CAP. CVI.

An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force, in *Scotland*. [11th *August* 1854.]

'WHEREAS it is expedient to amend the Laws relating to the Militia in *Scotland*, and to make Provision for raising a Militia Force in *Scotland* by voluntary Enlistment:' Be it therefore enacted by the Queen'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, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Militia (*Scotland*) Act, 1854."

Appointment of Lieutenants, Deputy Lieutenants, and Officers.

Her Majesty to appoint Lieutenants of Counties, who shall appoint Deputies and Officers of Militia, whose Names and Ranks shall be certified to Her Majesty.

II. In regard to the Appointment of Lieutenants and other Officers for the Purposes of the Militia in *Scotland*, the same shall be regulated as follows: It shall be lawful for Her Majesty from Time to Time to constitute and appoint Lieutenants for the several Counties in *Scotland*; and the said Lieutenants severally shall from Time to Time constitute and appoint such Persons as they shall think fit, being qualified as herein-after directed, and living within their respective Counties, to be their Deputy Lieutenants (the Names of such Persons having been first presented to and approved by Her Majesty); and the said Lieutenants shall, in manner herein-after mentioned, also appoint such Colonels, Lieutenant Colonels, Majors, and other Officers to be hereafter made for the Militia of such County as may be authorized, and being qualified as herein-after directed.

Vice-Lieutenant, authorized by the Lieutenant, may, in his Illness, &c., grant Commissions, and act as Lieutenant.

III. It shall be lawful for the Lieutenant of any County to constitute and appoint any One of the Deputy Lieutenants of such County to be Vice-Lieutenant thereof; and it shall be lawful for such Vice-Lieutenant, in any Case of the Illness or necessary Absence from such County of such Lieutenant, and being in the Case of such Absence authorized for that Purpose by the Lieutenant, to grant Commissions to Officers to serve in the Militia of such County, in like Manner as the Lieutenant thereof, and to do all Acts which might lawfully be done by the Lieutenant, and the same shall be good and valid in Law as if done by or to the Lieutenant himself.

Three Deputy Lieutenants may be authorized to act in certain Cases.

IV. When the Lieutenant of any County shall be out of the Kingdom of *Great Britain*, or when there shall be no Lieutenant, it shall be lawful for Her Majesty to authorize any Three Deputy Lieutenants of such County to grant Commissions to Officers to serve in the Militia for such County, in such Manner as such Lieutenant could do, and to do all other Acts which might lawfully have been done by the said Lieutenant, and the same shall be good and valid in the Law as if done by or to the said Lieutenant himself.

Commissions not to be vacated by the Revocation of the Power of the Grantor.

V. No Commission of any Deputy Lieutenant, nor any Commission of any Officer in the Militia to be henceforth granted by any Lieutenant, Vice-Lieutenant, or Deputy Lieutenants, shall be vacated by reason of the Revocation, Expiration, or Discontinuance of the Commission by which any such Lieutenant, Vice-Lieutenant, or Deputy Lieutenants as aforesaid was or were appointed.

Qualifications of Deputy Lieutenants and Officers.

Qualifications of Vice-Lieutenants, Deputy Lieutenants, and Officers, except within the City of Edinburgh.

VI. All Persons to be hereafter appointed Deputy Lieutenants or Officers of the Militia (except within the City of *Edinburgh* and its Liberties) shall be qualified as follows; (that is to say,) every Person so to be appointed a Deputy Lieutenant shall be in possession, either in his own Right or in right of his Wife, of a Real Estate in Property in the United Kingdom of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Colonel shall be in possession in like Manner of a like Estate as aforesaid of Six hundred Pounds Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Four hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be

be in possession in like Manner of a like Estate; and every Person so to be appointed a Major or a Captain shall be in possession in like Manner of a like Estate as aforesaid of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate, or shall be a younger Son of some Person who shall be or at the Time of his Death was in possession in like Manner of a like Estate; of which said Estates required as Qualifications for Deputy Lieutenants, Colonels, Lieutenant Colonels, Majors and Captains respectively it shall not be necessary that any Portion shall be situate or arising within the respective Counties in which they shall be appointed to serve, or within *Scotland*.

Qualifications within the City and County of the City of Edinburgh.

VII. Within the City and County of *Edinburgh* and Liberties thereof the Lieutenant of the said City, or where there is no Lieutenant appointed then the Chief Magistrate thereof, shall appoint the Deputy Lieutenants within the said City; and shall also appoint Officers of the Militia, whose Number and Rank shall be proportionable to the Number of Militia Men which the said City shall raise as its Quota towards the Militia of the County to which the said City may be united for the Purposes aforesaid, and Provisions made by this Act with respect to the Counties at large and the Militia thereof shall take place and be in force with respect to the said City and its Liberties and the Militia thereof; and the Qualifications of Deputy Lieutenants and Officers of the Militia of such City and its Liberties shall be as follows: Every Deputy Lieutenant shall be in possession either in his own Right or in right of his Wife, of a Real Estate in Property within the said City and Liberties thereof of One hundred Pounds of Real Rent; and every Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Two hundred Pounds of Real Rent; and every Major or Captain shall be in possession in like Manner of a like Estate as aforesaid of One hundred Pounds of Real Rent: Saving always and reserving to the Royal College of Surgeons in *Edinburgh* all Rights, Immunities, Privileges, and Exemptions of which the said College may have been and still are in the lawful Possession, and the Benefit of any Act or Acts of Parliament passed heretofore in their Favour.

The Lieutenant, with the Approbation of Her Majesty, may appoint Deputies of the Subdivision.

VIII. Where it shall appear necessary to any Lieutenant of a County that a Deputy Lieutenant or Deputy Lieutenants should be resident in any Royal Burgh within the County of which he is Lieutenant, it shall be lawful for such Lieutenant, with the Approbation of Her Majesty, to appoint the Provost of such Burgh for the Time being, or any Persons, not being more than Three, resident in such Burgh, who shall be respectively in possession of a Real Estate in Property within such Burgh of One hundred Pounds of Real Rent, to be Deputy Lieutenant or Deputy Lieutenants of the Subdivision of such County within which such Burgh is situated.

Qualification of Deputy Lieutenant or Officer may arise from Personal Estate.

IX. For the Purpose of the Qualification of any Deputy Lieutenant and of any Officer in the Militia, a clear yearly Income arising from any Personal Estate within the United Kingdom of *Great Britain* and *Ireland*, of or to which Personal Estate and the yearly Income thereof such Deputy Lieutenant or Officer, or the Wife of such Deputy Lieutenant or Officer, is possessed or entitled for his or her own Use and Benefit, shall be deemed equivalent to an Estate in Lands or other Heritage within the United Kingdom, or, in the Case of the City of *Edinburgh*, or Burghs within the City or Burgh respectively, of the same Amount of Real Rent, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

Persons holding certain Military Ranks may be appointed Field Officers, though not possessed of Property Qualifications.

X. Officers of the Regular Army, the Marines, or *East India* Company's Service, who have served Five Years in the Regular Army or *East India* Company's Service, shall be admissible as Captains into the Militia Force without any Qualification; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

No Qualification required under Rank of Captain.

XI. No Property or other Qualification shall be required in the Case of Persons to be appointed Officers in the Militia, save as respects Appointments to the Rank of Captain or any higher Rank.

General

General Meetings of Lieutenancy.

General Meetings of Lieutenancy to be held only in certain Cases.

XII. No General Meeting of Lieutenancy shall be held in any County under the Powers of the Militia Acts, except when called under the Authority of One of Her Majesty's Principal Secretaries of State.

Mode of Appointment and Rank of Officers.

Secretary of State may make Regulations as to Appointment of Officers.

XIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Existing Officers who are qualified for Service may continue.

Officers not so continued shall retain their Ranks.

XIV. All Officers now holding Commissions in the Regular Militia may, subject to such Regulations as may hereafter be made by the Secretary of State, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall, notwithstanding, continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Rank of Officers accepting Commissions in other Regiments.

XV. Every Officer of any Militia Regiment or Battalion who may have accepted or shall accept a Commission or Appointment of the same Rank in any other Militia Regiment or Battalion, and shall thereby vacate his former Commission, shall continue to rank in the general Service according to the Date of his Commission or Appointment of the same Rank in the Militia so vacated as aforesaid.

How the Field Officers shall be appointed.

XVI. The different Field Officers commanding Battalions shall be appointed as follows: Where Two or more Counties are joined together to form a Battalion, the Lieutenant Colonel shall be appointed by the Lieutenant of the County furnishing the greatest Number of Private Men, and the Major shall be appointed by the Lieutenant of the County furnishing the next greatest Number; and where One County of itself forms One Battalion, then the Lieutenant Colonel and Major shall be appointed by the Lieutenant of the County forming such Battalion: Provided always, that when the Appointment of a Colonel shall be authorized, such Appointment shall be made by the Lieutenant entitled to appoint the Lieutenant Colonel: Provided further, that where any County does not furnish Men sufficient to form a Company the Lieutenant of such County shall not appoint any of the Field Officers.

As to a County not furnishing sufficient Men for a Company.

Where Commandant shall be absent from Great Britain, Her Majesty may direct the Officer next in Command to act for him, who shall be vested with the same Powers.

XVII. When any Colonel or other Commandant of any Regiment or Battalion of Militia shall be absent from *Great Britain*, and until he shall return to *Great Britain*, and shall have notified his Arrival to the Clerk of the General Meeting of Lieutenancy of the District to which such Regiment or Battalion shall belong, and to the Commanding Officer and Adjutant thereof, it shall be lawful for Her Majesty, by Warrant under Her Sign Manual, to direct and order that the Officer next in Command, who shall be residing in *Great Britain*, shall in all Cases act and serve as the Commandant of such Regiment or Battalion; and such Officer shall thereupon exercise all Powers and Rights and perform all Duties which might or ought to be performed or exercised by such Colonel or other Commandant as aforesaid, as fully and to the same Effect as he might have done if resident, and shall be subject to the same Responsibility in so acting as such Colonel or other Commandant would have been: Provided always, that such Officer so next in Command as aforesaid who shall assume the Powers so given to him as aforesaid, in consequence of the Absence from *Great Britain* of his Colonel or other Commandant, shall within Seven Days after he shall assume any such Powers notify the Absence from *Great Britain* of such Colonel

or

or other Commandant to the Lieutenant of the County, and also, when the Regiment or Battalion shall be in actual Service, to the Secretary-at-War; provided also, that any Order, for Clothing or other Necessaries, or for Accoutrements, being given by proper Authority at the Time for the Use of the Regiment or Battalion, shall be completed, and the Money to be issued in respect thereof shall be paid to the Order of the Officer who gave the same, notwithstanding the Absence or Return of the Colonel or other Commandant as aforesaid.

Orders given by the Commandant, &c. for Clothing shall be completed, and Money paid to his Order.

XVIII. The Captains and Subalterns of Companies shall be appointed as follows: Where the Men furnished by Three or more Counties only form One Company, the Lieutenant of the County furnishing the greatest fractional Part of a Company shall appoint the Captain, the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Lieutenant, and the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Ensign; and where the Men furnished by Two Counties only form One Company, the Lieutenant of the County furnishing the largest fractional Part of such Company shall appoint the Captain, and the Lieutenant of the other County shall appoint the Lieutenant and Ensign; and where any County shall furnish Men sufficient for One or more complete Company or Companies, the Captains, Lieutenants, and Ensigns of such Company or Companies shall be appointed by the Lieutenant of such County.

How the Captains and Subalterns shall be appointed.

XIX. If Her Majesty shall at any Time direct that any Proportion of the said Militia shall be trained and exercised to the Service of any Artillery that may be attached to any Regiment or Battalion of Militia, it shall be lawful for Her Majesty to direct that a Supernumerary Officer or Officers of the said Regiment or Battalion of such Rank as Her Majesty shall order, and being duly qualified as aforesaid, shall be appointed to and for the said Men so directed to be trained and exercised as aforesaid.

Her Majesty may direct Supernumerary Officers to be appointed to Men trained for the Service of Artillery.

XX. It shall be lawful for the Lieutenant of the County, who is authorized by this Act to name the Lieutenant Colonel of any Regiment or Battalion of Militia with the Approbation of Her Majesty, to appoint One fit and proper Person, who shall possess a Diploma, Certificate, or Qualification which is held to qualify such Person to act as Surgeon or Assistant Surgeon in the Army, to be Surgeon of such Regiment or Battalion; and every such Appointment shall recite the Diploma or Certificate of the Person so appointed, and an attested Copy thereof shall be transmitted to and deposited with the Clerk of the General Meetings of Lieutenancy; and every such Surgeon so appointed as aforesaid shall, during the Time of the Militia to which he shall belong being embodied, be subject to the like Rules, Restrictions, and Directions in every respect as a Surgeon of Infantry in Her Majesty's other Forces, as far as the same may be applicable; and no such Surgeon shall be capable of holding any other Commission in such Militia during the Time of his being such Surgeon as aforesaid.

The Lieutenant authorized to name the Colonel may, with the Approbation of Her Majesty, appoint a Surgeon.

XXI. Her Majesty may and shall appoint One proper Person, who shall have served in some of Her Majesty's other Forces, or in the Militia of *England* or of *Scotland*, while embodied, for the Term of Five Years at the least, to be an Adjutant to each Regiment or Battalion of Militia; and such Adjutant, if appointed out of Her Majesty's other Forces, shall, during his Service in the Militia, preserve his Rank in the Army in the same Manner as if he had continued in that Service; and it shall be lawful for the Lieutenant of any County, on the Recommendation of the Colonel or other Commandant of any Regiment or Battalion of Militia, to appoint the Adjutant of such Regiment or Battalion to serve with the Rank of Captain, although such Adjutant may not have the Qualification required by this Act for Captains: Provided always, that no such Appointment to the Rank of Captain shall be valid unless in the Instrument granting the same it be specified in what Regiment or Battalion of the Militia while embodied, or of Her Majesty's other Forces, such Adjutant hath served for the Period aforesaid, and what was or were the Date or Dates of his Commission or Commissions: Provided also, that no Adjutant so appointed to serve with the Rank of Captain shall, by virtue of the Date of such Appointment as aforesaid, or otherwise, be entitled to rank above or to command any Captain of a Company in the Militia: Provided further, that no such Adjutant shall, by reason of any

Her Majesty to appoint Adjutants from the Army or Militia, who shall preserve their Rank in the Army, and may be appointed to the Rank of Captain.

any such Appointment as aforesaid, be entitled to receive any greater or other Pay than that of Adjutant.

Her Majesty to appoint Quartermasters, &c., and Colonels to appoint Corporals, &c.

Colonel may appoint Drum Major.

XXII. It shall be lawful for Her Majesty to appoint from Time to Time such Persons as to Her Majesty may seem proper to be Quartermasters, Paymasters, Sergeant Majors, and Sergeants of the Militia; and Corporals and Drummers of the Militia shall be appointed by the Colonel or other Commandant of each Regiment or Battalion in such Proportions as Her Majesty may direct; and the Colonel or other Commandant of every Regiment or Battalion in actual Service may appoint a Drum Major; and all Sergeants, Corporals, and Drummers having received any Pay as such from any Regiment or Battalion, shall be deemed to be engaged and compellable to serve in such Regiment or Battalion until they shall be legally discharged; and any Sergeant, Corporal, or Drummer may be discharged by the Colonel or other Commandant: Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Sergeant Major and Sergeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Sergeants; provided also, that no Person who shall keep any House of public Entertainment, or who shall sell any Ale or Wine, or any Brandy or other Spirituous Liquors, by Retail, shall be capable of being appointed or of serving or receiving Pay as a Sergeant, Corporal, or Drummer in the Militia.

While Militia is embodied, Colonels to appoint Sergeants;

but no Publican shall be a Sergeant, Corporal or Drummer.

No Adjutant, &c. to be appointed Captain of a Company.

XXIII. No Adjutant, Paymaster, or Quartermaster in the Militia shall be capable of being appointed Captain of a Company, nor shall any Person holding the Commission of Captain of a Company be capable of being appointed Adjutant, Paymaster, or Quartermaster of Militia.

Extra Drummers may be kept as Fifers or Musicians, at the Expense of the Regiment.

XXIV. In case Her Majesty's Lieutenant for any County, or the Colonel or Commandant of any Regiment or Battalion of Militia shall be desirous of keeping up a greater Number of Drummers than is herein directed to be employed as Fifers or Musicians for the Use of any such Regiment or Battalion, and shall be willing to defray the Expense of such additional Drummers, it shall and may be lawful for such Lieutenant or Colonel or other Commandant to engage and retain in their respective Regiments or Battalions any Number of the Drummers employed or to be employed over and above the Number established by this Act, to act as Fifers or Musicians in their respective Regiments or Battalions; and all such Drummers so engaged or retained to serve in any such Regiment or Battalion as Fifers or Musicians shall be deemed as Drummers of Militia within the Meaning of this Act, to all Intents and Purposes whatsoever, and shall be subject to the same Orders, Regulations, Penalties, and Punishments as other Drummers of Militia are by this Act subject, and shall continue to serve as Drummers so long as they shall receive from the Lieutenant of the County or Colonel or Commandant by whom they were appointed the same Pay and Clothing as other Drummers have, or better Clothing in lieu thereof, and no longer.

Oath to be taken by Persons entering Militia.

XXV. All Persons, on their first entering the Militia, whether as Sergeants, Corporals, Drummers, or Private Militia Men, shall, on their so entering the Militia, and previous to their being enrolled therein, take the following Oath; (that is to say,)

'I *A.B.* do solemnly promise and swear, That I will be faithful to Her Majesty Queen 'Victoria, Her Heirs and Successors, and that I will faithfully serve in the Militia in 'any Part of Great Britain or Ireland, for the Defence of the same, until I shall be 'discharged.'

And it shall be lawful for any One Deputy Lieutenant or Justice of the Peace or Commissioned Officer of the Regiment to administer the said Oath.

Raising of Men for the Militia.

Number of Militia to be raised.

XXVI. And in regard to the raising of Men for the Militia, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to raise and from Time to Time to keep up any Number not exceeding Ten thousand Private Militia Men, to serve for the several Counties in *Scotland*.

XXVII.

XXVII. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, forthwith after the passing of this Act, and afterwards from Time to Time as Occasion may appear to Her Majesty to require, to ascertain and fix the Number of Militia Men who shall serve for each County, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties from Time to Time, and Notice of the same shall be published in the "*Edinburgh Gazette*," and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Counties and Places until other Quotas are appointed in like Manner.

Quotas of Counties to be fixed by Order in Council.

XXVIII. It shall be lawful for Her Majesty, by Order signified by One of Her Principal Secretaries of State, from Time to Time to direct the Lieutenants to form the Militia of their several Counties into such Companies, Regiments, Battalions, or Corps as to Her Majesty may seem fit, and to direct what Number of Officers and of what respective Ranks, shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County appears to Her Majesty insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County to be united with the Militia of any County or Counties adjoining.

Her Majesty may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

XXIX. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the several Counties shall, in the Year One thousand eight hundred and fifty-four, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-five at such Time as Her Majesty shall, by Order made with the Advice of Her Privy Council, appoint for that Purpose, direct the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties or Places, not exceeding the Numbers of Men authorized by Order in Council to be therein raised for the Time being, and such Colonels or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise, by Beat of Drum or otherwise, such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at-War as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations; and the Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct, but no General or Subdivision Meeting shall be holden for that Purpose unless such Meeting be convened pursuant to any Special Order made by One of Her Majesty's Principal Secretaries of State.

Militia Men to be raised by voluntary Enlistment.

XXX. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County has not been raised by voluntary Enlistment, it shall be lawful for Her Majesty, if it appear to Her advisable so to do, by Order signed by One of Her Principal Secretaries of State, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in any County in which the full Quota may have been raised and kept up.

The Number not raised in any County may be authorized to be raised in another County.

XXXI. The Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and such Colonels or Commanding Officers shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted, and the Deputy Lieutenants of each County shall give Assistance as aforesaid in raising such Volunteers.

Volunteers to be sworn and enrolled.

XXXII. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, and shall have taken the Oath herein-before directed to be taken, be enrolled in a Roll to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County or Place for which he is raised, as a Militia Man, for the Space of Five Years.

Secretary-at-War may make Regulations for Bounties, and Age, Height, &c. of Men.

XXXIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia (such Bounty in no Case to exceed Six Pounds, and such periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings *per* Month during the Term of Service for which the Volunteer is enrolled), and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by such Secretary-at-War.

Regulations to be laid before Parliament.

XXXIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, then within Twenty-one Days after the next Meeting of Parliament.

Regulations for keeping of Arms and Stores.

Arms, &c. to be kept in a Place appointed by Commandant, &c., and to be under Care of Quartermaster.

XXXV. And in regard to the keeping of Arms and Stores, the Arms, Accoutrements, Clothing, and other Stores belonging to every Regiment, Battalion, or Corps of Militia, when not embodied, shall be kept in such convenient Place as the Colonel or Commandant shall direct, with the Approbation of the Lieutenant of the County; and the Quartermaster to such Regiment, Battalion, or Corps of Militia shall have the Charge and Care of such Arms, Accoutrements, Clothing, and other Stores, under the Superintendence of the Colonel or other Commandant.

Place for Militia Storehouse to be provided.

XXXVI. If such fit and convenient Place has not been provided, or is or may become from any Cause insecure, insufficient, or unfit for the safe Custody of such Arms, Accoutrements, Clothing, or other Stores, or in case the Public Service or Convenience require the Site of the same to be changed, the Commissioners of Supply of the County within which such Arms and Stores shall be directed to be kept, at the First General Meeting which shall be held after the Representation of the Lieutenant of such County, and of the Colonel or Commandant of such Regiment, Battalion, or Corps, that no such Place has been provided, or that the Place provided is insecure, insufficient, or unfit, or in case the Public Service or Convenience require the Site of the same, to be changed being duly satisfied thereof, may and are hereby required to provide a secure and suitable Place for that Purpose, and to that end may, in their Discretion, from Time to Time resolve either to purchase or hire any suitable Buildings or Premises, and if necessary, to enlarge, alter, or improve the same, or from Time to Time to enlarge, alter, or repair any Buildings or Premises already purchased or hired, or to purchase or take on Lease for any Term not less than Sixty Years any Portion of Land for the Purpose of building and to build or rebuild thereupon secure and suitable Buildings and Premises for the Purpose aforesaid; and with reference to any such Purchase as is hereby authorized, the Clauses and Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with this Act; and the Words "Promoters of the Undertaking" in those Clauses shall mean the Persons by this Act authorized to purchase Land, and the Word "Undertaking" shall mean the building or rebuilding, enlarging or altering

altering of a Place for Militia Stores: Provided always, that the Place to be so hired purchased, built, altered, or enlarged shall contain an Orderly and Guard Room, and a Magazine; and there shall also be provided a suitable Yard or Place wherein the Men may be mustered for the Issue and Return of such Arms, Accoutrements, Clothing, and other Stores: Provided always, that it shall be lawful at any Time for the said Commissioners assembled as aforesaid to provide such Quarters for the Permanent Staff as may appear to them desirable, together with Cells and such convenient Premises as may be necessary for the safe Custody of the Stores; and no Place provided for the keeping of Militia Stores under this or any former Act, nor any Buildings or Premises appurtenant thereto, shall be liable to be valued or assessed to any County, Burgh, Parochial, or other Local Rates or Assessments.

Expense of Storehouses, how to be provided for.

XXXVII. The Sums that may be required for the Hire, Purchase, Enlargement, Alteration, Building of, or Additions to any such Place, in case the same shall be approved by the said Lieutenant and Colonel or Commandant, together with the Cost of Fuel and other necessary Expenses incidental to the Use and Maintenance of the Premises, shall be certified by the Lieutenant of the County to the Clerk or Clerks of Supply of each County contributing to the Regiment, Battalion, or Corps; and such Certificate shall be laid by such Clerk before the First Meeting of the Commissioners of Supply which shall thereafter be held in each County, and such Meeting shall raise the Sum so certified, or, in the Case of Two or more Counties so contributing, a Proportion of the Sum so certified corresponding to the Proportion of the Real Rent of such County to the Real Rent of the whole of the Counties so contributing, including the Burghs within the same, and that by Assessment, to be laid on and recovered by the said Commissioners, in like Manner and subject to like Provisions as Assessments for local Prison Purposes are laid on and recovered by the Prison Board in Counties in *Scotland*, and the said Commissioners shall for that Purpose have all the Powers which the General and County Prison Boards have by Law for the apportioning between the County and the Burghs within the same, and the raising of such Assessments, and the borrowing of Money on the Credit thereof, subject to the Provisions of this Act: Provided always, that on such fitting Place being duly provided, the Parties in whom any Place formerly used for such Purposes was vested for such Purposes shall sell the same or their Interest therein, and pay over the Proceeds to the Commissioners of Supply of such County or Counties in the Proportion of the Sums raised by each, and the same shall be applied in diminution of any future Assessment on Real Rent for Prison Purposes in such Counties.

Commissioners may raise Sums required by Assessment or by borrowing.

XXXVIII. It shall be lawful for the Commissioners of Supply either to raise the whole of the Sums which they may be required to raise at any one Time under this Act, whatever be the Amount of such Sums, by Assessment at once, or to borrow the whole or any Part thereof, on the Security of the Assessments, on such Terms that the whole Sum borrowed shall be paid off by equal annual Instalments within Thirty Years at furthest from the Date of borrowing, and the necessary Bonds therefor shall be signed by the Chairman and any Two of the Commissioners present at the Meeting at which it was resolved so to borrow, and the Creditors in such Bonds shall have like Powers for enforcing Payment of the Principal and Interest thereof, as the same shall fall due, as are given by this Act to the Lord Advocate, on being authorized by the Secretary-at-War, for enforcing the raising of Assessments.

Apportionment of Assessment on Burghs.

XXXIX. In the Case of Burghs contributing to the Assessment for Prison Purposes separately from the Landward Part of the County in which they are situated, the Portion of the Assessment to be levied under this Act payable by such Burghs shall be apportioned by the Commissioners of Supply of such County in accordance with the Proportion of the Real Rent of each such Burgh to the Real Rent of the whole County; and in the Event of Dissatisfaction with such Apportionment it shall be lawful for the Magistrates of such Burgh to apply by summary Petition to the Sheriff of the County, whose Decision thereon shall be final.

Power to Queen's Advocate to raise and

XL. It shall be lawful for Her Majesty's Advocate for *Scotland*, on being authorized to that Effect by the Secretary-at-War, to exercise, for compelling the raising and Application of

apply Assessments.

of Assessments under this Act, all the Powers which the General Board of Prisons in *Scotland* may by Law exercise for compelling the raising of Assessments for Prison Purposes.

Conveyances, &c., exempt from Stamp Duty.

XLI. All Conveyances, Leases, Bonds, Contracts, Receipts, and other Deeds and Instruments made for the Purpose of carrying into effect the Provisions of this Act shall be exempt from Stamp Duty.

Penalty for Neglect of Duty in Clerks of Supply.

XLII. If any Clerk of Supply shall refuse or wilfully neglect to receive or present any Certificates under this Act which he is herein-before directed to receive or present, according to the Directions and true Meaning of this Act, every such Clerk of Supply so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Regulations for Training and Exercise.

Lieutenants, with Approbation of a Secretary of State, to provide Places for Exercise.

XLIII. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of One of Her Majesty's Principal Secretaries of State, to take on Lease or hire for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties, and the Expense thereof shall be paid by the Secretary-at-War.

Regulations for sending Notice of the Times and Places of Exercise.

XLIV. The Times and Places of Exercise of the Militia Men to be raised by virtue of this Act shall be appointed, with the Approbation of Her Majesty, by the Lieutenant of the County furnishing the whole or the greater Part of the Militia Men of each Regiment; and Notice of such Times and Places shall be sent by Order of the Colonel or other Commandant of the Regiment by Post, to the Residences of the several Men as stated in their Attestations or as subsequently notified by them, and also to the Parochial Schoolmasters and Inspectors of the Poor within the respective Parishes or other Divisions of the County or Counties contributing Men to such Regiment; and such Schoolmasters or Inspectors shall, subject to a Penalty of Twenty Pounds, cause such Notice as aforesaid to be affixed within Two Days of Receipt thereof on the Doors of all the Churches or Chapels within their respective Parishes or Places, which Notice shall be deemed a sufficient Notice to every Person enrolled by virtue of this Act, notwithstanding any Omission in the Delivery of written Notices; and all such Militia Men shall duly attend at the Time and Place of Exercise according to such Notices.

Her Majesty may cause Militia to be called out for Training more than once in a Year.

XLV. The Period of Training and Exercise shall, save as herein-after provided, be Twenty-one Days in every Year; and Her Majesty may, if She see fit, direct all or any Part of the Militia of any County to be called out for Training and Exercise more than once in every or any Year, and at such Time or Times as Her Majesty may think fit, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided.

Secretary of State may cause Militia to be exercised out of their own Counties, and Her Majesty may extend or reduce the Period of Exercise.

XLVI. It shall be lawful for the Secretary of State at any Time to move any Regiment of Militia not embodied out of their own respective Counties into any Quarters in any Part of the United Kingdom during the Period of their Training; and it shall be lawful for Her Majesty, where, with the Advice of Her Privy Council, She may see fit so to do, to extend or reduce the Period of Training and Exercise of all or any Part of the Militia, so that the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days, nor be less than Three Days, and no fresh Notice shall be necessary where such Extension or Reduction is made during the Time of actual Training.

Regulations for embodying Militia.

In Cases of Invasion, &c., Her Majesty may order the Militia to be embodied, and led by their respective Officers into

XLVII. In all Cases of actual Invasion, or upon imminent Danger thereof, and in all Cases of Foreign War, or of Rebellion or Insurrection, it shall be lawful for Her Majesty to order and direct the Lieutenants of the said several Counties, with all convenient Speed to draw out and embody all the Regiments or Battalions of Militia within their respective Counties herein-before appointed to be raised and trained, or so many of them, or such Part or Proportion of them or any of them, as Her Majesty shall in Her Wisdom judge necessary, and in such Manner as shall be best adapted to the Circumstances of the Danger, and

and to put the said Forces under the Command of such General Officers as Her Majesty shall be pleased to appoint and to direct the said Forces to be led by their respective Officers into any Parts of the United Kingdom. any Part of Great Britain.

XLVIII. When the Militia of any Regiment shall be ordered to be embodied, the Colonel or Commandant of such Regiment shall forthwith give Notice to the Men, in like Manner as is directed in the Case of the Times of Training and Exercise; and Parochial Schoolmasters or Inspectors of the Poor shall, subject to like Penalty, affix such Notice in manner directed for such Occasion. When the Militia is ordered out Colonel to give Notice, &c.

XLIX. If during such Time as any Part of the Militia which shall have been drawn out and embodied for Service shall continue embodied Her Majesty shall deem it expedient that the Militia of any County or any Part thereof, which shall not at such Time be actually embodied for Service, should be drawn out, in order to be mustered, trained, and exercised for a limited Time, instead of being so embodied for Service according to the Provisions of this Act, it shall be lawful for Her Majesty to direct the Lieutenants or Deputy Lieutenants of all or any of the said Counties to cause the said Militia not actually embodied, or any Part thereof, to be drawn out, in order to be mustered, trained, and exercised, in such Proportion and for such Time and at such Place or Places as shall be appointed, with the Approbation of Her Majesty by the Lieutenant or Deputy Lieutenants, in manner as is herein-before directed for training and exercising the Disembodied Militia, and the same shall be mustered, trained, and exercised accordingly. While any Part of the Militia shall continue embodied, Her Majesty may order any not embodied to be drawn out, to be mustered, trained, and exercised.

Billeting, &c. of Militia Men.

L. It shall be lawful for all Justices of the Peace, and Magistrates of Cities, Towns, and Places, and they and each of them are and is respectively hereby required, to quarter and billet the Officers, Non-commissioned Officers, Drummers, and Private Men serving in the Militia, at the Times when they shall be called out to annual Exercise, or be embodied in the same Way and Manner as Her Majesty's Regular Forces are so furnished and provided in that Part of *Great Britain* called *Scotland*, upon Application made to any such Justices of the Peace or Magistrates by Her Majesty's Lieutenant, or by the Colonel or other Commanding Officer of the Regiment or Battalion of Militia so called out to Exercise or embodied as aforesaid, or of any Division or Detachment thereof; and when the Militia is not embodied nor called out to Exercise as aforesaid, all Justices of the Peace and Magistrates aforesaid may and they and each of them are and is hereby respectively required to order and provide convenient Quarters in such Manner as aforesaid for the Sergeants, Corporals, and Drummers of the Permanent Staff of the Militia; and all Innkeepers and others who, according to the Provisions of the Mutiny Act, are liable in *Scotland* to have Soldiers billeted upon them, shall in like Manner be subject to have the Militia Non-commissioned Officers and Men in such Cases billeted upon them, and in default of their providing convenient Lodging as prescribed in the said Act shall be liable to the Penalties imposed upon Civil Subjects offending against the Laws relating to Billets prescribed by the said Act. Justices, &c. may billet the Militia when called out to annual Exercise, and when not called out, may order Quarters for the Non-commissioned Officers and Drummers.

LI. In case any Militia Man shall, on his March to the Place where he shall be ordered to attend for the annual Exercise, be disabled by Sickness or otherwise, it shall be lawful for any One Justice of the Peace of the County where such Man shall then be, by Warrant in Writing, to order the Inspector of the Poor to grant him such Relief as such Justice shall think reasonable; and upon such Warrant being produced to the Secretary-at-War he shall pay all such Expenses as shall be incurred pursuant to such Warrant, upon an Account thereof to be certified in Writing by such Justice of the Peace. Directing how Militia Men falling sick on the March are to be relieved.

Regulation of Punishment of Militia during Exercise or when embodied.

LII. Every Officer, Non-commissioned Officer, Drummer, and Private of the Militia shall during the Period of his Regiment being assembled for Training and Exercise or being embodied, and if on permanent Pay shall at all Times, be subject to any Act which shall Officers, &c. may be tried by a Court-martial for Offences committed;

shall be in force for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, and to the Articles of War, and it shall be lawful for the Colonel or other Commandant of any Regiment or Battalion of Militia to direct the holding of Courts-martial, as herein-after directed, for the Trial of any Officer, Non-commissioned Officer, Drummer, or Private of such Regiment or Battalion, by either a General or Regimental Court-martial, for any Offence against the said Act or Articles of War committed during the Time such Person was subject thereto, although such Time shall then have elapsed, but so that no Punishment shall extend to the Loss of Life or Limb.

but Charges to be made out and delivered within Six Months after training, or being disembodied.

LIII. Provided always, That no such Officer, Non-commissioned Officer, Drummer, or Private shall be liable to be tried or punished by Court-martial for any such Offence committed during the Period of any such Regiment, Battalion, or Corps being assembled for the Purpose of Training and Exercise, or embodied, except for Desertion, unless the Charges against such Officer, Non-commissioned Officer, Drummer, or Private shall have been made out and delivered within Six Months after the Regiment, Battalion, or Corps shall have been dismissed after training and exercising or disembodied.

Volunteers under Instruction in the Army to be under Mutiny Act.

LIV. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces, or Permanent Staff of a Regiment of Militia, shall for such Time be deemed to be under the Operation of the Mutiny Act and under the Command of the Officer commanding such Regiment, Battalion, Depôt, or Permanent Staff of a Regiment of Militia.

Constitution of Courts-martial.

General Courts-martial may be appointed.

LV. Whensoever in any of the said Cases it shall be necessary that a General Court-martial should be held for any such Trial, it shall be lawful for Her Majesty to signify Her Pleasure to such and so many Lieutenants of Counties in *Scotland* as Her Majesty shall deem necessary, that Officers of their respective Counties will be required to assemble to form such Court, and every such Lieutenant shall thereupon give Orders to such Number of Officers as shall be required, who shall forthwith attend to form such Court; and all Officers who shall refuse or neglect to attend any such Courts-martial shall be liable to be tried by a General Court-martial, to be assembled according to the Regulations of this Act, for such Disobedience of Orders; and all Officers attending to form such Courts shall be entitled to Pay during such Attendance, and to Two Shillings for every Mile for going to such Court-martial at the Commencement thereof, and returning after the Conclusion of the Proceedings of the Court; and every General Court-martial so appointed shall be sworn and held in the same Manner, and shall have all such and the like Powers and Authorities, and shall be of the same Force and Effect, in all respects, whether the Militia from which the Officers thereof are assembled was then drawn out and embodied or not.

Pay and Allowance to Officers.

Regimental Courts-martial may be appointed.

LVI. For holding a Regimental Court-martial, in any of the said Cases for which such Court-martial shall be proper, it shall be lawful for the Colonel or other Commandant of the Regiment or Battalion, whether it shall then be embodied or not, and in his Absence for the senior Field Officer, to appoint any Place which he shall think proper, within the County, City, or District to which such Regiment or Battalion shall belong, and to order any Officers of such Regiment or Battalion to attend and assist as Members of such Court-martial, who shall thereupon attend at the Time required and assist accordingly, and in default of such Attendance shall be liable to be tried by a General Court-martial, to be assembled pursuant to the Regulations of this Act, for such Disobedience of Orders; and the Officers who shall be Members of such Court-martial shall be entitled to the same Pay and Allowances as Officers who shall be Members of any General Court-martial under the Authority of this Act: Provided always, that no Officer of any of Her Majesty's other Forces shall sit upon any Court-martial for the Trial of any Officer or Soldier of Militia: Provided further, that no Sentence of any Court-martial held as aforesaid on any Sergeant-Major, Sergeant, Corporal, Drum Major, or Drummer, or Private Man as aforesaid, shall be

be put in execution until it shall have been confirmed by the Colonel or other Commandant, or by the Field Officer by whose Order such Court-martial was assembled.

Non-commissioned Officers may be reduced to Privates for a certain Period, and if not then restored they shall be discharged.

LVII. Any Sergeant, Corporal, or Drummer of the Militia may, by Sentence of a Court-martial, be reduced to the Condition of a Private Militia Man, to serve as such during any Time not exceeding Fifteen Months, in case the Regiment or Battalion to which he belongs shall not be then embodied or called out into actual Service, and in case the Regiment or Battalion to which he belongs shall be then embodied or called out into actual Service, to serve as aforesaid until the disembodying of the said Regiment or Battalion, after which Time, or at the End of the said Fifteen Months, as the Case may be, if not regularly re-appointed to the Rank of a Non-commissioned Officer or Drummer, he shall be discharged from the Service.

Punishment of Desertion from Militia, when not embodied.

Men not appearing at the Time of Exercise, &c. if not taken till afterwards, shall forfeit 10*l.* or be committed for Three Months.

LVIII. Every Militia Man (not labouring under any certified Infirmity or Incapacity) who shall not appear at the Time and Place appointed for his being exercised according to the Directions of this Act (Notice having been published and given as by this Act required) or who, having joined the Regiment, Battalion, or Corps to which he belongs, or any Company or Detachment or Division thereof, shall desert or absent himself during the Time of any such Exercise, shall be deemed a Deserter, and if not taken until after the Time of any such Exercise shall, on Conviction thereof before any One Justice of the Peace be liable to a Penalty not exceeding Ten Pounds; and if such Penalty shall not be immediately paid shall be committed to Prison, with or without Hard Labour, for any Period not exceeding Three Months, or until he shall have paid the said Penalty.

Penalties for fraudulent Re-enlistment.

LIX. Any Militia Volunteer who, before the Expiration of his Engagement as a Militia Man in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall, upon a Conviction thereof before any One Justice of the Peace, incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be committed to Prison for any Time not exceeding Three Months, and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militia Man is convicted of Enlistment, &c. to send Report of Conviction to Secretary-at-War.

LX. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and, where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more.

Power to discharge Men from the Militia who have enlisted in the Regular Forces

LXI. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces; and any Man so released shall serve with the Force in which he may have enlisted or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier

or Seaman in such respective Force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militia Man had expired by Efflux of Time.

Provision for withholding Payment of Bounty from Men wrongfully absent from Training.

LXII. Any Bounty which under the Regulations to be made under this Act, may be payable during or in respect of Attendance at Training and Exercise, shall be forfeited by any Man who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

Drummers or Buglers offending in certain Cases, how to be dealt with.

LXIII. If any Drummer or Bugler of the Permanent Staff shall absent himself without Leave for a Period exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, and if any Drummer or Bugler of the Permanent Staff shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any other Punishment which he is authorized to award, order that such Drummer or Bugler be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Drummer or Bugler shall forfeit his Pay for the Day or Days of such Imprisonment; and any Drummer or Bugler who shall have absented himself as aforesaid may, in addition to or instead of such Imprisonment and Forfeiture or other Punishment which the Commanding Officer has Authority to inflict, be further deprived, by Order of his Commanding Officer, of his Pay for the Day or Days of such Absence: Provided that such Drummer or Bugler so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, be entitled to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeitures.

In case of Discharge for Misconduct, the Cause of Discharge to be certified on Certificate of Discharge.

LXIV. If any Person who shall have served in Her Majesty's Forces, and shall afterwards have been enrolled as a Non-commissioned Officer on the Permanent Staff of the Militia, shall be discharged from any Regiment or Corps for Misconduct, the Cause of his Discharge shall be certified by the Colonel or Commandant of such Regiments or Corps on the Back of the Certificate of his Discharge from Her Majesty's Army, and a Copy of the same forwarded to the Adjutant-General of Her Majesty's Forces, the Secretary of State for the Home Department, and the Secretary-at-War.

Provision for Apprehension of Militia Men not attending or absenting themselves during Training.

LXV. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War, and to the Constables or other Officers of the Counties, Parishes, and Places in which Militia Men reside who have not attended Training and Exercise, or who may have absented themselves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Volunteers who have so absented themselves; and it shall be lawful for any Constable or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Volunteer to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, if the Battalion or Corps to which he belongs has ceased Training and Exercise, or to be committed to safe Custody until an Escort can be sent for him if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Deserter was apprehended of such Sum not exceeding Twenty Shillings as the Secretary-at War may think fit.

Penalty for harbouring, &c. Militia Men.

LXVI. Any Person who, by Words or other Means, shall persuade any Militia Man improperly to absent himself from his Duty, and every Person who shall assist or procure

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any such Volunteer improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any such Volunteer, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Punishment for Sale, &c. of Arms, &c.

Muskets to be marked, and if Men sell or lose their Arms, &c. they shall forfeit not exceeding 3*l.*, &c.

LXVII. All Muskets delivered for the Service of the Militia shall be marked distinctly in some visible Place with the Letter (M.), and the Name of the County to which they belong; and in case any Militia Man shall sell, pawn, or lose any of his Arms, Clothes, Accoutrements, or Ammunition, or neglect or refuse to return the same in good Order to his Captain, or to the Person appointed to receive the same, every such Militia Man shall, on Conviction thereof before any Justice of the Peace, for every such Offence incur a Penalty not exceeding Three Pounds; and if such Militia Man shall not immediately pay such Penalty, shall be committed to Prison, to be kept to Hard Labour for any Time not exceeding Three Months, or until he shall have paid the said Penalty.

Penalty for buying Militia Arms, &c.

LXVIII. If any Person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to any Militia Man as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or any public Stores or Ammunition whatever delivered for the Militia, upon any Account or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, the Person so offending shall for every such Offence incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be liable to Imprisonment for any Period not exceeding Six Months, or until he or she shall have paid the said Fine.

Miscellaneous Provisions.

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

LXIX. No Man, by reason of his Enrolment or Service in the Militia or in the Naval Coast Volunteers, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Enrolment of Servants shall not vacate their Contracts with their Masters, unless the Militia shall be embodied, &c.

LXX. If any Servant whatever, hired by the Year or otherwise, shall be enrolled as a Militia Man by virtue of this Act, such Enrolment shall not vacate or rescind the Contract or alter the Engagement between such Servant and his Master, Mistress, or Employer or Employers, unless the Militia of the County for which such Servant shall be enrolled shall be embodied or called out by Her Majesty, or be ordered so to be, in pursuance of this Act, or unless such Person so enrolled shall leave the Service of his Master, Mistress, or Employer or Employers, for the Purpose of being trained and exercised for the Period directed by this Act, and shall not return again to the same Service at the End of such Period, or as soon after as reasonably may be, allowing to his Master, Mistress, or Employer or Employers an Abatement from his Wages in proportion to the Duration of his Absence from his said Service; and in every such Case, where any Dispute shall arise between such Servant and his Master, Mistress, or Employer, touching any Sum or Sums of Money due to such Servant for or on account of his Service performed before the Time of his Departure from Service, under the Conditions of the said Enrolment, or by being called out to join the Militia in which he shall have been so enrolled, or touching any Abatement to be made by such Servant by reason of his Absence for the Purpose of being trained and exercised, it shall be lawful for the Sheriff of the County, or any Two or more Justices of the Peace for the County or Place where such Master, Mistress, or Employer is resident, to hear and determine the same in a summary Way where the Wages or Balance of Wages claimed shall not exceed Twenty Pounds, in like Manner as if the Sum claimed were within the Amount to which their Jurisdiction under the Acts for the Recovery of Small Debts respectively for the Time being extends, and to grant Warrant for the Recovery of the Sum decerned for by Poinding and Sale in common Form.

Sheriff or Two Justices may settle Disputes touching Wages under 20*l.* under Small Debt Acts.

Recovery of Penalties, &c.

How Penalties shall be recovered, and how applied, where not otherwise directed by this Act.

LXXI. All Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall exceed the Sum of Twenty Pounds, shall be recovered by Action at the Suit of Her Majesty's Advocate for *Scotland* in the Court of Exchequer in *Scotland;* and all Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall not exceed the Sum of Twenty Pounds, shall, on Conviction of the Offence in any Action or Complaint at the Instance of the Procurator Fiscal of the County where the Offence shall be committed, or where the Offender may at any Time be, or at the Instance of any Party to whom the same or Part thereof is made payable, or the Performance of whose Duty under this Act may require the Enforcement of the Provisions in respect of the Breach of which such Penalty is imposed, with Concurrence of the Procurator Fiscal, before the Sheriff or any Two or more Justices of the Peace of such County, be levied by Poinding and Sale of the Offender's Goods and Effects, by Warrant under the Hands of such Sheriff or Justices, or by Imprisonment for any Time not exceeding Three Months.

No Order of Conviction shall be removed out of the County.

LXXII. No Conviction or Decree by the Sheriff or by any Justice or Justices of the Peace, by virtue of this Act, shall be removable by Advocation or Suspension or any other Process to any other Court or be subject to any Sist of Execution.

Application of certain Penalties.

LXXIII. One Half of every pecuniary Penalty or Forfeiture imposed upon any Person duly convicted of buying, taking in exchange, concealing, or otherwise receiving contrary to Law, any Militia Arms, Clothes, Accoutrements, or Regimental Necessaries belonging to any Militia Man, or any public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Half, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

Application of Penalties on Militia Men,

LXXIV. All Penalties imposed by this Act upon Militia Men (except the Deductions from Bounty, which shall be brought to Public Credit) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties, Ridings, or Places to which the Volunteer belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Justices may grant Warrants for the Citation of Witnesses.

LXXV. In all Cases in the Execution of this Act where any Matter or Thing is directed to be inquired of or examined into before any Justice or Justices of the Peace, any such Justice or Justices of the Peace is and are hereby authorized to grant Warrant for the Citation of Witnesses, and to administer Oaths to Witnesses, with the same Powers as Justices of the Peace have under the Acts for the Recovery of Small Debts.

Provisions of Twopenny Acts to extend to County Lieutenants and Deputies.

LXXVI. The Provisions of any Acts passed for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants, shall extend to all Her Majesty's Lieutenants and to all Deputy Lieutenants acting in the Execution of this Act, in like Manner and as fully and effectually as the same extend to Justices of the Peace acting in the Execution of their Office.

Limitation of Actions.

Treble Expenses.

LXXVII. If any Action shall be brought against any Person or Persons for anything done in pursuance of this Act, such Action shall be commenced within Six Months next after the Fact committed, and not afterwards; and if the Defender or Defenders shall be assoilzied in any such Action, the Defender or Defenders shall have Decree for Three Times his Expenses in such Action, and have the like Remedy for the same as any Defender hath in other Cases to recover Expenses by the Law of *Scotland.*

SCHE-

SCHEDULE referred to in this Act.

SCHEDULE A.

DESCRIPTIVE RETURN of committed to Confinement at on
the Day of as an Absentee from the Training of the
Regiment of Militia.

Age - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - - -	
Probable Date of Enrolment, and where -	
Probable Date of absenting himself, and from what Place - - -	
Name, Occupation, and Address of the Person by whom apprehended* -	
Particulars in the Evidence on which the Prisoner is committed: and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period - - - - -	

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he† absent himself from the beforementioned Corps.

——— *Signature and Address of Magistrate.*
——— *Signature of Prisoner.*
——— *Signature of Informant.*

† Insert "did" or "did not" as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of ‖ Private Medical Practitioner.*

‡ Insert "fit" or "unfit" as the Case may be; and if unfit state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.