ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. L.

An Act for more speedily completing the Militia of *Great Britain*, raised under Two Acts, passed in the Forty-second Year of the Reign of His present Majesty; and for amending the said Acts.

[11th *June* 1803.]

WHEREAS it is expedient that effectual Provision should be made for completing the Militia Forces, and punishing all Persons deserting from or making Default by not appearing, or absenting themselves from Duty in the Militia; and also to amend an Act, passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*; and another Act, passed in the Forty-second Year aforesaid, intituled, *An Act to raise and establish a Militia Force in* Scotland: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, within Ten Days after the passing of this Act, in every County, Riding, and Place in *England* and *Wales*, and within Three Weeks in every County, Stewartry, City, and Place in *Scotland*, the Deputy Lieutenants shall assemble and hold Meetings, within their respective Subdivisions, for the Purpose of immediately supplying all Deficiencies in, and filling up all Vacancies that may respectively remain, or have arisen in the Militia of their

42 Geo. 3. c. 90.

42 Geo. 3. c. 91. recited.

Within certain Periods after passing this Act, the Deputy Lieutenants shall assemble for supplying Deficiencies and filling up Vacancies in the Militia.

their reſpective Counties, Ridings, Stewartries, Cities, and Places, without Regard to the Cauſe of any of the Deficiencies, or the Manner in which any ſuch Vacancies may have ariſen, or whether any Men, in reſpect of whom any Militia ſhall be deficient, may have been abſent for the Space of Three Months.

Deficiencies or Vacancies ſhall be certified from Time to Time by the reſpective Commandants to the Clerk to the General Meetings, and notified by him to the Clerks of the Subdiviſion Meetings; and the Deputy Lieutenants ſhall proceed to fill them up.

II. And be it further enacted, That, from and after the paſſing of this Act, all Deficiencies or Vacancies that ſhall remain or have ariſen in the Militia of any County, Riding, Stewartry, City, or Place in *Great Britain*, ſhall be certified from Time to Time, by the reſpective Colonel or other Commandant of ſuch Militia, to the Clerk to the General Meetings; and the Clerk to the General Meetings ſhall forthwith give Notice thereof to the Clerks of the Subdiviſion Meetings within which any ſuch Vacancies ſhall have ariſen, and the Deputy Lieutenants ſhall thereupon, within Seven Days after ſuch Notices, aſſemble in their reſpective Subdiviſions, and immediately proceed to the filling up ſuch Deficiencies or Vacancies by Ballot, or otherwiſe, according to the Proviſions of the ſaid recited Acts.

If any Perſon ordered to be drawn out ſhall not appear, and ſhall not be taken within a Month, the Deputy Lieutenants ſhall fill up the Vacancy.

III. 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, 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 One Month 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*; any Thing in the ſaid recited Acts contained to the contrary notwithſtanding.

Commandants ſhall tranſmit to the General Quarter Seſſions Certificates in the Form in Schedule A.; and the Juſtices there aſſembled ſhall aſſeſs 10 *l.* for each Man certified to be deficient, and at every ſucceeding Seſſions ſhall aſſeſs a further Penalty of 10*l.* for every Perſon ſo deficient, whoſe Vacancy ſhall not then have been filled up.

IV. And be it further enacted, That the reſpective Colonels or other Commandants of the Regiments, Battalions, Corps, and Independent Companies of Militia in *Great Britain*, ſhall, during the Period of the Militia being embodied and called out into actual Service, tranſmit to the Juſtices of the Peace, or Magiſtrates, aſſembled at the ſeveral General Quarter Seſſions of the Peace, held for the reſpective Counties, Ridings, Diviſions, Stewartries, Cities, or Places, in *Great Britain*, to the Militia of which they belong, at the *Michaelmas* Quarter Seſſions of the Peace next after the paſſing of this Act, and alſo to the Juſtices and Magiſtrates aſſembled at every ſucceeding Quarter Seſſions of the Peace, Certificates in the Form in the Schedule to this Act annexed, marked (A), of the Deficiencies and Vacancies that remain to be filled up in their reſpective Regiments, Battalions, Corps, or Independent Companies; and the Juſtices of the Peace, or the Magiſtrates aſſembled at ſuch Seſſions, ſhall, at ſuch Seſſions, aſſeſs the Penalty of Ten Pounds for each Private Man ſo certified to be deficient as aforeſaid, in Manner directed by the ſaid recited Acts; and if, at the General Quarter Seſſions of the Peace immediately ſucceeding the Quarter Seſſions of the Peace at which any ſuch Aſſeſſment ſhall have been made, any Deficiency or Deficiencies, in reſpect whereof any ſuch Aſſeſſment ſhall have been made, ſhall not have been made good, and filled up according to the Proviſions of the ſaid Acts and of this Act, the Juſtices or Magiſtrates aſſembled at ſuch ſucceeding General Quarter Seſſions, ſhall forthwith aſſeſs and levy, in like Manner as aforeſaid, a fur-

ther and additional Penalty of Ten Pounds for every Private Man ſo deficient; and ſhall, from Time to Time, at every ſucceeding General Quarter Seſſions of the Peace, proceed to aſſeſs and levy further and additional Penalties, as aforeſaid, of Ten Pounds for each Private Man deficient, until ſuch Deficiency or Deficiencies ſhall have been filled up; and ſuch ſeveral Penalties may and ſhall be aſſeſſed, levied, recovered, and applied, according to the Proviſions of the ſaid recited Acts.

If His Majeſty ſhall, by Proclamation, pardon Deſerters, &c. who ſhall deliver themſelves up by a certain Day, the Commandants ſhall, as ſoon as may be after that Day, cauſe Liſts to be made out of ſuch as have not delivered themſelves up, and certify the ſame to the Clerks of the General Meetings, who ſhall publiſh the ſame in the Newſpapers, and ſhall tranſmit Copies to the War Office.

V. And whereas the Deficiencies in the Militia, occaſioned by Men ſworn or inrolled in the Militia making Default by not appearing or joining their reſpective Regiments, Battalions, or Corps, when ordered to be embodied, or deſerting therefrom, or abſenting themſelves, are productive of great Expence and Inconvenience to the Counties, Ridings, Stewartries, Cities, and Places, to which ſuch Men belong, and are very detrimental to the publick Service; be it therefore enacted, That in caſe His Majeſty ſhall by any Proclamation think fit graciouſly to extend His Pardon to all ſuch Militia Men who ſhall have ſo made Default, by not appearing, or by Deſertion, or Abſence from Duty, and who ſhall return to and join their reſpective Regiments, Battalions, Corps, or Independent Companies of Militia, or deliver themſelves up at the Head Quarters of any other Regiment, Battalion, Corps, or Independent Company of Militia, or to any Detachment of His Majeſty's other Forces, or to any Military Poſt, on or before any Day named in ſuch Proclamation, the ſeveral Colonels or other Commandants of the Militia, of the reſpective Counties, Ridings, Stewartries, Cities, and Places, in *Great Britain*, ſhall, as ſoon as the ſame can be done after ſuch Day as aforeſaid, cauſe Liſts to be made out of all ſuch Defaulters, Deſerters, and Abſentees, as aforeſaid, from the Militia of their reſpective Counties, Ridings, Stewartries, Cities, and Places, who ſhall not appear and return to and join, or deliver themſelves up as aforeſaid, together with the laſt Reſidences, and the Deſcriptions of ſuch Men, when the ſame can be procured, and ſhall certify the ſame to the Clerks of the reſpective General Meetings, who ſhall immediately publiſh the ſame in One or more of the publick Newſpapers uſually circulating in the Counties, Ridings, Stewartries, Cities, or Places, to the Militia of which ſuch Men ſhall reſpectively belong; the Expence of ſuch Publication as aforeſaid to be paid by the Receiver General of the County, Riding, or Place, in *England*, or by the Receiver General in *Scotland*, in relation to the Counties, Stewartries, Cities, and Places, in *Scotland*, upon the Certificate of any Two Deputy Lieutenants of the County, Riding, Stewartry, City, or Place, in which ſuch Publication ſhall be ſo made as aforeſaid; and ſhall alſo forthwith tranſmit to the Secretary at War, or his Deputy, true Copies of ſuch Liſts and Deſcriptions, in order to the Publication thereof in every Part of *Great Britain*, in caſe it ſhall appear expedient ſo to do; and it ſhall be lawful for all Juſtices of the Peace or Magiſtrates, and all Conſtables and Peace Officers, and all other Perſons whatever, and they are hereby enjoined and required, to apprehend, ſeize, take, and detain ſuch Defaulters, Deſerters, or Abſentees, for the Purpoſe of delivering them into ſafe Cuſtody, at any Military Head Quarters, or into Gaol, near to the Place where they ſhall be apprehended as aforeſaid; and all ſuch Defaulters, Deſerters, or Abſentees, as aforeſaid, being Subſtitutes or Volunteers in the Militia, upon being identified before any General or Regimental or Detachment Court Martial, may and ſhall, if found on Examination to be fit for Service, be ſent in Manner

How the Expence of Publication ſhall be paid.

All Perſons ſhall apprehend ſuch Deſerters, *etc.* and ſuch as are Subſtitutes or Volunteers, upon being identified before a Court Martial, and found able, ſhall be ſent to ſerve in the Forces ſtationed abroad,

and the Perſons who ſhall apprehend them ſhall be entitled to 20 s.

Manner directed by the ſaid recited Acts, to ſerve in His Majeſty's Regular Forces ſtationed Abroad, until duly diſcharged therefrom; and the Perſon or Perſons who ſhall apprehend, ſeize, take, and detain any ſuch Defaulter or Deſerter, or Abſentee, as aforeſaid, and deliver him into ſafe Cuſtody as aforeſaid, ſhall be entitled to receive the Sum of Twenty Shillings over and above any Reward to which ſuch Perſon or Perſons may be entitled under any Act for puniſhing Mutiny and Deſertion, to be paid in like Manner as any ſuch Reward may be payable under any ſuch Act.

Men who ſhall return in Obedience to ſuch Proclamation ſhall remain with the Corps to which they belong, notwithſtanding its being complete.

VI. And be it further enacted, That all Private Militia Men who ſhall have ſo made Default, or deſerted, or abſented themſelves from Duty as aforeſaid, and who ſhall return in Obedience to any ſuch Proclamation of His Majeſty as aforeſaid, ſhall remain with the Regiment, Battalion, Corps, or Independent Company to which they ſhall belong, notwithſtanding the ſame ſhall have been completed to its full Number, and ſhall be conſidered as Supernumeraries, and ſhall be carried to the Account of the Pariſh, Tything, or Place, for which they ſhall have been enrolled to ſerve, either for the Purpoſe of making Part of the Quota of the Supplementary Militia, to be raiſed by any ſuch Pariſh, Tything, or Place, under the ſaid recited Acts, and in purſuance of any Proclamation of His Majeſty for that Purpoſe, or to ſupply any future Vacancies that may ariſe among the Men, to be provided by ſuch Pariſh, Tything, or Place.

No Seafaring Man ſhall be enrolled in the Militia.

VII. And be it further enacted, That no Seaman or Seafaring Man ſhall hereafter be enrolled in the Militia of *Great Britain*, either as a Subſtitute or Volunteer.

Deputy Lieutenants ſhall ballot for the Supplementary Militia out of the Liſts already returned, unleſs new Ones ſhall be neceſſary.

VIII. And be it further enacted, That the Deputy Lieutenants ſhall ballot for all Men to be enrolled for the Supplementary Militia, out of the Liſts already returned for the ballotting of the Militia under the ſaid recited Acts, without making any new Liſts, unleſs it ſhall appear to them in particular Caſes to be abſolutely neceſſary for the levying ſuch Supplementary Militia, and without making any other Alterations in the before mentioned Liſts than the neceſſary and proper Amendments of ſuch Liſts according to the Proviſions of the ſaid recited Acts.

Men, before Enrolment, ſhall be examined upon Oath as to their Reſidence, Age, and Family, according to the Form in Schedule B.

IX. And be it further enacted, That every ballotted Man, Subſtitute, and Volunteer, to be enrolled to ſerve in the Militia of *Great Britain*, ſhall, before ſuch Enrolment, be examined upon Oath before the Deputy Lieutenants, as to his Reſidence, Age, and Family; and the Oath ſo adminiſtered to him ſhall be in the Words and according to the Form and Effect in the Schedule, to this Act annexed, marked (B).

Perſons choſen by Ballot ſubſequent to His Majeſty's Proclamation for enrolling the Supplementary Militia (not being Quakers) not ſerving, or

X. And be it further enacted, That every Perſon choſen by Ballot to ſerve in the Militia, ſubſequent to the Date of His Majeſty's Proclamation for levying and enrolling the Supplementary 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 recited Acts, ſhall forfeit and pay the Sum of Fifteen Pounds in lieu and in ſtead of the Sum of Ten Pounds, in the ſaid recited Acts mentioned, to be levied and recovered in Manner in the ſaid

Acts

Acts mentioned; any Thing therein contained to the contrary notwithstanding. providing a Substitute, shall forfeit 15*l.*

XI. And be it further enacted, That, from and after the passing of this Act, all Vacancies that shall have been or shall hereafter be occasioned in the Militia by the Appointment of any Private Militia Men to be Serjeants, Corporals, or Drummers, in consequence of any Augmentation, shall be certified, and other Men found and provided to supply such Vacancies, in like Manner in every Respect as is directed in the said recited Acts in relation to any Vacancies arising by the Appointment of any Private Militia Man to be a Serjeant, Corporal, or Drummer, upon the Death or Discharge of any Non-commissioned Officer or Drummer. Vacancies by Promotion shall be certified, and other Men provided as directed by recited Acts.

XII. And be it further enacted, That, from and after the passing of this Act, where any Deputy Lieutenant shall provide any Substitute for any Quaker, under the Provisions of the said recited Acts, the Sum of Money which such Deputy Lieutenants shall have agreed to give to such Substitute, shall be paid to such Substitute upon the Certificate of such Deputy Lieutenant, by the Overseer of the Poor of the Parish, Tything, or Place, for which such Substitute shall be provided, out of the Poor Rates of such Parish, Tything, or Place; and such Sum of Money shall be levied in Manner directed by the said Act, and repaid to the Overseers who shall have advanced the same. Bounty Money to Substitutes for Quakers shall be paid upon Certificate of the Deputy Lieutenants providing them out of the Poor Rates, *&c.*

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

XIV. And be it further enacted, That if any Person whose Name shall be inserted in any List made and amended after the passing of this Act, and whose Name shall be drawn upon the Ballot, shall refuse, when required by any Two or more Deputy Lieutenants, Justices of the Peace, or Magistrates, to be examined as to his Fitness to serve in the Militia, according to the Provisions of the said recited Acts and this Act, such Person may, at the Discretion of any Two or more Deputy Lieutenants, or Justices of the Peace, or Magistrates, be imprisoned for any Time not exceeding One Week. If any Person shall refuse to be examined as to his Fitness to serve, he may be imprisoned.

XV. 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 Adjutant, Quarter Master, or Serjeant, in the 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 High Constables, *etc.* insuring for providing Substitutes or Volunteers, shall forfeit 50*l.*

viding 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 Adjutant, Quarter Master, or Serjeant as aforesaid, shall forfeit for every such Offence Fifty Pounds, to be recovered as any Penalty may be recovered under the said recited Act.

SCHEDULES

To which this Act refers:

SCHEDULE (A).

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

CERTIFICATE of Number of Vacancies; dated the Day of

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

SCHEDULE

SCHEDULE (B).

FORM OF OATH.

I do make Oath, That I am by my Trade a and have been uſually reſident in the Pariſh of in the County of that I am unmarried [*or*, have a Wife living, *as the Caſe may be*]; and that I have no Children, [*or*, only One Child, born in Wedlock]; and that I have no Rupture, nor ever was troubled with Fits, and am no Ways diſabled by Lameneſs or otherwiſe, but have the perfect Uſe of my Limbs; that I am not a Seaman or Seafaring Man, or an Apprentice; and that I do not belong to His Majeſty's Navy, Army, or Marines, nor to any other Corps of Militia. As witneſs my Hand, at the Day of One thouſand eight hundred and

Sworn before me at this Day of One thouſand eight hundred and

Witneſs preſent.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.