

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXXIX.

An Act for providing Relief for the Families of Militia Men in *Scotland*, when called out into actual Service. [11th *July* 1803.]

WHEREAS it is expedient to provide Relief for the Families of the Non-commiſſioned Officers, Drummers, and Privates of the Militia of *Scotland*, when embodied and called out into actual Service, ſo long as Proviſion ſhall continue to be made for the Families of ſuch Non-commiſſioned Officers, Drummers, and Privates of the Militia of *England*; be it therefore 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 if any Perſon ſerving or enrolled in the Militia of *Scotland* as a Non-commiſſioned Officer or Drummer, or as a ballotted Man or Subſtitute, hired Man, or Volunteer reſpectively, ſhall, when embodied and called out into actual Service, leave a Family unable to ſupport themſelves, the Family of every ſuch Non-commiſſioned Officer, Drummer, ballotted Man, Subſtitute, hired Man, or Volunteer reſpectively, ſhall receive, in the Manner herein-after directed, a Weekly Allowance according to the uſual and ordinary Price of Labour in Huſbandry within the County, Stewartry, Diviſion, Diſtrict,

The Families of Non-commiſſioned Officers, Drummers, or Private Militia Men in *Scotland*, called out into actual Service, ſhall receive a Weekly Allowance.

trict, Pariſh, or Place where ſuch Family ſhall dwell, by the following Rule; that is to ſay, a Sum equal to but not exceeding the Price of One Day's ſuch Labour for each and every Child born in Wedlock, and under the Age of Ten Years, and for the Wife of ſuch Non-commiſſioned Officer, Drummer, ballotted Man, Subſtitute, hired Man, or Volunteer, whether he ſhall or ſhall not have any Child or Children, a Sum equal to but not exceeding the Price of One Day's ſuch Labour.

The Juſtices in Quarter Seſſions may regulate the Rate of Allowance.

II. And be it further enacted, That it ſhall be lawful for the Juſtices of the Peace, aſſembled at any General Quarter Seſſions of the Peace held for any County, Stewartry, Diviſion, or Place in *Scotland*, raiſing any Militia, to ſettle, aſcertain, and regulate the Rate of Allowance, to be paid under this Act to the Families of Militia Men reſident within ſuch County, Stewartry, Diviſion, or Place; and every ſuch Rate of Allowance ſo ſettled, aſcertained, and regulated as aforeſaid, ſhall be binding upon all Juſtices of the Peace making any Order for the Payment of Allowances under this Act in ſuch County, Stewartry, Diviſion, or Place, until any other or new Rate of Allowance ſhall be ſettled by them as aforeſaid.

No Allowance to be made to the Wife or Family of any Perſon till he ſhall have joined his Corps, or to any Wife who ſhall follow the Corps, or leave her Child, or depart from her Home, unleſs under Certificate for obtaining Work, &c.

III. Provided always, and be it further enacted, That no Allowance ſhall be ordered or paid under this Act to the Wife or Family of any Perſon ſerving in the Militia, until ſuch Perſon ſhall have joined the Regiment, Battalion, or Corps, to which he belongs, or for any longer Period than ſuch Perſon ſhall continue to ſerve and remain embodied in actual Service, nor in any Caſe in which the Wife, in reſpect of or by whom any ſuch Relief is demanded, ſhall follow the Regiment, Battalion, or Corps in which her Huſband ſhall ſerve, or ſhall leave her Child or Children (if any), or depart from Home, unleſs under Certificate of any neighbouring Juſtice of the Peace, or the Miniſter of the Pariſh in which ſuch Relief ſhall be given, authorizing ſuch Departure for a Time ſpecified therein, for the Purpoſes of Harveſt, or obtaining by Work a better Support for her Family, or unleſs for the Purpoſe of going to reſide and reſiding in the Pariſh or Place for which her Huſband ſhall ſerve, in caſe, at the Time of her Huſband being called out into actual Service, he ſhall be reſiding in any other Pariſh or Place.

Nor to the Family of any Subſtitute, hired Man, or Volunteer who ſhall marry after being called out without Conſent of the Commanding Officer.

IV. Provided always, and be it further enacted, That, from and after the paſſing of this Act, no Allowance under this Act ſhall be given or ordered to be given to the Family of any Subſtitute, hired Man, or Volunteer, who ſhall marry after and during the Time of his being called out into actual Service, unleſs ſuch Marriage ſhall have taken place with the Conſent of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps to which ſuch Militia Man ſhall belong, and ſuch Conſent ſhall have been certified under the Hand of ſuch Colonel or other Commanding Officer previous to ſuch Marriage.

Families to obtain Certificates of their Inability to maintain themſelves, before entitled to Relief.

V. And be it further enacted, That the Wives and Children of Militia Men entitled to Relief under this Act, ſhall, in the firſt Inſtance, obtain a Certificate of their Inability to maintain themſelves, and the Cauſes thereof, from the Miniſter of the Pariſh in which they reſide, who ſhall ſign the ſame, together with One Heritor or One reſpectable Perſon occupying

and

occupying Land, and paying the Rent of not less than Twenty Pounds *per Annum*, or in Cities or Towns Corporate from the Minister and One of the Magistrates thereof.

On Production of such Certificate to a Justice, he shall order a Weekly Allowance to be paid.

VI. And be it further enacted, That upon the Production of such Certificate to a Justice of the Peace, such Justice shall, if he be satisfied therewith, make an Order for the Payment of a Weekly Allowance, according to the usual and ordinary Price of Labour in Husbandry within such County or Stewartry, Division or Place, where such Family shall dwell, by the following Rule; that is to say, a Sum equal to but not exceeding the Price of One Day's such Labour, as ascertained by the Justices of the Peace at the Quarter Sessions of such County or Stewartry, in the Manner herein directed, for each and every Child born in Wedlock, and under the Age of Ten Years; and for the Wife of such Militia Man, whether he shall or shall not have any Child or Children, a Sum equal to but not exceeding the Price of One Day's such Labour so ascertained.

Such Order and Certificate to be transmitted to the Clerk of Commissioners of Supply of the County, &c. who shall transmit the same to the Collector of the Cess, on Penalty of 5*l.*

VII. And be it further enacted, That such Order so made, with such Certificate annexed thereto, shall be transmitted by the Justice of the Peace making the same, to the Clerk of the Commissioners of Supply of the County or Stewartry, City or Place, in which such Wife or Family shall dwell, who shall record the same, and shall transmit the original Order and Certificate to the Collector of the Cess for such County or Stewartry, City or Place; and any Clerk of the Commissioners failing or neglecting, for the Space of Six Days after the Receipt of such Order and Certificate, to record and transmit the same in the Manner herein directed, shall forfeit and pay the Sum of Five Pounds for each Neglect, to be recovered with Double Costs of Suit, in the same Manner that any Penalty against Commissioners of Supply is herein directed to be recovered, One Half of which Penalty to be applied to the Use of His Majesty, His Heirs and Successors, and the other Half to be paid to the Person or Persons suing for the same.

Collector of the Cess to pay monthly an Allowance to the Treasurer of the Kirk Session of each Parish.

VIII. And be it further enacted, That it shall be lawful for such Collector of the Cess, and he is hereby authorized and required to remit or pay, out of such publick Monies as may be in his Hands, to the Treasurer of the Kirk Session of each Parish, at least Once in every Month, a Sum sufficient to satisfy and pay the Amount of such Orders for Relief so transmitted to such Collector, and any Collector failing or neglecting to remit such Sum, in the Manner herein directed, shall forfeit and pay a Sum equal to Twice the Amount thereof, to be recovered with Double Costs of Suit, by a summary Complaint to be made to the Sheriff or Stewart Depute of the County or Stewartry, by any Person or Persons, One-Half of which Penalty shall be paid to the Kirk Treasurer, to make good the Sum which ought to have been remitted to him by such Collector, and the other Half to be paid to the Person or Persons suing for the same.

Treasurer to pay Allowances on an Order from the Minister of the Parish, which Order, with

IX. And be it further enacted, That the Treasurer of the Kirk Session, to whom such Sum shall be remitted, shall give a Receipt for the same, and pay such Weekly Allowances to Persons entitled to receive the same, upon an Order in Writing from the Minister of the Parish, which Order, with

the Receipts of the Persons to whom paid, shall be transmitted to the Clerk of the Commissioners of Supply.

with the Receipts of the Persons to whom the same shall be paid, shall be sufficient Vouchers for the Payment of such Allowances, and such Vouchers shall be transmitted Once in every Six Months at the least to the Clerk of the Commissioners of Supply, to be by him deposited and kept; and any Treasurer of the Kirk Session, who shall refuse or delay to pay such Weekly Allowances in the Manner herein directed, shall forfeit and pay a Sum equal to Twice the Amount of each Sum so refused or delayed to be paid, to be recovered in a summary Manner, with Double Costs of Suit, upon Complaint made to any Justice of the Peace of the County or Stewartry in which such Treasurer resides, by the Person or Persons to whom the same ought to have been paid, One Half of which Penalty to be applied to the Use of His Majesty, His Heirs and Successors, and the other Half to be paid to the Person or Persons suing for the same.

Quarter Sessions to grant Allowances to Treasurers for their Trouble.

X. And be it further enacted, That it shall and may be lawful for the Justices of the Peace, assembled at the Quarter Sessions for any County, Stewartry, Division, or Place, and they are hereby empowered to grant an Allowance to such Treasurer of the Kirk Session for his Trouble in paying and keeping the Accounts of such Disbursements, not exceeding Two-pence in the Pound of the Money paid by him; and the said Justices so assembled, shall be and they are hereby further empowered to allow a Sum equal to the necessary Expences incurred by such Treasurer of the Kirk Session, in discharging the Duties hereby required of him, which Allowances shall be paid by the Collector of the County upon the Order of such Justices, and such Order shall be transmitted by such Collector to the Clerk of the Commissioners of Supply of his County or Stewartry, who shall include the Sum specified therein, in the Amount of the Assessment directed to be made pursuant to this Act: Provided always, that no such Allowance shall be granted to any such Treasurer, who shall fail or omit to transmit the Vouchers of his Payments to the Clerk of the Commissioners of Supply, in Manner herein directed.

Commissioners of Supply to make Assessments on Lands and Houses, to replace Monies advanced by Collectors of the Cess.

XI. And be it further enacted, That, in order to replace such Monies so advanced by the Collector of the Cess of each County or Stewartry, the Commissioners of Supply of such County or Stewartry, shall, at their annual Meeting at which they assemble to assess the Land Tax in every Year, make an Assessment to an Amount equal to the Monies so advanced by the Collector of the Cess, in the following Manner; that is to say, upon Land, according to the valued Rent of the same, and upon Houses according to the Rent or yearly Value set on such Houses by the latest Assessment of the House Tax, and in the following Proportions; *videlicet*, for every such Assessment to the Amount of One Shilling Sterling upon One hundred Pounds *Scots* of valued Rent, an Assessment shall be laid upon the Rent or yearly Value of Houses so ascertained, at the Rate of One Penny Sterling in the Pound of such Rent or yearly Value, and so in Proportion for any greater or less Sum.

Houses not rated to House Tax exempted.

XII. Provided always, and be it enacted, That no such Assessment shall be laid upon any House which shall not be rated for the House Tax.

XIII. Provided

XIII. Provided alſo, and be it enacted, That no Perſon or Perſons ſhall be aſſeſſed in reſpect of his, her, or their Houſe or Houſes, and alſo in reſpect of his, her, or their Lands in the ſame County or Stewartry; but it ſhall be in the Power of the ſaid Commiſſioners to lay ſuch Aſſeſſment upon ſuch Perſon or Perſons, either in reſpect of ſuch Houſe or Houſes, or of ſuch Lands, as to ſuch Commiſſioners ſhall ſeem calculated to produce the higheſt Aſſeſſment. *No Perſon to be aſſeſſed for both Houſes and Land in the ſame County.*

XIV. Provided alſo, and be it enacted, That for all Sums ſo aſſeſſed upon Land, the Proprietor ſhall have Relief againſt the Tenant or Occupier thereof for One Half of ſuch Aſſeſſment; and every ſuch Aſſeſſment upon Houſes ſhall be paid by the Occupier or Occupiers thereof, and every Tenant or Tenants ſhall be entitled to deduct from his, her, or their Rent, One Half of every ſuch Aſſeſſment ſo paid by ſuch Tenant or Tenants. *One Half of Aſſeſſment to be paid by the Tenants.*

XV. And be it further enacted, That if the Sums levied purſuant to ſuch Aſſeſſment, ſhall be under the Amount remitted by any Collector in any One Year, in the Manner directed by this Act, a Sum equal to ſuch Deficiency ſhall be added to the Amount, for which an Aſſeſſment ſhall be made in Terms of this Act, in the following Year; and if the Sums ſo levied purſuant to any ſuch Aſſeſſment, ſhall exceed the Amount of the Sums remitted by any Collector in any One Year, in the Manner herein directed, a Sum equal to ſuch Exceſs may be deducted from the Amount of the Aſſeſſment to be made in the following Year. *Deficiencies to be made good, etc.*

XVI. Provided always, and be it enacted, That in the Cities of *Edinburgh* and *Glaſgow*, the Magiſtrates thereof ſhall and they are hereby authorized to levy from the Heritors, Burgeſſes, and Inhabitants of ſuch City, their Proportion of the Aſſeſſment to be made purſuant to this Act, to raiſe the Sum neceſſary to afford the Relief hereby provided to the Wives and Families of the Militia ſerving for the ſaid Cities, in ſuch Manner and in the ſame Proportions as the Ceſs, Stent, and other publick Burthens and Contributions are in Uſe by Law to be aſſeſſed and levied in the ſaid Cities. *How Aſſeſſment ſhall be levied in Edinburgh and Glaſgow:*

XVII. Provided always, and be it further enacted, That in the Two Cities aforeſaid, all Certificates and Orders for Relief ſhall be tranſmitted from the Pariſhes within the ſame to the Town Clerk of the ſaid Cities reſpectively, who ſhall, and he is hereby required to do all Matters and Things directed by this Act to be done by the Clerk to the Commiſſioners of Supply, in any County or Stewartry. *In thoſe Cities Certificates and Orders for Relief ſhall be tranſmitted to the Town Clerk.*

XVIII. And be it further enacted, That every ſuch Collector as aforeſaid, who ſhall tranſmit to the Treaſurer of Kirk Seſſion, in Manner herein directed, Money to pay ſuch weekly Allowance to the Family of any Non-commiſſioned Officer or Drummer, or any Private Militia Man, ſerving in the Militia of any other County, Stewartry, or Diviſion, ſhall deliver or tranſmit an Account of ſuch Money as he ſhall have ſo tranſmitted as aforeſaid, ſigned by One or more Juſtice or Juſtices of the Peace for the County, Stewartry, City, or Place where ſuch Family ſhall dwell, to the Collector of the County, Stewartry, City, or Place, in *Collectors paying Money to the Treaſurer ſhall tranſmit an Account thereof to the Collector of the County.*

in the Militia whereof such Non-commissioned Officer, Drummer, or Private Militia Man shall serve; and thereupon the Collector to whom such an Account shall have been delivered or transmitted as aforesaid, shall and he is hereby required forthwith to pay to the Collector, who shall have so delivered or transmitted such Account, the Sum or Sums specified therein; and such Collector so receiving or entitled to receive the Sums specified in such Account, shall transmit an Account thereof to the Clerk of the Commissioners of Supply of his County or Stewartry; and the Collector paying the Sums specified in such Account, shall, in the like Manner, transmit an Account thereof to the Clerk of the Commissioners of Supply of his County or Stewartry; and the Commissioners of Supply of such Counties and Stewartries respectively are hereby directed to add to or deduct from the Assessments to be made in Terms of this Act, the Amount of such Sums, according as their Collector shall pay or receive the same respectively.

The Adjutant of every Corps, or where none the Serjeant Major, shall make monthly Return to the Clerks of the Commissioners of Supply of the Vacancies happening therein, and how occasioned, who shall transmit them to the respective Treasurers.

XIX. And be it further enacted, That the Adjutant of every Regiment, Battalion, or Corps of Militia, or, where there shall be no Adjutant, the Serjeant Major thereof shall, within Seven Days after the Twenty-fourth Day of every Month, during the Time that the Militia to which he shall belong shall remain embodied and in actual Service, return to the respective Clerks of the Commissioners of Supply of the County, Stewartry, or Place to which such Regiment, Battalion, or Corps shall belong, a particular List of all Promotions and Vacancies, and all Deaths, Desertions, and other Causes of Vacancy, that shall have occurred among the Private Militia Men serving for the several and respective Subdivisions of the County, Stewartry, or Place to which such Regiment, Battalion, or Corps shall belong, in the Calendar Months preceding each such Twenty-fourth Day as aforesaid, and shall specify the Christian and Surname of each Man so returned, and whether balloted Man, Substitute, hired Man, or Volunteer, and the Parish or Place for which he was serving; and such respective Clerks of the Commissioners of Supply shall, within Fourteen Days after the Receipt of such Return, transmit proper Extracts thereof to the respective Treasurers of the Kirk Session of the respective Parishes or Places for which any such Man shall have been serving.

Account of the Money levied and paid by the Collector of the Land Tax to be sent to the Exchequer, &c. and Proceedings certified to the King's Attorney in Exchequer.

XX. And be it enacted, That each Collector of the Land Tax, remitting and paying Money as directed by this Act, shall, on or before the First Day of *April* in every Year, transmit to the Lord Chief Baron, and other Barons of His Majesty's Exchequer in *Scotland*, an Account of all the Money so remitted and paid by him, and of all the Money levied by him pursuant to any Assessment made in Terms of this Act, for the Year preceding the Date of such Account; and the Clerk of Supply of each and every County, Stewartry, City, and Place, transmitting Orders and Certificates to any Collector of the Cess, is hereby required, within Fourteen Days after the annual Meeting of the Commissioners of Supply, at which they assemble to assess the Land Tax in every Year, to certify to His Majesty's Attorney in Exchequer in *Scotland*, what Proceedings have been had at such Meeting in relation to making the Assessments directed to be made by this Act; and in case any Commissioners of Supply shall omit, neglect, or refuse to proceed to make the Assessments according to the Directions of this Act, then

then the Clerk of Supply of ſuch Stewartry, City, or Place, ſhall, and he is hereby required, within Fourteen Days after the Meeting at which ſuch Aſſeſſment ought to have been made, to certify to His Majeſty's Attorney in Exchequer in *Scotland* ſuch Neglect, Omiſſion, or Refuſal of ſuch Commiſſioners, and the Names of ſuch Commiſſioners who ſhall be preſent at ſuch Meeting, and His Majeſty's Attorney in Exchequer is hereby required, on Receipt of ſuch Certificate, forthwith to proceed, by all ſuch legal Ways and Means as ſhall be moſt effectual and expeditious, to compel ſuch Commiſſioners to pay due Obedience to this Act, and to cauſe ſuch Aſſeſſment to be made, and the Money raiſed, collected, and paid.

No Subſtitute ſhall be received having more than Two Children, nor ſhall any Allowance be made to the Family of any Subſtitute, *&c.* hereafter enrolled who ſhall have more than Two Children, *etc.*

XXI. And be it enacted, That, from and after the paſſing of this Act, no Subſtitute ſhall be received for any ballotted Man in the Militia of *Scotland*, which Subſtitute ſhall have more than Two lawful Children born in Wedlock at the Time he ſhall be produced to be enrolled, in Terms of an Act, paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled, *An Act to raiſe and eſtabliſh a Militia Force in* Scotland, and that no Allowance under this Act ſhall be ordered or paid to the Family of any Subſtitute, hired Man, or Volunteer, to be enrolled after the paſſing of this Act, who ſhall, at the Time of his Enrolment, have more than Two lawful Children born in Wedlock, or who ſhall have fraudulently and falſely repreſented and declared that he had no Wife at the Time of his Enrolment, or who ſhall have fraudulently and falſely repreſented and declared, at the Time of ſuch Enrolment, that he had only Two Children: Provided always, that where the Subſtitute, hired Man, or Volunteer, who ſhall have made ſuch falſe Declaration as aforeſaid, ſhall undertake and make Proviſion for the Maintenance of his other Children, to the Satisfaction of any Juſtice of the Peace to whom any Application ſhall be made under this Act for the Relief of ſuch Children, it ſhall be lawful for ſuch Juſtice to order the Allowance under this Act, to be paid in reſpect of the Wife of ſuch Subſtitute, hired Man, or Volunteer, and of Two Children of ſuch Family under the Age of Ten Years.

Who may be appointed Deputy Lieutenants for *Bute* and *Sutherland*.

XXII. And whereas Perſons poſſeſſed of the Qualification required by the ſaid recited Act of the Forty-ſecond Year of the Reign of His preſent Majeſty, cannot be found to act as Deputy Lieutenants in the Counties of *Bute* and *Sutherland*, be it enacted, That it ſhall and may be lawful for the Lieutenant of each of the ſaid Counties, to appoint the Sheriffs Depute of the ſaid Counties, or their Subſtitutes reſpectively, or any Perſon who ſhall be ſeiſed and poſſeſſed of a Real Eſtate of the yearly Value of One hundred Pounds Sterling, or who ſhall be poſſeſſed of Perſonal Eſtate alone, or ſeiſed or poſſeſſed of a Real and Perſonal Eſtate together, to the Amount or Value of Two thouſand Pounds Sterling, and if Perſons poſſeſſed of the above Qualification cannot be found, then it ſhall and may be lawful for the Lieutenants of the ſaid Counties, with the Approbation of His Majeſty, to appoint the Magiſtrates of Royal Burghs, or of Burghs of Regality or Barony, ſituated within the ſaid Counties reſpectively, or Juſtices in the Commiſſion of the Peace for the ſaid Counties, to be Deputy Lieutenants of the ſaid Counties reſpectively, (the Names of ſuch Perſon or Perſons having been firſt preſented to and approved by His Majeſty) to be Deputy

Deputy Lieutenant or Deputy Lieutenants of the said Counties respectively.

Act may be altered or repealed this Session.

XXIII. 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.

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