ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

C A P. LIII.

An Act for completing the Militia of *Great Britain.*

[27th *May* 1809.]

WHEREAS by an Act paſſed in this Seſſion of Parliament, intituled, *An Act to allow a certain Proportion of the Militia of* Great Britain *to enliſt voluntarily into the Regular Forces,* a certain Proportion of the Militia ſerving in *Great Britain* is allowed to enliſt into His Majeſty's Regular Forces, under certain Proviſions and Reſtrictions: And whereas it is neceſſary that ſuch Increaſe of the Regular Forces ſhould not diminiſh the Militia, but that the Militia ſhould be forthwith completed, and it is expedient for that Purpoſe that Men ſhould be allowed to be raiſed for the Militia, by Beat of Drum, for a limited Time, and that at the Expiration of that Time the Remainder of the Men to be raiſed and enrolled under this Act ſhould be raiſed by Ballot: 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 on or before the Firſt Day of *October* One thouſand eight hundred and ten, there ſhall be raiſed and levied in *Great Britain,* in the ſeveral Counties of *England* and *Scotland* reſpectively, a Number of Private Militia Men, equal to One Half of the original Quotas of Private Men ſpecified in Two Acts of Parliament,

49 G. 3. c. 4.

Number of Militia equal to One Half of the original Quotas of Militia in England and

Scotland to be raiſed within a limited Time.

Parliament, paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, relating to the Militias of *England* and *Scotland* reſpectively; and in another Act paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled, *An Act for the better raiſing and ordering the Militia Forces of the* Tower Hamlets, *in the County of* Middleſex, relating to the Militia of the *Tower Hamlets*.

For a certain Period Men may be raiſed for Militia by Beat of Drum.

II. And be it further enacted, That from and after the paſſing of this Act and until the Firſt Day of *June* One thouſand eight hundred and ten, it ſhall be lawful for His Majeſty's Lieutenants and Deputy Lieutenants, and the Colonels and Commanding Officers of the Regiments of Regular and Local Militia of *Great Britain*, and the Commiſſioned Officers and Non-commiſſioned Officers of the Regiments of Regular and Local Militia, duly authorized by their reſpective Commanding Officers for the Time being, by Beat of Drum, or otherwiſe, in their reſpective Counties, or adjoining Counties, to raiſe Volunteers for the Regiments of Regular Militia of the Counties to which they reſpectively belong, for the completing the Number of Men required to be raiſed and enrolled under this Act, any Thing in any Act or Acts of Parliament to the contrary notwithſtanding; and every Volunteer ſo raiſed as aforeſaid, ſhall take the Oath required to be taken by Subſtitutes in the Militia, which Oath ſhall and may be adminiſtered by any Perſon reſpectively authorized to adminiſter Oaths to Perſons enrolled in the Militia, or by any Juſtice of the Peace, or Deputy Lieutenant for the County in which ſuch Volunteers ſhall have been raiſed, or in which the Regiment for which he ſhall have been raiſed ſhall be at the Time of his joining ſuch Regiment.

Extending Proviſions of former Acts as to Subſtitutes in relation to their Families to Volunteers enliſting in the Militia.

III. Provided always, and be it further enacted, That no ſuch Volunteer ſhall have more than One Child born in Wedlock; and all the Proviſions, Reſtrictions, Regulations, Penalties and Clauſes contained in any Act relating to the Militia as to Subſtitutes in relation to their Families, and alſo as to the Families of Subſtitutes in the Militia, and as to the making Proviſion for ſuch Families, and as to any falſe Repreſentation or Declaration made in reſpect thereof, ſhall extend and be applied as to ſuch Volunteers as fully and effectually as if the ſame were repeated and re-enacted in and made Part of this Act.

Commanding Officers to tranſmit Certificates of Men raiſed to Clerks of General Meetings.

IV. And be it further enacted, That the Colonels or Commanding Officers for the Time being, of the ſeveral Regiments of Militia for which any Men ſhall be ſo raiſed as aforeſaid, ſhall, at the Expiration of every Month from the Commencement of enliſting ſuch Volunteers as aforeſaid, tranſmit to the Clerks of General Meetings of their reſpective Counties, and where the Men of more Counties than one are united to form any Regiment of Militia, then Duplicates to each of ſuch Counties, Certificates of the Number of Men raiſed for their reſpective Regiments, according to the Form in the Schedule to this Act annexed, marked (A.) and a like Certificate within Seven Days after the ſaid Firſt Day of *June* One thouſand eight hundred and ten, of the Men raiſed ſince the laſt Certificate and the ſaid Firſt Day of *June*.

Bounty to the Men to be paid under ſuch Regula-

V. And be it further enacted, That a Sum not exceeding Twelve Guineas ſhall be allowed and paid in reſpect of every Man who ſhall be provided or raiſed as a Volunteer by Beat of Drum or otherwiſe, under the Proviſions

Proviſions of this Act as aforeſaid, and ſuch Part of ſuch Sum ſhall be applied towards the Expences of procuring the Volunteers, and the remaining Part as a Bounty to the Volunteers, and ſuch Bounty ſhall be paid or applied to the Uſe of every ſuch Man at ſuch Times and Places, and in ſuch Proportions as to any Advance of any Part thereof, and in ſuch Manner, and under and ſubject to ſuch Regulations and Reſtrictions as His Majeſty ſhall by any Order of His principal Secretary of State, by any Regulations from Time to Time made in that Behalf, be pleaſed to order and direct; and it ſhall be lawful for the Lords Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, to order any Receiver General in *England*, or Collector of the Ceſs in *Scotland*, to advance and pay any Sum or Sums of Money for or in reſpect of any ſuch Bounties, or any Advances in reſpect thereof as may be neceſſary, out of any Public Monies in their Hands, or received or receivable by them out of any Rates and Duties under the Management of the Commiſſioners for the Affairs of Taxes; and all Monies paid under any ſuch Orders as aforeſaid ſhall be good and valid, and be allowed to all ſuch Receivers General or Collectors of Ceſs in their Accounts.

tions as His Majeſty ſhall direct.

VI. And be it further enacted, when and ſo ſoon as the Returns of Men who ſhall have enliſted into His Majeſty's Regular Forces under the Proviſions of the ſaid recited Act of this Seſſion of Parliament, at the Expiration of the ſeveral Periods in the ſaid Act ſpecified for enliſting, where the Regiment of Militia has been from only one County, ſhall have been reſpectively made, the Lieutenant and Deputy Lieutenants ſhall aſſemble from Time to Time in General Meetings which ſhall be called and held for that Purpoſe, in caſe no other General Meetings ſhall be at ſuch Times about to be held, for carrying into Execution the Acts relating to the Militia, and where a Regiment of Militia is compoſed of Militia Men ballotted from Two or more Counties in *Scotland*, the Clerks of Lieutenancy of the ſaid Counties ſhall meet at the Place where the *Michaelmas* Head Court is held in that County, from which the greateſt Number of Militia Men had been ballotted for the Regiment, on Notice given by the Lieutenant or Deputy Lieutenants of the ſaid County, to the Clerk of Lieutenancy of the other County or Counties aforeſaid, Fourteen Days at the leaſt previous to ſuch Meeting of the Clerks of Lieutenancy, and the ſaid Lieutenant and Deputy Lieutenants, or Clerks of Lieutenancy reſpectively, ſhall at ſuch Meeting, and they are hereby required to aſcertain and fix by Ballot, the Order in which the Vacancies occaſioned by Men enliſted into His Majeſty's Regular Forces ſhall be filled up for the ſeveral Pariſhes and Hundreds reſpectively, and ſhall cauſe Lifts to be made out of the Men who ſhall have volunteered into His Majeſty's Regular Forces, and of the Pariſhes to which they reſpectively belonged, and to be entered in the Order in which the Names ſhall have been drawn by Ballot, and in the Form in the Schedule to this Act annexed, marked (B.); and all the Men enrolled for the Militia under this Act ſhall be from Time to Time entered and placed to the different Pariſhes in the Order in which the Names of Men ſtand on ſuch Lifts in Succeſſion according to the Dates of their reſpective Enrolments; and all Men ſo entered and placed to ſuch Pariſhes ſhall thenceforth be deemed to belong to ſuch Pariſhes, as to any Relief of any Families of ſuch Men, or thereafter ſupplying of any Vacancies, in like Manner as if ſuch Men had been provided as Subſtitutes or Volunteers for ſuch Pariſhes reſpectively.

Lieutenancy to fix by Ballot the Order in which Vacancies ſhall be filled up, and cauſe Lifts to be made out of Men who have enliſted into the Line, and of the Pariſhes to which they belonged, and Men enliſted for Militia to be placed to ſuch Pariſhes for Relief of Families.

VII. And

After June 1, 1810, raising Volunteers by Beat of Drum to cease.

VII. And be it enacted, That after the First Day of *June* One thousand eight hundred and ten, it shall not be lawful for any Colonel or Commanding Officer or other Officer, or Non-commissioned Officer of Regular or Local Militia, to raise any Volunteers by Beat of Drum or otherwise under this Act, unless the same shall be specially authorized by His Majesty, by order of one of His Principal Secretaries of State, but all Deficiencies then remaining shall be raised by Ballot, or as Volunteers to be provided by the Churchwardens or Overseers of the Poor of the Parishes in *England*, and by any Heritor or Heritors of Parishes in *Scotland*, in Manner allowed by this Act; and every Colonel, Commanding Officer, or other Officer or Non-commissioned Officer of Regular or Local Militia, who shall thereafter raise any Man in such Manner, shall be subject, in respect of all Men so raised, to all the Penalties contained in any Act or Acts relating to the Militia for enlisting Men, as fully as if this Act had not passed.

Deficiencies on April 1, 1810, how to be supplied.

VIII. And be it further enacted, That in every County in which on the First Day of *April* One thousand eight hundred and ten any Deficiencies shall remain to be supplied, and also in case His Majesty shall deem it necessary that a Ballot shall commence for the completing the Militia, the Lieutenant and Deputy Lieutenant shall, at General Meetings to be held for that Purpose, determine whether any Apportionments or new Lists are necessary for the proceeding to ballot either to supply such Deficiencies or to complete the Militia in their respective Counties, and shall, in case the same shall be necessary, appoint Subdivision Meetings, and such General and Subdivision Meetings shall proceed to make such Apportionments, and to cause new Lists to be made out and returned, or old Lists to be amended, and to do all other Acts, Matters, and Things which may be necessary for carrying the same into Execution under the Provisions of the several Acts in force in relation to the Militia: Provided always, that all such Apportionments shall be made, according to the Proportion of the original Quota of Militia Men raised in any County; and provided further, that for the Purpose of making such Apportionments, where a Regiment of Militia Men shall be composed of Militia Men ballotted from Two or more Counties in *Scotland*, the Clerks of Lieutenancy of the said Counties shall meet at the Place where the *Michaelmas* Head Court is held in that County from which the greatest Number of Militia Men had been ballotted for the Regiment, on Notice given by the Lieutenant or Deputy Lieutenant of the said County, to the Clerk of the Lieutenancy of the other County or Counties aforesaid, Fourteen Days at the least previous to such Meeting, and such Clerks of Lieutenancy so assembled shall apportion such Deficiencies among such Counties, according to the Proportion of the original Quota of Militia Men ballotted in such Counties respectively, Regard being had to the Number of Men who may have been raised under this Act by any Heritor or Heritors of any Parish in such Counties, and entered as raised in Discharge of such Parish from Ballot, as herein-before directed, and such Deficiencies, so apportioned by such Clerks among such Counties, shall thereupon be apportioned among the Parishes thereof in the Manner directed by this Act in the Case of any County raising within itself a Regiment of Militia.

The Lieutenancy shall apportion the Number of

IX. And be it further enacted, That before any Ballot under this Act shall take place for the supplying of any Deficiencies which may remain to be supplied, the Lieutenants and Deputy Lieutenants assembled at any Gene-

tal and Subdivision Meetings to be held for that Purpose shall respectively apportion the Number of Men actually enrolled and so entered as aforesaid, and the Deficiencies then remaining to be supplied among the Subdivisions, Hundreds, and Parishes of the respective Counties, and the Men then remaining deficient shall be raised by Ballot or otherwise according to the Provisions of this Act, by such Subdivisions, Hundreds, and Parishes, according to such Apportionment as aforesaid.

Men actually enrolled, and the Deficiencies then remaining to be supplied among the Subdivisions, &c. before the Ballot takes place.

X. And be it further enacted, That the Clerks of General Meetings shall, within Seven Days after such Apportionments as aforesaid, transmit to the Clerks of Subdivision Meetings of their respective Counties, Certificates of the Number of Men enrolled, and the Number of Men deficient in the Militia, and which remain to be provided in the Hundreds or Parishes in which such Deficiencies exist, and the Deputy Lieutenants in their respective Subdivisions shall forthwith proceed to raise such Deficiencies by Ballot, under the Provisions of the Acts relating to the Militia; any Thing in an Act passed in the Forty-seventh Year of the Reign of His present Majesty to the contrary notwithstanding.

At the Expiration of Time allowed, Clerks of General Meetings to give Notice of Men raised, and deficient, and Subdivision Meetings to proceed to Ballot.

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

Notice to be given on the Church Doors of Ballots.

How Ballots shall proceed.

XII. And be it further enacted, That the Deputy Lieutenants in all Cases in which the same shall be necessary, shall appoint Days and Places for holding Meetings for hearing Appeals, and the Clerks of the Subdivision Meetings at which such Ballots shall have taken place, shall within Three Days transmit to the Constables, Schoolmasters, or other Officers of the Parishes within their Subdivisions, the Names of the Persons balloted therein respectively, and such Constable or Schoolmaster shall thereupon give Notice to every such Person, by delivering the same to him or his Wife, or some Servant or Member of his Family, or leaving the same at his usual or last Place of Abode; and it shall be lawful for the Deputy Lieutenants, and they are hereby required in all Cases in which Persons so balloted shall make Default, or not find Substitutes, or shall desert, or

Names of Persons balloted to be sent to Constables, &c. who shall give Notice thereof; and in case of Defaults fresh Ballots shall be made.

ſhall pay the Fine under this Act, to proceed to a freſh Ballot, and adjourn ſuch Meeting, and direct like Notice to be given to the Perſons ballotted, and appoint other Meetings in caſe the ſame ſhall be neceſſary for making freſh Ballots, and until the full Number of Men required under this Act ſhall be enrolled to ſerve in the Militia.

Perſons choſen by Ballot (not being Quakers) not ſerving or providing a Subſtitute, to forfeit 20l.

XIII. And be it further enacted, That every Perſon choſen by Ballot under this Act to ſerve in the Militia (not being one of the People called *Quakers*) who ſhall refuſe or neglect to appear and take the Oath, and ſerve in the Militia, or to provide a Subſtitute in Manner directed by the ſaid Acts relating to the Militia of *Great Britain*, ſhall forfeit and pay the Sum of Twenty Pounds, to be levied and recovered in Manner in this Act mentioned.

Bounty to Perſons ballotted or to Subſtitute 10l. 10s.

XIV. Provided always, and be it further enacted, That a Sum of Ten Guineas ſhall be allowed to every Perſon balloted and enrolled between the ſaid Firſt Day of *June* One thouſand eight hundred and ten, and the Firſt Day of *September* One thouſand eight hundred and ten, or if any Perſon ballotted within ſuch Period ſhall provide a Subſtitute, or ſhall have a Subſtitute provided for him, who ſhall be enrolled, then to the Subſtitute; and ſuch Bounty ſhall be paid in ſuch Proportions and at ſuch Times and Places, and in ſuch Proportions as to finding any Neceſſaries, and as to any Advance of any Part thereof, as ſhall be ſpecified in any Regulations made in that Behalf as aforeſaid.

Churchwardens and Overſeers of the Poor may raiſe Men as Volunteers.

XV Provided always, and be it further enacted, That it ſhall be lawful for the Churchwardens and Overſeers of the Poor of any Pariſh in *England*, and for any Heritor or Heritors of any Pariſhes in *Scotland*, at any Time after the paſſing of this Act, and until the Firſt Day of *September* One thouſand eight hundred and ten, to raiſe or provide any ſuch Men as Volunteers as aforeſaid, who ſhall be entitled to ſuch Bounty of Ten Guineas as aforeſaid, to be paid and applied as aforeſaid: Provided always, that all Men ſo raiſed ſhall be entered as raiſed for the Pariſh for which they ſhall have been provided, and in diſcharge of ſuch Pariſh from Ballot for ſuch Men as ſhall be ſo raiſed.

No Rates or Subſcription to be made for inducing Perſons to volunteer.

XVI. And be it further enacted, That it ſhall not be lawful for any Churchwarden or Overſeer of the Poor of any Pariſh, or any other Perſon or Perſons, to make, raiſe, or levy any Rate or Rates, or any Subſcription or Subſcriptions, or Sum or Sums of Money, or to give, advance, or promiſe any Sum or Sums of Money for the Purpoſe of inducing any Perſon to enliſt as a Volunteer as aforeſaid; and every Churchwarden and Overſeer of the Poor, and other Perſon, who ſhall in any Manner pay or give or advance to or to the Uſe of any ſuch Volunteer, or the Family of ſuch Volunteer, any Sum or Sums of Money, or any Bounty, Gift, or Reward, or who ſhall promiſe any Sum or Sums of Money, or any Bounty, Gift, or Reward, other than ſuch Bounty as ſhall be allowed and paid as aforeſaid, ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Pounds, to be recovered, levied, paid, and applied as any like Penalty may be recovered, levied, and applied under any Act or Acts relating to the Militia: Provided alſo, that it ſhall be lawful for any Overſeer of the Poor of any Pariſh, out of any Rate in his Hands for the Relief of the Poor in *England*, and for any Collector of the Ceſs out of any Money in his Hands in

Penalty 20l.

Subſiſtence Money to be allowed Men on the March

in *Scotland*, to advance for the Subsistence of any Men raised and provided for such Parish, during the March to his Regiment, any Sum not exceeding the Rate of Pay at Two Shillings *per* Day, of so many Days as would enable such Man to march from the Place where he was raised to such Regiment, to be calculated at the Rate of not less than Ten Miles *per* Day, with the usual Number of halting Days: Provided always, that all Sums of Money so advanced in respect of any Men that shall be approved and enrolled, shall be repaid to such Overseer by the Officer appointed for receiving such Men, to be by such Overseers or Collectors of the Cess carried to the Account of the Rates or Money from which the same shall have been advanced as aforesaid. to their Regiment.

XVII. Provided always, and be it further enacted, That no Person so balloted and receiving such Sum of Ten Guineas as aforesaid, shall be entitled to or have or receive the Allowance of One-half of the current Price of a Volunteer, or any other Allowance under any Act of Parliament relating to the Militia, by reason of his not being possessed of any Estate in Lands, Goods, or Money, of the clear Value of Five hundred Pounds; any Thing in any Act of Parliament relating to the Militia to the contrary notwithstanding. Persons receiving the Bounty not to be entitled to Allowances, as not being possessed of certain Property.

XVIII. And be it further enacted, That it shall not be lawful for any Deputy Lieutenant to direct or permit any larger Sum of Money than shall be allowed in any Rules and Regulations made for the Application of such Sum or Bounty of Ten Guineas as aforesaid, to be paid to any Substitute at the Time of his Enrolment, or before he shall actually join his Regiment; any Thing in any Act or Acts of Parliament relating to the Militia notwithstanding. Deputy Lieutenants not to direct more than 10l. 10s. to be paid to any Substitute upon Enrolment.

XIX. And be it further enacted, That no Person shall claim, or have or be entitled to any Exemption from being balloted to serve in the Militia under this Act, by reason of any such Person being enrolled and serving in any Corps of Yeomanry or Volunteers, unless such Person shall have actually attended the usual Muster and Exercise of such Corps for the Number of Days required by an Act passed in the Forty-fourth Year of the Reign 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*; and if any Person who shall not have so attended according to the Provisions of the said recited Act, shall nevertheless claim any Exemption, such Person shall forfeit for every such Offence the Sum of Twenty Pounds, notwithstanding any such Person may have a Certificate of being an effective Member of his Corps; and from and after the passing of this Act, no Certificate of any Commanding Officer of any Volunteer Corps shall be admitted by any Deputy Lieutenant upon any such Claim of Exemption, unless such Certificate shall certify the Number of Days on which the Person producing the same shall have attended the Muster or Exercise of his Corps, or been absent from any justifiable Cause under the said recited Act. Persons belonging to Volunteer Corps not to be exempt unless they shall have served the full Number of Days. 44 G. 3. c. 54.

XX. And be it further enacted, That no Person shall be exempt from being balloted to serve in the Militia under this Act, by reason of any such Person having been balloted or enrolled to be trained and exercised under the Persons balloted under Training Act not exempt, &c.

Nor Officers upon Half-pay. 46 G. 3. c. 90.

the Provisions of an Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled, *An Act to enable His Majesty annually to train and exercise a Proportion of His Subjects in* England, *under certain Regulations, and more effectually to provide for the Defence of the Realm*, and no Officer on the Half Pay of any of His Majesty's Forces, and not actually serving in some Regiment of Militia or Corps of Volunteers, shall, by reason of holding any Commission from His Majesty on which he shall receive Half Pay, be exempt from being balloted to serve in the Militia under this Act, unless such Person shall have tendered his Service to the Lord Lieutenant or Vice Lieutenant of the County in which he shall reside, either to serve as an Officer in the Militia or Local Militia, or in some Corps of Yeomanry or Volunteers, or shall be incapable of Service; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

If any Person ordered to be drawn out shall not appear, and shall not be taken within 10 Days, Vacancy shall be filled up.

XXI. And be it further enacted, That from and after the passing of this Act, it shall be lawful for the Deputy Lieutenants in their respective Subdivisions, and they are hereby required, at any Time during the Period allowed for balloting and enrolling Men under this Act, in case any Person ordered to be drawn out and embodied shall have made or shall make Default by not appearing, or by Desertion or Absence from Duty, and shall not be taken within Ten Days from the Time of such Default, Desertion, or Absence, to declare a Vacancy, and forthwith to fill up the same according to the Provisions of the said Acts and this Act.

Clerks of Subdivision Meetings shall transmit to the Clerks of the General Meetings Two Schedules in the Form annexed marked (C.)

XXII. And be it further enacted, That the Clerks of Subdivision Meetings shall within Fourteen Days after the Expiration of the Period allowed for enrolling of any Men in their respective Counties, make out and return Two Schedules in the Form to this Act annexed, marked (C.) Duplicates of each other, of the Numbers and Names of the Men enrolled in their Subdivision, and also of the Bounties received and applied, and Fines paid by Persons balloted to serve, and shall transmit such Schedules to the Clerk of General Meetings, who shall forthwith transmit one of such Schedules to one of His Majesty's principal Secretaries of State.

Act not to extend to City of London.

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

Fines for Deficiencies.

XXIV. And be it further enacted, That every County, Hundred, and Parish, for which the full Number of Men required by this Act shall not have been enrolled before the said First Day of *October* One thousand eight hundred and ten, shall be subject to a Fine of Forty Pounds for every Man required to be balloted and enrolled in such County, Hundred, or Parish remaining deficient.

Commandants of the Militia in England shall transmit to the General Quarter Sessions Certificates, and the Justices there

XXV. And be it further enacted, That the respective Colonels or other Commandants of the Regiments of Militia in *England* shall, at the Expiration of the Period within which the Men required to be raised under this Act ought to have been enrolled within their respective Counties, transmit to the Justices of the Peace or Magistrates assembled at the several General Quarter Sessions of the Peace held for the respective Counties at the Quarter Sessions of the Peace next after such Period, Certificates of the Number of Men remaining deficient in their respective Regiments under

the Provisions of this Act, and the Justices of the Peace or the Magistrates assembled at such Sessions shall at such Sessions assess the Penalty of Forty Pounds for each Private Man so certified to be deficient as aforesaid, and such Assessment shall be forthwith returned by the Clerk of the Peace to His Majesty's Court of Exchequer in *England*.

assembled shall assess 40*l.* for each Man found to be deficient.

XXVI. And be it further enacted, That the respective Colonels or other Commanding Officers of Militia in *Scotland* shall, immediately after the Expiration of the respective Periods within which the Numbers of Men to be enrolled under this Act in their respective Counties, are required to be completed under the Provisions of this Act, transmit to the Clerk of Supply of the respective Counties to the Militia of which they belong, Certificates of the Deficiencies and Vacancies that remain to be filled up in their respective Regiments under this Act; and such Clerk of Supply shall forthwith summon a Meeting of the Commissioners of Supply, and the Commissioners of Supply assembled at such Meeting shall assess the Sum of Forty Pounds for each Private Man so certified to be deficient as aforesaid, in the Manner directed by an Act, passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for providing Relief for the Wives and Families of Militia Men in* Scotland, and such Assessment shall forthwith be transmitted by the Clerk of Supply to His Majesty's Court of Exchequer in *Scotland*; and all the Powers, Provisions, Clauses, Rules, and Directions, Pains, Penalties, and Forfeitures relating to the making and levying of the Assessment directed by the said last recited Act, and the said Act passed in the Forty-second Year of the Reign of His present Majesty relating to the Militia of *Scotland*, shall be and are hereby declared to be in full Force for the making and levying of such Assessment for not completing the Number of Men required to be balloted and enrolled under this Act, as fully as if the same were herein re-enacted.

Commandants in Scotland shall transmit Certificates to the Clerk of Supply, and the Commissioners shall assess 40*l.* for each Man deficient.

43 G. 3. c. 89.

XXVII. And be it further enacted, That in case the full Number of Men required to be enrolled for any County, Hundred, or Parish in *England*, shall not have been so enrolled, it shall be lawful for the Court of Exchequer in *England*, on Application of His Majesty's Attorney General (if it shall see fit) to grant a Rule, calling upon the Treasurer of the County, the Chief Constable of the Hundred, or Constable or Overseer of the Poor of any Parish in respect of which such Application shall be made, to shew Cause why such County, Hundred, or Parish respectively should not pay such Sum of Forty Pounds for every Man so deficient as aforesaid; and if no sufficient Cause be shewn to the Court within such Time as shall be specified in such Rule, upon such Treasurer, Chief Constable or Constables, or Overseer of the Poor respectively, then to fine such County, Hundred, or Parish, in respect of which such Application shall be made, in such Sum of Forty Pounds *per* Man for every Man so deficient, and to cause such Fine to be levied by *Distringas* or other Process applicable to the Nature of the Case, according to the Rules and Practice of such Court, upon the Chief Constable or Clerk of Subdivision Meetings as to Hundreds, or upon the Overseers of the Poor of the Parish as to the Parishes.

Mode of fining Places in England which have not proceeded to ballot.

XXVIII. And be it enacted, That in case the full Number of Men required to be enrolled for any County in *Scotland*, shall not have been so enrolled, it shall be lawful for the Court of Exchequer in *Scotland*, on the Application

Mode of fining Places in Scotland which have

not proceeded to ballot.

Application of His Majeſty's Advocate, to make an Order calling upon the Clerk of Supply of the County in reſpect of which ſuch Application ſhall be made, to ſhew Cauſe why ſuch County, or the Pariſh or Place therein, in reſpect of which ſuch Application ſhall have been made, ſhall not pay ſuch Sum of Forty Pounds for every Man ſo deficient as aforeſaid; and if no ſufficient Cauſe can be ſhewn to the Court within ſuch Time as ſhall be ſpecified in ſuch Order, then to fine ſuch County, Pariſh, or Place in reſpect of which ſuch Application ſha l be made, in ſuch Sum of Forty Pounds *per* Man for every Man ſo deficient, and to cauſe ſuch Fine to be levied by ſuch Proceſs as may be applicable to the Nature of the Caſe, according to the Rules and Practice of ſuch Court.

When Men raiſed, Ballot again ſuſpended.

XXIX. And be it further enacted, That when and ſo ſoon as all the Men required to be raiſed for the Militia of any County under this Act, ſhall have been raiſed and enrolled, or at the Expiration of the Periods allowed for raiſing Men under this Act, all further Ballot and Enrolment of Men in ſuch County ſhall be ſuſpended, and ſhall remain ſo ſuſpended until the Firſt Day of *January* One thouſand eight hundred and twelve.

45 G. 3. c. 90.

XXX. And whereas by an Act paſſed in the Forty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act to empower His Majeſty to retain upon Full Pay and Allowances, Officers of the Militia during the War, notwithſtanding the Reduction*, it is declared, that His Majeſty may direct any Number of Officers and Corporals, ſerving in the Militia at the Time of the Reduction of Privates to be retained, although the Number may exceed the Proportion preſcribed for any Regiment, Battalion or Corps, and that ſuch Officers ſhall ſucceed to Vacancies in any Regiment, Battalion, or Corps reſpectively, according to their reſpective Ranks: And whereas ſuch a Regulation was not meant to apply to Regiments, Battalions, or Corps where the Quotas of different Counties are united into one Body, except in ſo far as regards any Commiſſion granted by the Lord Lieutenant of the County when the Vacancy has taken place; be it therefore enacted, That when any Vacancy has already taken or ſhall hereafter take place in any Regiment, Battalion, or Corps where the Quotas of different Counties are united into one Body, ſuch Vacancy ſhall not be filled up for the Militia of one County by a Commiſſion from the Lord Lieutenant of another County, but that the Lord Lieutenant of the County where any Vacancy has already taken or ſhall hereafter take place ſhall have full Power to nominate a fit Perſon to ſupply ſuch Vacancy, any Thing in the ſaid Act to the contrary notwithſtanding: Provided always, that any Officer who has been retained by His Majeſty upon Full Pay and Allowances, in conſequence of the ſaid Act, ſhall continue to be ſo retained and ſucceed to any Vacancy that may take place where the Commiſſion has been granted by the Lord Lieutenant of the County from whom his Commiſſion was derived.

Vacancies in Regiments, when the Quotas of different Counties are united, not to be filled up for the Militia of one County by the Commiſſion of a Lord Lieutenant of another, &c.

In making Apportionments Regard ſhall be had to the Numbers of Perſons

XXXI. Provided always, and be it further enacted, That in making all Apportionments of Militia which ſhall hereafter be made, either in Relation to Hundreds or Pariſhes, Regard ſhall be had to the Number of Perſons ſerving in Yeomanry or Volunteer Corps and in the Local Militia in ſuch Hundreds and Pariſhes reſpectively, and exempt by reaſon thereof from

ſerving

ſerving in the Militia, and to all other Exemptions from ſerving in the Militia ſo as that all ſuch Apportionments ſhall be made on the Numbers of Perſons in ſuch Hundreds and Pariſhes reſpectively, actually liable to be ballotted and to ſerve in the Militia. ſerving in Yeomanry or Volunteer Corps, &c.

XXXII. Provided always, and be it further enacted, That it ſhall be lawful for His Majeſty to appoint two ſeveral Periods of Three Days each reſpectively, at any Time after the Firſt Day of *Auguſt* One thouſand eight hundred and ten, for enliſting of Militia Men into His Majeſty's Regulars, in Addition to the Time and Periods ſpecified in the ſaid recited Act of this Seſſion of Parliament as to any Regiment in which the full Number of Men allowed by the ſaid Act to enliſt ſhall not have enliſted under the Proviſions of the ſaid Act into His Majeſty's Regular Forces; and all the Clauſes, Powers, Proviſions, and Authorities in the ſaid recited Act contained ſhall apply to ſuch additional Periods of Enliſting as fully as if the ſame had been ſpecified in the ſaid recited Act. Further Periods allowed for enliſting Militia Men into the Line.

XXXIII. Whereas it may facilitate the Training of the Local Militia to allow the Commanding Officers of the Regular Militia to diſcharge, if they ſhall think fit, Men from their reſpective Regiments to be employed as Serjeants in the Local Militia of their reſpective Counties, be it therefore enacted, That it ſhall be lawful for the Colonels or Commanding Officers of the Regular Militia, at the Requeſt of any Colonels or Commanding Officers of the Local Militia of their reſpective Counties, to diſcharge any Number of Serjeants, Corporals, or Private Men ſerving in their Regiments, to be enrolled and employed as Serjeants in the Local Militia of their reſpective Counties, ſo that no greater Proportion ſhall be ſo diſcharged for the Purpoſe of being enrolled in any Regiment of Local Militia than one Serjeant to every Two hundred Men of which ſuch Regiment of Local Militia ſhall conſiſt, and the Vacancies occaſioned by all ſuch Diſcharges ſhall be ſupplied in like Manner as any Vacancies occaſioned by transferring Men into His Majeſty's Regular Forces are allowed or required to be filled up and ſupplied. Commanding Officers of the Regular Militia may diſcharge Men to ſupply Local Militia with Serjeants.

XXXIV. Provided always, and be it further enacted, That all Fines of Twenty Pounds which ſhall be paid by any Perſon ballotted and making Default, ſhall be paid within Ten Days after the ſame ſhall be received, and alſo all Fines of Forty Pounds for any Default under this Act, ſhall be paid within Ten Days after the ſame ſhall have been aſſeſſed, to the Receiver General of the County, to be by him paid into the Receipt of the Exchequer; and every Clerk of Subdiviſion Meetings, or other Perſon, who ſhall retain in his Hands any ſuch Fine of Twenty Pounds as aforeſaid, or any ſuch Fine of Forty Pounds as aforeſaid, for the Space of Seven Days after the Expiration of ſuch Period of Ten Days as aforeſaid, ſhall forfeit double the Amount of the Money ſo returned, to be recovered as any Penalty may be recovered under this Act or any Act relating to the Militia. Payment of Fines.

XXXV. Provided always, and be it further enacted, That all Fines of Twenty Pounds which ſhall be paid by any Perſons ballotted under this Act in *Scotland*, and making Default, ſhall within Ten Days after the ſame ſhall be received, and alſo all Fines of Forty Pounds for Deficiencies under this Act, ſhall within Ten Days after the ſame ſhall have been aſſeſſed, Application of Fines.

assessed, be paid respectively to the Collector of the Cess of the County, to be by him accounted for to such Receiver General of *Scotland*, in the same Manner as such Collector of the Cess accounts for the Land Tax; and every Person and all Persons who shall retain in his or their Hands any such Part or Proportion of any Fine of Twenty Pounds as aforesaid, or any such Fine of Forty Pounds as aforesaid, for the Space of Seven Days after the Expiration of such Period of Ten Days as aforesaid, shall forfeit Double the Amount of the Money so retained, to be recovered as any Penalty may be recovered under this Act, or any Act relating to the Militia.

His Majesty may order Ballot before a limited Time, or to compel any County to make good any former Deficiencies.

XXXVI. Provided also, and be it further enacted, That it shall be lawful for His Majesty, at any Time after the passing of this Act, and before the said First Day of *June* One thousand eight hundred and ten, if it shall appear to His Majesty to be necessary, for the more speedily completing of the Militia, to order and direct by any Order of His Majesty in Council, that the Ballot for completing the Militia shall commence at any Time to be named in any such Order in Council, any Thing in this Act or the said recited Act of the Forty-seventh Year aforesaid to the contrary notwithstanding; and that the raising and enrolling Men by Beat of Drum or otherwise shall either cease or proceed, together with such Ballot, as to His Majesty shall seem fit, and such Sum or Bounty of Ten Guineas shall in such Case be allowed and paid, and applied in respect of Men ballotted, or Substitutes, in Manner by this Act directed: Provided also, that it shall be lawful for His Majesty in like Manner to order and direct that the Militia of any County, which at the Conclusion of the Period allowed by this Act for completing the Militia remains or shall become deficient, shall be completed by Ballot; any Thing in any Act or Acts of Parliament to the contrary notwithstanding; and notwithstanding any Suspension of Ballot which may have taken place or may hereafter take place.

Deputy Lieutenants or Justice to do certain Acts.

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

Extending Provisions to Ridings, &c.

XXXVIII. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things whatever in this Act contained relating to Counties shall extend and be construed to extend to all Ridings, Stewartries, Shires, Divisions, Cities, and Places; and all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Hundreds, shall extend or be construed to extend to all Rapes, Lathes, Wapentakes, and other Divisions, in or of any such County, Riding, Division, Shire, Stewartry, City, or Place; and all Provisions, Directions, Clauses,

Clauſes, Matters, and Things in this Act contained, relating to Pariſhes, ſhall extend and be conſtrued to extend to all Townſhips, Tythings and Places, and to all extra Parochial Places united therewith, for the Purpoſes of any Act relating to the Militia; and all Powers by this Act given to any Conſtable ſhall extend to all Tythingmen, Headboroughs, Peace Officers, and other Perſons acting as Conſtables in any Counties, Hundreds, Pariſhes and Places in which there ſhall be no Conſtable, as fully and amply as if they were ſeverally and reſpectively repeated in every ſuch Proviſion, Direction, and Clauſe, and with relation to every ſuch Matter or Thing.

Powers of 42 G. 3. c. 90. and c. 91. or other Militia Acts, extended to this Act.

XXXIX. And be it further enacted, That all Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things contained in the ſaid Acts of the Forty-ſecond Year of His Majeſty's Reign, or in any other Acts relative to the Militia of *England* and *Scotland* reſpectively, ſhall, as far as the ſame are applicable, and can be applied for the Purpoſe of carrying this Act into Execution, and are not hereby altered, varied, or repealed, be applied for the Purpoſes of this Act, in as full and ample a Manner as if the ſaid Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things were again repeated and enacted in this Act.

Penalty on High Conſtables, &c. inſuring for providing Subſtitutes.

XL. And be it further enacted, That from and after the paſſing of this Act, if any High Conſtable, or Chief or other Conſtable, or any Clerk of General or Subdiviſion Meetings, or Schoolmaſter, or any Commiſſioned Officer, Adjutant, Quartermaſter, or Serjeant in the Militia or Local Militia, ſhall inſure or take any Money for the Inſurance of, or be in any Way concerned in any Company, Society, Partnerſhip, or Office for the Inſurance of any Perſon or Perſons for the providing any Subſtitute or Volunteer, or Subſtitutes or Volunteers, or for the paying or returning any Money for the providing any Subſtitute or Volunteer, or Subſtitutes or Volunteers in the Militia, for any Perſon or Perſons who may be ballotted to ſerve in the Militia, every ſuch High Conſtable, or Chief or other Conſtable, or any Clerk of General or Subdiviſion Meetings, or Schoolmaſter, or Commiſſioned Officer, Adjutant, Quartermaſter, or Serjeant as aforeſaid, ſhall forfeit for every ſuch Offence One hundred Pounds.

Recovery of Penalties.

XLI. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, which ſhall exceed Twenty Pounds, ſhall be recovered by Action of Debt, Bill, Plaint, or Information, at the Suit of His Majeſty's Attorney General for *England*, or Advocate for *Scotland*, or at the Suit of any Perſon appointed to ſue for the ſame, by any Lieutenant, or Deputy Lieutenants, or Vice Lieutenants acting for any Lieutenant, in any of His Majeſty's Courts of Record at *Weſtminſter*, or the Courts of Great Seſſion in the Principality of *Wales*, or the Courts of the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* (as the Caſe ſhall require) in *England*, and in the Court of Exchequer in *Scotland*, wherein no Eſſoign, Privilege, Protection, Wager of Law, or more than one Imparlance ſhall be allowed.

Juſtices may recover certain Penalties.

XLII. And be it further enacted, That it ſhall be lawful for any Juſtice of the Peace, or Deputy Lieutenant, reſiding near the Place where any Offence ſhall be committed againſt this Act, which ſubjects the Offender to any

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

Penalty on Witneſſes not appearing.

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

Conviction to be drawn up in following Form.

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

'BE it remembered, That on the Day of in the Year of Our Lord in the County of *A. B.* of was convicted before me *C. D.* one of His Majeſty's Juſtices of the Peace [*or*, one of the Deputy Lieutenants, *as the Caſe may be*] for the ſaid County, reſiding near the Place where the Offence was committed, for that the ſaid *A. B.* on the Day of now laſt paſt, did, contrary to the Form of the Statute in that Caſe made

"made and provided; [*here ſtate the Offence againſt this Act*] and "I do declare and adjudge that the ſaid *A. B.* hath forfeited the "Sum of.

XLV. And be it further enacted, That no Order or Conviction made in *England*, in purſuance of this Act, by any Lieutenant, Deputy Lieutenant, or Juſtice of the Peace, ſhall be removed by *Certiorari* into any Court whatever, and that no Writ or *Certiorari* ſhall ſuperſede Execution, or other Proceedings upon any ſuch Order or Conviction, but that Execution and other Proceedings ſhall be had thereupon, any ſuch Writ or Writs notwithſtanding; and in like Manner no Sentence, Warrant, or Order of any Deputy Lieutenants or Juſtice or Juſtices of the Peace in *Scotland*, ſhall be removed into any Court whatſoever by Bill of Advocation or Suſpenſion, or Proceſs of Reduction, or in any other Manner whatſoever; and it ſhall not be competent to ſiſt Execution or Procedure upon any ſuch Sentence, Warrant or Order; and 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. Orders of Conviction not to be removed by Certiorari.

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

SCHEDULES.

SCHEDULE (A.)

LIST of Perſons enliſted for Militia, between Day of and Day of

Names of Men.	When enrolled.	When joined.	No Child—or, one Child.	Place of Reſidence when enliſted.

SCHEDULE (B.)

LIST of Men volunteered into the Line, and of the Order in which the Vacancies ſo made are to be ſupplied, in the County of

N°.	Names.	Pariſhes.	Hundreds.	N°.	Names.	Pariſhes.	Hundreds.
1.	*A. B.*	*G.*	*L.*	12.			
2.	*C. D.*	*E.*	*P.*	13.			
3.	*E. F.*	*A.*	*M.*	14.			
4.	*G. H.*	*T.*	*N.*	15.			
5.				16.			
6.				17.			
7.				18.			
8.				19.			
9.				20.			
10.				21.			
11.							

SCHEDULE (C.)

SUBDIVISION of County of Number of Men required to be ballotted.

Parishes, &c.	Number required.	Principals.	Substitutes.	Volunteers.	Date of Enrolment.	Bounties received.	How applied.	Fines paid by Balloted Men.	Sums paid to Receiver General or Collector of Cess.

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