Pay or Allowance, and shall produce a Certificate from the Commanding Officer of such Corps of his having clothed, armed, and equipped himself according to the Regulations of such Corps, at his own Expence, such Arms being according to His Majesty's Regulations, it shall be lawful for the Deputy Lieutenants and they are hereby required to remit One Half Part of such Fines of Thirty Pounds, Twenty Pounds, and Ten Pounds respectively, as the Case may be, and every such Person shall be entered into the Regiment, Battalion, or Corps of Local Militia for which he shall have been balloted, but shall nevertheless be exempt from serving in the said Local Militia so long as he shall continue an effective Member of Yeomanry or Volunteer Corps: Provided always, that if such Person having so entered and enrolled himself as aforesaid, shall not continue in and be returned as an effective Member of a Yeomanry or Volunteer Corps for the full Period of Four Years, and once in each Year transmit a Certificate of his being effective from the Commanding Officer of his Corps to the Commanding Officer of the Regiment, Battalion or Corps in which he shall be so entered as aforesaid, such Person shall forfeit treble the Amount of the Part of Fine so remitted as aforesaid, and be liable to serve for the Remainder of such Term of Four Years in the Local Militia; Provided always,

but if they shall not continue to serve for Four Years, they shall forfeit treble the Sum remitted, and be liable to serve in the Local Militia

ways, that no Perſon ſhall be liable to the Payment of ſuch Fine in any Caſe in which the Corps in which he ſhall have ſo entered ſhall be diſbanded or diſcontinued, or if he ſhall have been prevented from attending, and being returned an effective Member of ſuch Corps, by reaſon of bodily Infirmity, to be duly certified by the Officer commanding the ſame. for the Remainder of the Term.

XX. And be it further enacted, That every Commanding Officer of a Volunteer Corps ſhall, in the Margin of every Certificate of the Number of Days on which any Member of his Corps ſhall have attended the Muſter or Exerciſe of his Corps, ſpecify the particular Days on which he ſo attended. Days on which Volunteers attended to be ſpecified in Certificates.

XXI. And whereas Doubts have been entertained with regard to the Meaning of certain Clauſes in the Acts relating to the Volunteers and Militia of *Scotland*; be it therefore enacted and declared, That no Volunteer or Yeoman ſhall, from and after the paſſing of this Act be entitled to Exemption from ſerving in the Militia of *Scotland*, or in the Local Militia to be raiſed under this Act, unleſs ſuch Volunteer or Yeoman ſhall have been included in the Return made purſuant to an Act relating to Yeomanry and Volunteers, paſſed in the Forty-fourth Year of the Reign of His preſent Majeſty, in *April*, *Auguſt*, or *December* reſpectively, next preceding the Ballot at which ſuch Volunteer or Yeoman ſhall have been ballotted to ſerve in the Militia of *Scotland*, or in the ſaid Local Militia. No Volunteer or Yeoman ſhall be exempted from ſerving in the Militia or Local Militia, unleſs included in the Returns under 44 G. 3. c. 54.

XXII. And be it enacted, That the Commanding Officer of every Corps of Yeomanry and Volunteers ſhall, in the Certificate granted by him, ſpecify the Date of ſuch Return preceding the Ballot. Dates of ſuch Returns to be ſpecified.

XXIII. Provided alſo, and be it further enacted, That every Perſon claiming to be exempted from Service under this Act upon Payment of a Fine as aforeſaid, and every Perſon who ſhall be liable to the Payment of any Fine under this Act, for not appearing to be enrolled in the Local Militia, ſhall be ſummoned and required to appear before ſome Deputy Lieutenant or Juſtice of the Peace, and ſhall be required by the Deputy Lieutenant before whom he ſhall appear to claim ſuch Exemption, or by ſuch Deputy Lieutenant or Juſtice of the Peace before whom he ſhall be ſo ſummoned and required to appear as aforeſaid, to ſign a Declaration that he hath not, directly or indirectly, by any Policy, Premium, or Promiſe of any Policy or Premium, or by any Engagement, inſured himſelf againſt ſuch Fine or any Part thereof, and that no Perſon or Perſons hath or have, directly or indirectly, in Conſideration of any Sum of Money, or Promiſe of any Sum of Money, or Gift or Reward, or for any valuable Conſideration whatever, undertaken, engaged, or promiſed in any Way to indemnify him therefrom, or from any Part thereof, or to repay to him, or to any Perſon or Perſons on his Behalf, or for his Uſe, Benefit, or Advantage, the ſaid Fine or any Part thereof; and in caſe any Perſon ſo claiming to be exempt, or ſo ſummoned, or required to appear as aforeſaid, ſhall refuſe ſo to ſign ſuch Declaration, or ſo to appear according to ſuch Summons or Requiſition, or upon Conviction thereof before Two Juſtices of the Peace, ſhall make any falſe Declaration in that Behalf, every ſuch Perſon ſhall forfeit Three Times the Amount of ſuch Fine, and in Default of Payment thereof, Perſons claiming Exemption upon Payment of Fines, &c. to ſign a Declaration that they have not inſured. Perſons refuſing to ſign ſuch Declaration, not appearing, or making a falſe Declaration, liable to Penalty.

thereof, shall be confined in any House of Correction or Common Gaol for such County or Stewartry for any Period not exceeding Three Months, or until Payment of such Penalty, and shall be liable personally to serve in the said Local Militia for the full Term of Four Years after the Expiration of such Imprisonment, or the Payment of such Penalty.

Quakers or United Brethren, on Production of certain Certificates, shall not be enrolled, and may be adjudged to pay a Proportion of the Fines on Persons ballotted and not appearing.

XXIV. And be it further enacted, That if any Person, being one of the People called *Quakers*, or the People called *Unitas Fratrum* or *United Brethren*, who shall be ballotted under this Act, shall produce before the Deputy Lieutenants of 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 the People called *Unitas Fratrum* or *United Brethren*, 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; 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 ballotted and not appearing, 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 Effects of such Person, by Warrant under their Hands (the Overplus, if any, after deducting of reasonable Charges, being rendered to the Party); and if no Goods or Effects can be found whereby the Sum so imposed upon such Quaker or United Brother can be levied, then it shall be lawful for any Deputy Lieutenant or Justice of the Peace, if he shall think fit, to commit such Quaker or United Brother to Prison, there to remain for any Time not exceeding One Month, unless such Sum shall be sooner paid and satisfied.

If Volunteers shall enrol themselves in any Parish to the Number apportioned, then no Ballot shall take place; and if a Part of the Number, then the Remainder only shall be ballotted.

XXV. 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 Forty Years, and fit for Military Service, shall voluntarily enrol themselves under this Act, to serve according to the Provisions of this Act, if the Persons so voluntarily enrolling themselves shall amount to the Number to be enrolled by Ballot under any Apportionment in any such Parish, then no Ballot shall take place in such Parish; and if the Persons so voluntarily enrolling themselves as aforesaid, shall not amount to the Number required to be enrolled by Ballot in any such Parish, then the Number of Persons so voluntarily enrolling themselves shall be deducted from the Number required to be enrolled by Ballot, and the Remainder only shall be ballotted for in such Parish; and all Persons so voluntarily enrolling themselves, shall take the Oath required by this Act to be taken by Persons ballotted, and shall serve in the same Manner and under the same Regulations, and be subject to the same Provisions, as if they had been ballotted for under this Act.

Benefits of Friendly Societies not to be forfeited by Service under this Act.

XXVI. And be it further enacted, That no Member of any Friendly Society, serving or entering to serve under this Act, shall by such Service be excluded from such Society, or be subject to the Forfeiture of any Benefit to which he may be otherwise entitled, under any Rules of such Society; any Thing in any such Rules to the contrary notwithstanding.

XXVII. And be it further enacted, That every Person who shall voluntarily enrol himself to serve in the Local Militia under this Act, shall be entitled to and shall receive the Sum of Two Guineas, to be paid upon his Enrolment, over and above any Sum to which he may be entitled for Necessaries.

Persons voluntarily enrolling themselves to receive a Premium of Two Guineas.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for any Deputy Lieutenants or Justices of the Peace attending the Enrolling and Swearing in of any Men under this Act, entitled to such Bounty of Two Guineas, and they are hereby required, to order and direct the Clerk of their Subdivision to pay any such Bounties out of any Money in his Hands, not remitted under the Provisions of this Act at such Time; and every such Clerk of Subdivision Meetings, paying any such Bounties, shall transmit Accounts thereof at such Periods after the Payment of such Bounties, and in such Form, and with such Particulars, as shall be required by the Secretary at War in that Behalf, on Pain of forfeiting, for any Neglect therein, the Sum of Fifty Pounds.

Deputy Lieutenants or Justices may order Subdivision Clerks to pay Bounties, an Account of which shall be transmitted as required by the Secretary at War, on Penalty of 50l.

XXIX. Provided also, and be it further enacted, That in every Case in which any such Bounties shall become payable, and the Clerk of the Subdivision Meetings within which the same shall be due shall not have any Money in his Hands for the Payment thereof, then, and in such Case, the Deputy Lieutenant or Justice aforesaid shall sign a Certificate thereof, and of the Amount of Bounties so to be paid, and to whom and for what Parishes or Places; and the Clerk of the Subdivision Meeting shall forthwith transmit such Certificate to the Secretary at War, and draw upon the Paymaster General for the Amount of Bounties specified to be so payable and deficient in such Certificate.

Where the Clerk shall not have Money, a Certificate shall be transmitted to the Secretary at War, and the Clerk shall draw upon the Paymaster General.

XXX. Provided always, and be it further enacted, That if any Parish shall have been assessed in the Manner herein directed for the whole Bounty to or in respect of any Person enrolled in the Local Militia under this Act, and such Person shall, at any Time within Two Years after such Enrolment, enlist or enter into His Majesty's Army, Navy, or Marines, or as a Substitute in the Regular Militia, the Amount of such Bounty of Two Guineas shall be deducted out of the Bounty to be paid to such Person upon his enlisting into the Army, Navy, or Marines, or out of the Money to be paid to such Person as a Substitute, and shall be repaid to the Collector of the County or Stewartry wherein the Parish is situated, in respect of which such Person was enrolled in the Local Militia under this Act, and shall be remitted to the Session Clerk of such Parish for the Behoof of the said Parish; and if he shall so enlist or enter at any Time after the Termination of Two Years from his first Enrolment, then the Amount of One Half of such Bounty shall be so deducted and repaid as aforesaid.

Bounty, or a Part, shall be deducted from Men enlisting into the Army, &c. within a certain Period.

XXXI. And be it further enacted, That it shall be lawful for any Corps of Volunteers, or for such of the Members of any Corps of Volunteers, whether within the Ages limited by this Act or otherwise, as may be desirous of forming Part of the said Local Militia to be raised under this Act, to transfer themselves, with the Approbation of His Majesty, under the Direction of the Lieutenant or Deputy Lieutenants, to become and form Part of the Local Militia under this Act, of the

Volunteers may transfer themselves, with the Approbation of His Majesty, to the Local Militia.

County or Stewartry, or Part or Diviſion of the County or Stewartry to which ſuch Corps ſhall belong, upon ſuch Terms and Conditions as to His Majeſty ſhall ſeem fit; and all Volunteers ſo transferring themſelves, ſhall thereupon forthwith be enrolled without Ballot in ſuch Militia, and take the Oath herein-before required to be taken by Perſons ballotted under this Act, and ſhall be entitled to the ſame Bounty and Allowance for Neceſſaries as any other Perſons voluntarily enrolling themſelves previous to Ballot under this Act, and ſhall be deemed and taken to be Local Militia Men to all Intents and Purpoſes as if enrolled as aforeſaid.

His Majeſty may permit Volunteer Yeomanry or Artillery to transfer themſelves to the Local Militia; and Vacancies thereby ariſing not ſupplied within 3 Months ſhall be filled up by Ballot for the Local Militia.

XXXII. And be it further enacted, That it ſhall be lawful for His Majeſty to permit any Volunteer Corps of Yeomanry or Artillery, to transfer themſelves into the Local Militia, upon ſuch Terms and Conditions as to their Eſtabliſhment, and as to Allowances for Horſes or Accoutrements, or other Things, and as to Pay, as His Majeſty ſhall direct, and to be attached to the Local Militia of the County or Stewartry wherein ſuch Corps ſhall ſerve, in ſuch Manner as His Majeſty ſhall direct: Provided always, that no Vacancies ariſing in any ſuch Corps of Yeomanry, ſo transferred as aforeſaid, ſhall be ſupplied by Ballot under this Act; but all ſuch Vacancies which ſhall not be ſupplied by the entering of any Men into ſuch Corps, within Three Months after ſuch Vacancy occurring in ſuch Yeomanry Corps, ſhall be ſupplied by Ballot for the Local Militia of the County or Stewartry to which ſuch Yeomanry Corps ſhall be attached.

Volunteers or Volunteer Artillery Men ſo transferring themſelves, to make Declaration that they have not had any more than the allowed Bounty.

Penalty for making a falſe Declaration.

XXXIII. Provided always, and be it further enacted, That every Volunteer or Volunteer Artillery Man enrolling or transferring himſelf as aforeſaid, ſhall ſign a Declaration before any Deputy Lieutenant or Juſtice of the Peace previous to ſuch Enrolment, that he has not received or been promiſed any Sum or Sums of Money, or Security for Money, or any Benefit or Reward, or Promiſe of Benefit or Reward, other than the Bounty of Two Guineas allowed by this Act, in conſideration of ſo enrolling himſelf to ſerve in the Local Militia; and every Local Militia Man who ſhall be convicted before any Two Juſtices of the Peace of having made any falſe Declaration in that Behalf, ſhall forfeit the Sum of Twenty Pounds, together with the Amount of the Bounty ſo fraudulently received; and in Default of Payment of ſuch Penalty, ſhall be confined in any Houſe of Correction or Common Gaol of the County or Stewartry, for any Time not exceeding Three Months, or until Payment of ſuch Penalty, and ſhall be liable to Four Years Service in the Local Militia after the Termination of ſuch Confinement, or the Payment of ſuch Penalty.

Allowances to Men on aſſembling for Exerciſe, and on being called out under any Order in Council.

XXXIV. And be it further enacted, That every Perſon enrolled to ſerve in the Local Militia under this Act, ſhall, upon being aſſembled for training and Exerciſe under this Act, be entitled to the Sum of One Guinea for the firſt Year of his Service, and Ten Shillings and Sixpence for each ſucceeding Year of Service, to be paid to the Captain commanding the Company to which ſuch Man ſhall belong, for the Purpoſe of providing and keeping up Neceſſaries for ſuch Perſon, and a further Sum of One Guinea to be paid in like Manner and for the like Purpoſe, in caſe ſuch Perſon ſhall be called out or embodied under any Order in Council or Proclamation under the Proviſions of this Act; and all ſuch Sums of Money

Money ſhall at the End of each Period of Exerciſe and Service as aforeſaid, be accounted for to the Perſon entitled thereto, at the End of each annual Period, and the Reſidue, if any, paid to ſuch Perſon for his Uſe and Benefit.

Local Militia entitled to the ſame Exemptions as Volunteers, and Perſons ſerving Four Years not liable to be ballotted for the Regular Militia for Two Years.

XXXV. And be it further enacted, That every Officer, Non-commiſſioned Officer, Drummer, and other Perſon ballotted and enrolled and actually ſerving in the Local Militia under this Act, ſhall be entitled to and have all ſuch Exemptions from Service in the Regular Militia as any effective Volunteer is now entitled to under any Act or Acts of Parliament; and no Officer, Non-commiſſioned Officer, Drummer, or other Perſons, having ſerved the full Period of Four Years in the Militia to be raiſed under this Act, ſhall be liable to be ballotted to ſerve in the Regular Militia of *Great Britain* for Two Years after the Expiration of his Service in the ſaid Local Militia, until by Rotation it ſhall come to his Turn.

No Perſon ballotted ſhall be allowed to find a Subſtitute, or be entitled to Bounty.

XXXVI. And be it further enacted, That no Perſon ballotted to ſerve in the Local Militia ſhall be allowed to find or provide any Subſtitute to ſerve in his Stead, or be entitled to any Bounty or Half Bounty; any Thing in this or any other Act to the contrary notwithſtanding.

Penalty for inſuring.

XXXVII. And be it further enacted, That from and after the paſſing of this Act, if any Perſon whatſoever ſhall inſure, or take or agree to take any Money for the Inſurance of, or be any Ways concerned in any Company, Society, Partnerſhip, Club or Office, for the Inſurance of any Perſon or Perſons, or for the inſuring or indemnifying each other againſt or for the paying any Money for or towards the diſcharging of any Fine or Penalty for any Perſon or Perſons who may be ballotted to ſerve in the Local Militia, or ſhall pay or engage to pay any Sum or Sums of Money to any Volunteer to ſerve in Diſcharge of any County, Stewartry, Diviſion, or Pariſh, beyond the ſaid Sum of Two Guineas to be paid to ſuch Volunteer as aforeſaid under this Act, every ſuch Perſon as aforeſaid ſhall forfeit for every ſuch Offence the Sum of Fifty Pounds.

How the Local Militia ſhall be formed and officered.

XXXVIII. And be it further enacted, That it ſhall be lawful for His Majeſty to order and direct that the Local Militia to be raiſed under this Act, ſhall be formed into Regiments, Battalions, and Companies, and ſhall have ſuch Proportion of Officers, Serjeants, Corporals, and Drummers, as are allowed by the ſeveral Acts relating to the Militia of *Scotland* when embodied; and that ſuch Proportion of Serjeants, Corporals, and Drummers, not exceeding One Half of each Rank, together with the Adjutant Quarter Maſter, who ſhall execute the Duty of Battalion Clerk without any additional Pay; and Staff Serjeants of each Regiment, Battalion, or Corps, ſhall remain on permanent Pay, and embodied as His Majeſty ſhall order and direct: Provided always, that no higher Rank ſhall be given in any Regiment of Local Militia formed under this Act, than that of Lieutenant-Colonel Commandant, except in Caſes where the Commandant ſhall have ſerved with the Rank of Colonel in His Majeſty's Regular Forces, or Regular or Supplementary Militia, or be the Lord Lieutenant of any County or Stewartry: Provided alſo, that all Officers of the Militia raiſed under this Act, ſhall rank with the Officers of His Majeſty's other Militia Forces, as the youngeſt of their reſpective Ranks, except as aforeſaid: Provided always, that every Officer who ſhall have

Rank of Officers.

ſerved

served in His Majesty's Regular Forces as a Field Officer, shall be and is hereby deemed and qualified to hold any Commission in the Local Militia; and every Officer who shall have served in His Majesty's Regular Forces under the Rank of a Field Officer, shall be and is hereby deemed qualified to hold the same Commission in the Local Militia so long as such Officer shall continue to reside in such County or Stewartry, or some next adjoining County or Stewartry, without any other Qualification in respect of Property or otherwise; any Thing in any Act or Acts of Parliament to the contrary in anywise notwithstanding.

Rank in the Local Militia of Officers who have served in the Regular or Supplementary Militia, and of Lieutenants or Vice Lieutenants of Counties;

XXXIX. Provided always, and be it further enacted, That any Person who shall have held the Rank of Colonel of any Regiment or Battalion of Regular or Supplementary Militia, and who may be appointed to the Command of any Regiment or Battalion of Local Militia to be raised by virtue of this Act, shall rank as Colonel according to the Date of his Commission in the Local Militia; and every Lord Lieutenant or Vice-Lieutenant of any County or Stewartry, so long as he shall continue to act as such, who shall be appointed to the Command of any Regiment or Battalion of Local Militia as aforesaid, shall rank as Colonel according to the Date of his Commission in the Local Militia; and every Person who shall have served in the Regular or Supplementary Militia as a Commissioned Officer, and by reason of the Reduction of such Militia, shall have ceased to hold such Rank, shall, if appointed to a like Commission in the Local Militia, rank according to the Date of his first Commission: Provided always, that no Officer holding the Rank of Colonel in the Local Militia shall be entitled to or receive any greater Pay or Emolument than that of Lieutenant Colonel Commandant.

and also of Officers of Volunteer Corps,

XL. Provided always, and be it further enacted, That every Officer of any Corps of Volunteers transferring himself with his Corps, with the Approbation of His Majesty, into the Local Militia, shall be eligible and qualified to hold the same Rank in the Local Militia, from the Date of his Commission in such Militia, as he held at the Period of such Transfer in the Volunteers, without any other Qualification, any Thing in this Act or any other Act of Parliament to the contrary notwithstanding: Provided also, that no Officer, so transferring himself, shall be authorized and entitled to take Rank above any Officer having the Rank of Lieutenant Colonel in His Majesty's Regular Army or Regular Militia.

His Majesty may put the Local Militia enrolled under this Act under the Command of General Officers;

XLI. And be it further enacted, That it shall be lawful for His Majesty to put the Local Militia enrolled under this Act, when assembled for Training or Exercise in Time of War, or when embodied, as herein-after mentioned, in like Manner as the Regular Militia when embodied, under the Command of such General Officers of His Regular Forces, as His Majesty shall please to appoint; any Thing in any Act relating to the Militia to the contrary notwithstanding.

and may order it to be called out yearly to be trained.

XLII. And be it further enacted, That it shall be lawful for His Majesty to order and direct that the Local Militia, to be raised under this Act, shall be called out within their respective Counties or Stewartries in each Year, at such Times, in such Manner, and in such Proportions, and under such Regulations as His Majesty shall direct in that Behalf, for the Purpose of being trained and exercised, Regard being had to the local Circumstances

Circumſtances of each County or Stewartry, and to the Seaſons moſt important to the Courſe of Huſbandry and Cultivation within the ſame; and the Periods and Places for ſuch Exerciſe ſhall be appointed by the Lieutenants or Deputy Lieutenants of the ſeveral Counties or Stewartries, with the Approbation of His Majeſty: Provided always, that no Militia Men under this Act ſhall be trained or exerciſed any greater Number of Days in the Whole in each Year than Twenty-eight entire Days, excluſive of Days of arriving at and Departure from, and marching to and from the Place appointed for Exerciſe (for which extra Days the Pay and Subſiſtence allowed to His Majeſty's Forces on March ſhall be allowed); and no ſuch Local Militia ſhall be ordered to march for ſuch Training and Exerciſe out of the County or Stewartry within which any ſuch Local Militia ſhall have been enrolled, if conſiſting of an entire Regiment or Battalion, or further than into ſome next adjoining County or Stewartry, if conſiſting of leſs than a Regiment or Battalion, and united by any Order of His Majeſty with the Local Militia of any ſuch adjacent County or Stewartry, for the Purpoſe of forming a Regiment or Battalion.

Men not to be trained for more than 28 Days in a Year, nor to be ordered to march for that Purpoſe further than ſome adjoining County.

XLIII. And be it further enacted, That in caſe any Perſon enrolled to ſerve as a Local Militia Man under this Act, ſhall be deſirous of removing from one County to another County or Stewartry, or from one Diviſion of a County or Stewartry to another Diviſion of the ſame County or Stewartry, at any Time or Times during the Period of his Service, it ſhall be lawful for him ſo to do upon giving Notice in Writing to his Commanding Officer, who ſhall certify the ſame to the Lieutenant or Deputy Lieutenants of the County, Stewartry, or Diviſion, to which ſuch Local Militia Man intends to remove; and every ſuch Local Militia Man ſo removing, ſhall be received into the Local Militia of the County, Stewartry, or Diviſion to which he ſhall have removed, and ſhall continue to ſerve therein for the Remainder of the Term for which he ſhall have been enrolled; and every ſuch Militia Man who ſhall make a falſe Statement for the Purpoſe of obtaining ſuch Permiſſion, or who ſhall not preſent himſelf to the Deputy Lieutenants of the Subdiviſion to which he ſhall remove, for the Purpoſe of being enrolled in the Local Militia thereof, and who ſhall not tranſmit to the Commanding Officer of the Regiment, Battalion, or Corps, from which he ſhall have removed, within One Month after the Expiration of ſuch Annual Training, a Certificate of the Commanding Officer of the Regiment, Battalion, or Corps to which he ſhall remove, of his having been duly trained and exerciſed in ſuch Regiment, Battalion, or Corps, ſhall forfeit double the Sum which ſuch Perſon would have forfeited if he had not appeared to be trained and exerciſed in the Local Militia in which he was ballotted under this Act; and every Perſon who ſhall again remove, or who ſhall proceed to any other County, Stewartry, or Diviſion, than that of which he ſhall have firſt given Notice, ſhall in like Manner again give Notice, and tranſmit Certificates as aforeſaid.

Men may remove from one to another County Militia, upon giving Notice to Commanding Officers.

Penalty for making falſe Statements to obtain Permiſſion ſo to remove, &c.

XLIV. Provided always, and be it further enacted, That in all Caſes of actual Invaſion of any Part of the United Kingdom, or of the Appearance of an Enemy in Force upon the Coaſt of any Part of the United Kingdom, it ſhall be lawful for His Majeſty, by any Order in Council or Proclamation, to draw out and embody ſuch Local Militia, or any Part or Proportion thereof, and to direct all or any of ſuch Local Militia-men to be marched to any Part of *Great Britain*, for the Prevention and repelling of

In caſe of Invaſion, &c. His Majeſty may order the Local Militia to be embodied and marched to any Part of Great Britain.

of any such Invasion, or for the Suppression of any Rebellion or Insurrection arising or existing at the Time of any such Invasion, and to keep and continue such Local Militia so embodied for any Period His Majesty may deem requisite, not exceeding Six Weeks after such Invasion shall have been prevented, or the Enemy shall have been repelled or driven from the Coast, or after any such Rebellion or Insurrection shall have been suppressed.

Lord Lieutenant, &c. may call out the Local Militia for the Suppression of Riots, and Men not appearing subject to Penalty.

XLV. Provided always, and be it further enacted, That it shall be lawful for the Lord Lieutenant, or for the Vice-Lieutenant of any County or Stewartry, or for the Sheriff of any County, or Stewart of any Stewartry, or in the Absence of the Lord Lieutenant or Vice-Lieutenant and Sheriff or Stewart of any County or Stewartry, for any Two Justices of the Peace, and One Deputy Lieutenant, to call out and assemble the Local Militia, or any Part of the Local Militia, of any County or Stewartry, for the Suppression of any Riots or Tumults in such County or Stewartry, or in any adjoining County or Stewartry; and every Person then enrolled in the Local Militia, so called out as aforesaid, who shall not appear and join his Regiment within such Time and at such Place as shall be specified in any Notice or Notices put upon Churches, Chapels, or other conspicuous Places, or otherwise publicly given, shall be subject to the same Penalties and Forfeitures as are contained in any Acts relating to the Militia, for not appearing when the Militia shall be assembled for Training and Exercise: Provided always, that it shall be lawful for any Justice or Deputy Lieutenant to remit the Whole or any Part of any Fine or Penalty incurred for not appearing, upon Proof that the Person not appearing was prevented by Absence, or any unavoidable Causes, from receiving such Notice, or appearing as aforesaid; and all such Local Militia, when so called out and assembled on such Service as aforesaid, shall be deemed to be assembled for Training and Exercise under this Act; and all Provisions relating to the Militia, when assembled for Training and Exercise, shall apply to the Local Militia called out upon such Service as aforesaid, and all Days of such Service shall be deemed Part of the Days of Training and Exercise under this Act: Provided always, that when any Local Militia shall be so called out as aforesaid, the same shall immediately be notified to One of His Majesty's Principal Secretaries of State, for His Majesty's Approbation thereof: Provided also, that no such Local Militia shall be liable to be kept assembled upon any such Service for any longer Period than Fourteen Days in any One Year; and if any such Service shall arise after any such Local Militia shall have been trained and exercised for the full Period of Twenty-eight Days in such Year, then and in such Case the Days of such Service shall be deemed Part of the Days of Training and Exercising of the succeeding Year.

When so called out, to be deemed assembled for Training, and the same to be notified to His Majesty's Principal Secretary of State; but not to be kept so assembled more than 14 Days in One Year.

Local Militia assembled in Time of War, to be subject to the Mutiny Act.

XLVI. And be it further enacted, That whenever the Local Militia shall be assembled in Time of War for the Purpose of Training and Exercising within their own or any adjacent County or Stewartry, all Persons serving in the said Militia shall be subjected to all the Provisions contained in any Act of Parliament which shall be then in force for Prevention of 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,

Officers, Drummers, and private Men ſo aſſembled as aforeſaid, in all Caſes whatſoever.

Local Militia entitled to the ſame Pay, &c. as the Regular Militia.

XLVII. And be it further enacted, That the ſaid Local Militia, when not drawn out and embodied as aforeſaid, ſhall be entitled to the ſame Pay, Cloathing, and Allowances, as the Regular Militia are entitled to when not embodied; and when drawn out and embodied as aforeſaid, ſhall be entitled to the ſame Pay, Cloathing, and Allowances, for themſelves and Families, according to their reſpective Ranks, as His Majeſty's other Militia Forces when drawn out and embodied.

Wives and Families of Local Militia Men entitled to the ſame Relief as thoſe of Yeomanry or Volunteer Corps.

XLVIII. And be it further enacted, That whenever any Corps of Local Militia ſhall be aſſembled for the Purpoſe of Exerciſe, all Perſons enrolled therein who ſhall join on ſuch aſſembling, and ſhall have Families unable to ſupport themſelves, ſhall during the Period of their being ſo aſſembled as aforeſaid, be entitled to ſuch and the like Relief to their Wives and Families, and under ſuch and the like Circumſtances, and ſubject to the ſame Regulations and Proviſions, as any Corps of Yeomanry or Volunteers are entitled to for their Wives and Families, under an Act paſſed in the Forty-fourth Year of His preſent Majeſty, intituled, *An Act to conſolidate and amend the Proviſions of the ſeveral Acts relating to Corps of Yeomanry and Volunteers in* Great Britain, *and to make further Regulations relating thereto.*

Local Militia Men may enliſt in the Army, Navy, or Marines, or Regular Militia of the ſame County, and their Vacancies ſhall be ſupplied as other Vacancies.

XLIX. And be it further enacted, That it ſhall be lawful for any Perſon ballotted or enrolled to ſerve, or ſerving in the Local Militia under this Act, to enliſt or enter into His Majeſty's Army, Navy, or Marines, or as a Subſtitute in the Regular Militia of the ſame County or Stewartry, at any Time, except during ſuch Portion of the Period of being aſſembled for the Purpoſe of annual Training and Exerciſe as aforeſaid, under this Act, as His Majeſty ſhall by any Order made in that Behalf preſcribe; and the Enliſting or Entry of every ſuch Man ſhall be immediately certified by the Officer with whom ſuch Man ſhall have enliſted or entered, to the Officer commanding the Regiment, Battalion, or Corps of Local Militia, from which ſuch Man ſhall have enliſted or entered; and all Vacancies ariſing by any ſuch enliſting or entering as aforeſaid, ſhall be ſupplied in like Manner as any other Vacancies in the ſaid Local Militia.

Vacancies in Local Militia ſhall be filled up, notwithſtanding Suſpenſion of Ballot for the Regular Militia.

L. Provided always, and be it further enacted, That all Vacancies ariſing in the Local Militia by ſuch enliſting as aforeſaid, or by Diſcharge, Abſence, Deſertion, Death, or Expiration of Service, ſhall be filled up according to the Proviſions of this Act, and the ſeveral Acts relating to the Militia, notwithſtanding any Suſpenſion of Ballot for the Regular Militia.

Counties, &c. ſubject to a Fine of 15*l.* for each Man deficient at a certain Period;

LI. And be it further enacted, That every County, Stewartry, or Pariſh, for which the full Number of Men required by any Order of His Majeſty under this Act, ſhall not have been ballotted and enrolled before the Fourteenth Day of *February* ſucceeding ſuch Order, if given Three Months before ſuch Fourteenth Day of *February*, or in which any Deficiencies or Vacancies ariſing in ſuch Local Militia ſhall not be filled up before the Fourteenth Day of *February* after the ſame ſhall have ariſen, if the ſame ſhall have ariſen Three Months before ſuch Fourteenth Day of *February*,

February, shall be subject to a Fine of Fifteen Pounds for every Man remaining deficient.

but shall be entitled to a Return of Part for every Man enrolled within certain Periods.

LII. Provided always, and be it further enacted, That every Parish or Place in which such Fine shall have arisen, and in which such Deficiency shall be thereafter supplied, shall be entitled to deduct or have a Return of Two-third Parts of any such Fine of Fifteen Pounds for every Man enrolled before the Fourteenth Day of *March*, and One-third Part of every such Fine of Fifteen Pounds for every Man enrolled before the First Day of *April*, after any such Fine shall have so arisen as aforesaid.

Commandants of Local Militia shall transmit to Lieutenant or Deputy Lieutenant a Certificate of Deficiencies, to be transmitted to the Clerk of Supply.

LIII. And be it further enacted, That every Commandant of any such Local Militia shall, within Fourteen Days after the Fourteenth Day of *February* in every Year, transmit to the Lieutenant or Deputy Lieutenant of the County or Stewartry within which such Local Militia shall have been raised, a Certificate of the Deficiencies or Vacancies in such Local Militia, and such Lieutenant or Deputy Lieutenants shall within Ten Days after the Receipt of such Certificate, and within Ten Days after any Fine shall have been incurred as aforesaid, transmit to the Clerk of Supply of such County or Stewartry, a Certificate of the Deficiencies or Vacancies in such Local Militia, and of the Fines respectively incurred by any County or Stewartry as aforesaid.

Commissioners of Supply shall make an Assessment for Amount of Fines for Deficiencies.

LIV. And be it further enacted, That the Commissioners of Supply of every such County or Stewartry shall, on or before the First Day of *May* after the Receipt of such Certificate, make an Assessment upon each Parish or Place from which any such Deficiency or Vacancy ought to have been supplied, for the Amount of each Fine incurred for each Man which ought to have been supplied by such Parish or Place, in the Manner in which such Commissioners of Supply are directed to make Assessments for the Relief of Families of Militia Men, by an Act passed in the Forty-third Year of the Reign of His present Majesty.

Where Assessments shall not be made, Clerk of Supply shall certify the same to His Majesty's Attorney in Exchequer in Scotland, who shall compel such Assessment to be made.

LV. And be it enacted, That in every Case where any such Assessment shall not be made by such Commissioners of Supply, then the Clerk of Supply of such County or Stewartry shall and he is hereby required, within Fourteen Days after the Meeting at which such Assessment ought to have been made, to certify the same to His Majesty's Attorney in Exchequer in *Scotland*, and the Names of such Commissioners as shall have been present at such Meeting by whom such Assessment ought to have been made; and His Majesty's Attorney in Exchequer is hereby required, on the Receipt of such Certificate, forthwith to proceed by all such legal Means as shall be most effectual and expeditious, to compel such Commissioners to pay due Obedience to this Act, and to cause such Assessment to be made, and the Money raised, collected, and paid.

Penalty on Collectors not levying Assessments.

LVI. And be it enacted, That in case any Collector of the Land Tax shall refuse or neglect to levy any such Assessment for and during the Space of Twenty Days after the same shall have been made, every such Collector shall forfeit a Sum equal to Double the Amount of such Assessment.

LVII. And

LVII. And be it further enacted, That all Fines, Penalties, and Forfeitures incurred under any of the Provisions of this Act, or of any Act or Acts relating to the Militia, made applicable to this Act, shall be remitted within Twenty-eight Days after the same shall be received, to the Account of the said Paymaster General, at the Bank of *England*, for the Purposes of this Act; and all Bounties and Sums of Money to be paid under this Act, for Necessaries, shall be paid out of the Monies arising from such Fines, Penalties, and Forfeitures, as aforementioned.

Penalties to be paid to the Account of the Paymaster General at the Bank, out of which Bounties shall be paid.

LVIII. And be it further enacted, That a separate Account shall be kept of the Fines, Penalties, and Forfeitures, remitted to the Bank of *England* for each County and Stewartry respectively, and also of the Bounties paid to Persons who shall voluntarily enrol themselves to serve in the Local Militia under this Act in each County and Stewartry, and Parish thereof; and if the Sum of Money advanced under this Act, for Payment of any Bounties in any County or Stewartry, shall exceed the Amount of the Fines, Penalties, and Forfeitures paid into the Bank, in respect of such County or Stewartry, the Amount of such Deficiency shall be paid and made good by such County or Stewartry, or the Parishes thereof respectively; and for the Purpose of obtaining Payment thereof, it shall be lawful for the said Paymaster General to transmit an Account of the said Fines, Penalties, Forfeitures, and Bounties, shewing the Amount of such Deficiency, to the Clerk of Supply of the said County or Stewartry; and the Commissioners of Supply of every such County or Stewartry, shall, on or before the First Day of *May*, after the Receipt of such Account, make an Assessment upon each Parish, corresponding and in Proportion to the Number of Men in each Parish to whom such Bounty shall have been paid, upon their having voluntarily enrolled themselves to serve in the Local Militia under this Act, in the Manner in which such Commissioners of Supply are directed to make Assessments for the Relief of the Wives and Families of Militia Men, by an Act passed in the Forty-third Year of the Reign of His present Majesty.

If the Bounty shall exceed the Fines paid into the Bank, the Deficiency shall be made good out of the County Rates.

LIX. And be it further enacted, That it shall not be lawful for any Deputy Lieutenant, or Justice of the Peace, to order or direct any Clerk of Subdivision Meetings to retain any Money in his Hands under this Act; and every Clerk of Subdivision Meetings who shall retain any Money in his Hands for the Space of One Month after the Period within which such Money ought to have been remitted to the Bank of *England*, shall forfeit for any such Offence the Sum of One hundred Pounds, and treble the Amount of the Money so retained.

Deputy Lieutenants or Justices not to order County Treasurers or Subdivision Clerks to retain Money. Penalty on such Clerks for retaining any.

LX. And be it further enacted, That every Clerk of Subdivision Meetings shall keep an Account in the Form to this Act annexed, marked (A.) or in such other Form as may from Time to Time be directed for that Purpose by the Secretary at War, of all Fines, Penalties, and Forfeitures, from Time to Time received by him, and also of all Sums allowed to any Individuals, Counties, Stewartries, or Parishes, by reason of any Fines, or Penalties, or Parts of any Fines or Penalties, being remitted under the Provisions of this Act; and the Deputy Lieutenants or Justices attending at the Time of any such Fine, Penalty, or Forfeiture being imposed or remitted, or any Two of them, shall and they are hereby required to certify the same to be correct; and the Clerk of Subdivision Meetings shall ve-

Subdivision Clerks to keep an Account of Fines, &c. and transmit the same to the Secretary at War.

 rify

rify the same upon Oath, which Oath any One Deputy Lieutenant or Justice of the Peace is authorized to administer, and shall transmit to the Secretary at War such Account made up to the Twenty-fourth Day of *December* in each Year, or to such other Period as the Secretary at War shall direct, or shall, in Default thereof, forfeit for such Neglect the Sum of One hundred Pounds.

Subdivision Clerk to transmit to Secretary at War, Accounts of Money remitted to the Bank, verified on Oath.

LXI. And be it further enacted, That every Clerk of Subdivision Meetings shall and is hereby required, within Seven Days after the Twenty-fourth Day of *March*, *June*, *September* and *December*, respectively, in each Year, or oftener if required, to transmit an Account to the Secretary at War for the Time being of all Sums received by him, and remitted to the Bank of *England* to the Account of the said Paymaster-General, for the Purposes of this Act, verified upon Oath before One Deputy Lieutenant or Justice of the Peace (which Oath any such Deputy Lieutenant or Justice of the Peace is hereby authorized to administer, and made in the Form to this Act annexed, marked (B.) or such other Form as may from Time to Time be prescribed in that Behalf by the Secretary at War) or shall in Default thereof, forfeit for such Neglect the Sum of Fifty Pounds.

Clerks of Meetings to transmit Estimates of Sums requisite for Payment of Penalties remitted, to the Secretary at War, and transmit an Account of his Payments verified upon Oath.

LXII. And be it further enacted, That the Clerk of Subdivision or other Meetings shall be and is hereby required, from Time to Time, to transmit Estimates of such Sums as may be required for the Repayment of Penalties, or Parts of Penalties, to be remitted under this Act, to the Secretary at War, and the said Clerk of Subdivision or other Meetings shall draw for the Amount thereof in such Manner as the Secretary at War for the Time being shall direct; and within Twenty-one Days after he shall have received any such Money, shall pay the Amount of the Penalties, or Parts of Penalties so remitted, taking Receipts for the same; and he shall, on or before the Twenty-fourth Day of *December* in each Year, or oftener if required, transmit an Account of such Payments, verified upon Oath (which Oath any One Deputy Lieutenant or Justice of the Peace is hereby authorized to administer) and made out according to the Form to this Act annexed, marked (C.), or such other Form as the Secretary at War shall require and direct.

Subdivision Clerks, if required, to give Bond.

LXIII. And be it further enacted, That every Clerk of Subdivision Meetings shall, if required so to do by the Deputy Lieutenants assembled at any General or Subdivision Meeting, give Security by Bond to His Majesty, with Two sufficient Sureties, in such Sums as the Deputy Lieutenants shall fix, for duly accounting for and remitting all Monies paid into his Hands under the Provisions of this Act.

Fines shall be applied as His Majesty's Principal Secretary of State shall order.

LXIV. 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 Default or Enrolment of any Persons under this Act, or to any Persons liable to be balloted or enrolled under this Act, or under any of the Provisions relating thereto, or relating to any Deficiencies, shall, after Payment of such Bounties and Sums for Necessaries as aforesaid, 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 balloting, training, or exercising under this Act, within the County,

Stewartry,

Stewartry, or Place where the ſame ſhall ariſe, or any incidental Expences attending the Execution of this Act within ſuch County, Stewartry, or Place.

Deputy Lieutenants, &c. may adjudge Part of Penalties to Informer.

LXV. And be it further enacted, That it ſhall be lawful for any Deputy Lieutenant, together with One Juſtice of the Peace, or any Two Juſtices of the Peace, before whom any Offence againſt this Act ſhall be heard and determined, upon Conviction of the Offender, to adjudge ſuch Part of the Penalty as they ſhall think fit (not exceeding One-third Part thereof) to the Perſon or Perſons giving Information of the Offence upon which any ſuch Conviction ſhall take place.

Two Juſtices may hear and determine Offences, and give Judgement for Penalties, &c.

LXVI. And be it further enacted, That it ſhall be lawful for any Two Juſtices of the Peace, reſiding near the Place where any Offence ſhall be committed againſt this Act, which ſubjects the Offender to any pecuniary Penalty for not appearing to be enrolled, or making any falſe Declaration relative to any Claim of Exemption, or for not continuing in any Volunteer Corps, and tranſmitting Certificates relative thereto, or for not appearing to ſign a Declaration that he had not inſured contrary to the Proviſions of this Act, or making a falſe Declaration relating to receiving any greater Bounty than is allowed by this Act, to hear and determine ſuch Offence at any Time within Six Months after the Offence committed; and ſuch Juſtices of the Peace 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 thereof, according to the Law of *Scotland*, give Judgement for the Penalty or Forfeiture as by this Act is directed, and iſſue their Warrant under their Hands, for the levying any pecuniary Penalties or Forfeitures ſo adjudged from the Goods and Effects of the Offender, and cauſe Sale to be made thereof, in caſe they ſhall not be redeemed within Four Days, rendering to the Party the Overplus (if any); and where the Goods or Effects 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 ſuch Juſtices, then he or they may appeal to the Juſtices of the Peace at the next General Quarter Seſſions for the County, Stewartry, 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 Judgement ſhall be affirmed, it ſhall be lawful for ſuch Juſtices to fine the Perſon or Perſons liable to pay ſuch Expences occaſioned by ſuch Appeal, as to them ſhall ſeem meet.

Perſons aggrieved may appeal to the General Quarter Seſſions.

Witneſſes not attending liable to Penalty.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before ſuch Juſtices 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 Juſtices 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.

LXVIII. And

Convictions to be made out in the following Form.

LXVIII. And be it further enacted, That the Juſtices 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)

'BE it remembered, That on the Day of in the Year of our Lord in the County of *A. B.* of was convicted before us, *C. D.* and *E. F.* Two of His Majeſty's Juſtices of the Peace 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, in Contravention of an Act paſſed in the Forty-eighth Year of His preſent Majeſty [*here ſtate the Offence againſt the Act*] and we do find that the ſaid *A. B.* hath forfeited the Sum of and decern him to make Payment thereof.'

43 G. 3. c. 83. and 47 G. 3. Seſſ. 2. c. 71. recited.

Perſons ballotted under firſt recited Act, who found Subſtitutes or paid Fines, and who ſhall be now ſerving in the Militia, ſhall be entitled to their Diſcharge; and Perſons who have found Subſtitutes or paid Fines under both Acts, ſhall have a Return of their Money paid under the laſt Act.

LXIX. And whereas many Perſons who have found Subſtitutes, or paid Fines, under an Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled, *An Act to enable His Majeſty more effectually to raiſe and aſſemble, in* Scotland, *an additional Military Force, for the better Defence and Security of the United Kingdom, and for the more vigorous Proſecution of the War*, have been ſince ballotted and enrolled to ſerve, or found Subſtitutes, or paid Fines under an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for the ſpeedily completing the Militia of* Great Britain, *and increaſing the ſame, under certain Limitations and Reſtrictions*, and it is juſt and expedient that ſuch Perſons ſhould be relieved; be it therefore enacted, That every Perſon who ſhall have been ballotted under the ſaid recited Act of the Forty-third Year of His preſent Majeſty, and ſhall have found any Subſtitute, or paid any Fine for not appearing to be enrolled, or for not finding any Subſtitute under the ſaid laſt-mentioned Act, and who ſhall have been ballotted and enrolled under the ſaid Act of the laſt Seſſion of Parliament, and be now ſerving in the Militia, ſhall, from and after the paſſing of this Act, be entitled to, and ſhall, on Demand, have a full and complete Diſcharge; and every Perſon who ſhall have found any Subſtitute, or paid any Fine as aforeſaid, under the ſaid Act of the Forty-third Year aforeſaid, and who ſhall have alſo found any Subſtitute, or paid any Fine under the ſaid Act of the laſt Seſſion of Parliament, ſhall be entitled, and ſhall have a Return of the Money paid for finding a Subſtitute, or the Amount of Fine paid under the ſaid Act of the laſt Seſſion of Parliament; and it ſhall be lawful for the Deputy Lieutenants or Juſtices before whom any ſuch Subſtitute ſhall have been enrolled, or any Two of them, or for any Two Deputy Lieutenants or Juſtices of the Peace for the Diviſion within which ſuch Fine ſhall have been paid, to grant a Certificate of the Amount of the Money ſo paid for ſuch Subſtitute, or of ſuch Fine as aforeſaid, deducting therefrom ſuch Sum of Money as ſhall have been paid to ſuch Man by any Pariſh, as half the Price of a Subſtitute; and the Collector of the County or Stewartry in which the Pariſh ſhall be ſituated for which ſuch Subſtitute ſhall have been found, or in reſpect of which ſuch Fine ſhall have been paid, ſhall, within Seven Days after the Production of ſuch Certificate, pay ſuch Money, on pain of forfeiting for any Neglect or Refuſal the Sum of Twenty Pounds.

LXX. And

LXX. And be it further enacted, That any Perſon taking a falſe Oath, in any Caſe where an Oath is required to be taken by this Act, ſhall be deemed guilty of wilful and corrupt Perjury; and being thereof duly convicted, be liable to ſuch Pains and Penalties as by any Laws now in force, any Perſons convicted of wilful and corrupt Perjury are ſubject and liable to. Perſons taking a falſe Oath guilty of Perjury.

LXXI. And be it further enacted, in Addition to what is provided by an Act paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty relative to the Militia, intituled, *An Act for the ſpeedily completing the Militia of* Great Britain, *and increaſing the ſame, under certain Limitations and Reſtrictions*, That if any Perſon ſhall conceive himſelf to be aggrieved by the Sentence, Warrant, or Order of any Deputy Lieutenant or Juſtice or Juſtices of the Peace in *Scotland*, in the Execution of this Act, or in the Execution of any Act or Acts relating to the Militia of *Scotland*, it ſhall not be competent to ſiſt Execution or Procedure upon any ſuch Sentence, Warrant, or Order; and that if any Perſon ſhall attempt to do ſo by Bill of Suſpenſion or otherwiſe, the ſame ſhall be diſmiſſed as incompetent, and ſuch Perſon ſhall be ſubjected in full Expences. Reſpecting Perſons aggrieved.

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

Schedules to which this Act refers.

SCHEDULE (A.)

ACCOUNT of PENALTIES impoſed and remitted by the Lieutenancy.

Date when impoſed.	Name of Perſon.	Penalty at £ 30 for Perſons worth more than £.200 per Annum.	Penalty at £ 20 for Perſons worth more than £ 100 and not exceeding £ 200 per Annum.	Penalty at £. 10 for Perſons worth leſs than £ 100 per Annum.	Remittance of Fines and Penalties allowed by the Lieutenancy.	Net Sum impoſed.	REMARKS.

Deficiency in the Pariſh or Subdiviſion of in the County of as per Return herewith annexed, ſigned by the Commandant, dated the being Men, at £. per Man, £. paid to the Clerk of Sub-diviſion Meetings for on the

We do hereby certify that the above Account is truly and juſtly ſtated to the beſt of our Knowledge and Belief.

Deputy Lieutenant.
Juſtice of the Peace.

SCHEDULE (B.)

Quarterly Account of the Clerk of Subdivision Meetings.

D^r - - - - - - - - - per Contra - - - - - C^r

Date when received.	Name of Person fined.	Penalty at £.30 for Persons worth more than £.200 per Annum.	Penalty at £ 20 for Persons worth more than £ 100 and not exceeding £ 200 per Annum.	Penalty at £ 10 for Persons worth less than £ 100 per Annum.	Amount of of each Penalty.	Date when remitted.		Amount of each Remittance.
							By Remittance to the Bank of England - -	
							Do. Do -	

Sworn before me on the
Day of 180

Deputy Lieutenant or Justice.

I hereby certify upon Oath that the foregoing is a just and true Account of all Sums received by me as Clerk of the Subdivision Meetings of the County of between the Day of and the Day of to the best of my Knowledge and Belief.

(Signature.)
Clerk of the Subdivision of the County of

SCHEDULE (C.)

Clerk of Subdivision Meetings, on Account, for Penalties remitted by the Lieutenancy.

Dr. - - - - - - per Contra - - - Cr

Date of Bill.	In whose Favour drawn.	Amount of each Bill.	Date of Payment.	Name of Person whose Fine has been remitted.	No. of Receipt.	Amount.

Sworn before me the - Day of 180

Deputy Lieutenant, or Justices

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1808.