

be made for Punishment of Deserters; and no Person so Listed, or Entering himself as a Volunteer upon this Act, shall be liable to be taken out of Her Majesty's Service by any Process, other than for some Criminal Matter.

Provided always, That it shall and may be lawful to and for any Plaintiff, upon notice first given in writing of the Cause of Action, to such Person or Persons so voluntarily Listed, or left at his or their last place of Residence before such Listing, to file a common Appearance in any Action to be brought for or upon the Account of any Debt whatsoever, so as to entitle such Plaintiff to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so voluntarily Listed, as aforesaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

And it is hereby further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any three or more of them, to impose upon any High-Constable, Church-warden, Overseer, Petty-Constable, Headborough, Tythingman, or other Parish or Town-Officer, for every wilful neglect or default in the Execution of any Warrant, Order or Precept, to them or any of them directed in pursuance of this Act, a Fine not exceeding ten Pounds, and to cause every such Fine to be levied by Distress and Sale of the Offenders Goods, rendering the Overplus to the Owner; and to distribute one moiety of the said Fine to reward the Informer or Informers, and the other moiety to the Church-wardens or Overseers, to the use of the Poor of the Parish where the Offence shall be committed.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall wilfully do any Act or Thing, whereby the Execution of this Act in the Searching for, Taking and Securing such able-bodied Men, as aforesaid, shall be hindered or frustrated, every such Person shall, for every such Offence, forfeit any Sum not exceeding ten Pounds, to the use of the Poor of the Parish where such Offence shall be committed: And all and every such Offences may be enquired of, heard, and finally determined by any two or more of Her Majesty's Justices of the Peace, dwelling in or near the place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be Levied by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus (if any be) and if the Offenders have no Goods and Chattels sufficient to answer the said Penalty, then to commit him or her to the County Goal, or House of Correction, there to remain by the space of three Months without Bail or Mainprize.

Provided always, and it is hereby Declared, That this Act shall not extend to the Taking or Levying any Person to serve as a Soldier, who shall make it appear that he hath any Vote in the Election of any Member or Members to serve in Parliament, in any County, City, Borough, Town, Port, or Place within the Kingdom of Great Britain.

And it is also hereby Enacted, That no Person who, at the time of the Execution of this Act, shall have any Military Office or Employment in Great Britain (other than in the Militia) shall Execute any Power or Authority by this Act given to Commissioners, as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Action, Plaint, Suit or Information shall be commenced or prosecuted, against any Person or Persons for what he or they shall do in pursuance or Execution of this Act, such Person or Persons so Sued in any Court whatsoever, shall and may plead the general Issue, not guilty, and upon any Issue joyned, may give this Act and the special Matter in Evidence: And if the Plaintiff or Prosecutor shall become Nonsuit, or forbear further Prosecution, or suffer a Discontinuance, or if a Verdict pass against him, the Defendant shall recover treble Costs, for which they shall have the like Remedy, as in any Case where Costs by the Law are given to Defendants.

And for the better Obviating such Frauds and Abuses as may be practised in the Discharging of Soldiers, It is hereby further Enacted by the Authority aforesaid, That from and after the tenth Day of February next ensuing, no private Soldier who hath been, or shall be duly Entred or Listed into Her Majesty's Service (during the time such Soldier shall remain in Great Britain) shall be Discharged from Her Majesty's Service, without the Consent of the Colonel, or in his Absence, the Field-Officer commanding in Chief the Regiment, first had and obtained, in Writing under their Hands and Seals for that purpose, in which Writing the Cause of his Discharge shall be expressed, and a Duplicate or Copy of every such Discharge forthwith Transmitted to the Secretary at War, to be by him Kept and Entred in a Book; and any Officer that shall presume to Discharge any Soldier in any other manner contrary to this Act, shall for such Offence be Censured, and every Soldier duly Entred or Listed, or to be duly Entred or Listed in Her Majesty's Service, who under Colour or Pretence of any Discharge from any Officer or Officers (other than such as aforesaid) shall quit Her Majesty's Service, shall be reputed and punished as a Deserter.

Provided always, and it is hereby Enacted, That every Person who shall Enter himself as a Volunteer, or be Listed upon this Act, after he shall have continued in the Military Service of Her Majesty, Her Heirs or Successors during the Space of Three Years, shall be at Liberty (if he think fit) to Demand his Discharge from the Colonel of the Regiment to which he shall belong; And such Discharge shall be Granted to him gratis in Writing under the Hand of such Colonel, who is hereby Impowered and Required to give the same accordingly; Any thing herein contained to the contrary notwithstanding.

And in regard it may be necessary for the said Commissioners at their first General Meeting for the several Counties, Shires, Stewartries, Ridings, Cities, Boroughs, Cinque-Ports, and other Places for which they are appointed Commissioners, or the major Part of them then present, to appoint Clerks to attend them, then and at the subsequent Meetings wherein Volunteers are to be Entertained, and Soldiers Listed, as aforesaid, It is hereby further Enacted by the Authority aforesaid, That the said several Clerks (provided the said Copies or Duplicates be duly Transmitted into the Office of the Secretary at War, as aforesaid) shall have and receive, by the Hands of the Paymasters of Her Majesty's Forces, or one of them; such Rewards as the Lord High-Treasurer, or Commissioners of the Treasury for the time being, upon Consideration of the Numbers of Men Listed in the several Counties, Cities, Boroughs, or other Places, and the Pains and Charges of the several Clerks in this Service, shall judge the said Clerks severally and respectively to deserve.

Provided always, and it is hereby Enacted and Declared, That the said several Rewards and Encouragements of Four Pounds a Man, to each Volunteer, Six Pence per diem, and Twenty Shillings, and Three Pound for each Listed Soldier, to be brought in, as aforesaid (which Rewards and Encouragements are by this Act appointed to be paid out of the Land-Tax Monies, as aforesaid) shall by virtue of this Act be Charged to the Accounts of the respective Regiments, to which the said Volunteers and Listed Men shall belong; and that the respective Paymasters-General of Her Majesty's Forces, and the Auditors to whom it shall appertain to take care that the same be charged accordingly.

Provided always, That Her Majesty when She shall be satisfied by the said Returns of the Commissioners, or otherwise, that a sufficient Number of Recruits in the whole, shall be Raised for Her present Service, may be graciously pleased to Issue Her Royal Proclamation to Suspend or Stop the further Execution of this Act; any thing herein contained to the contrary notwithstanding. And the said Commissioners by this Act intrusted with the Execution thereof, are hereby directed, in the performance of this Her Majesty's Service, to use their best Judgment and Endeavours that the Soldiers to be Re-

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