Anno tricesimo tertio

Georgii II. Regis.

An Act for limiting, confining, and better regulating, the Payment of the Weekly Allowances made by Act of Parliament, for the Maintenance of Families unable to support themselves during the Absence of Militia Men, embodied and ordered out into actual Service; and for explaining so much of an Act made in this Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, as relates to the Militia when embodied and in actual Service; and for explaining and amending certain Parts of the Laws now in force, for the better Ordering of the Militia Forces in that Part of *Great Britain* called *England*.



WHEREAS by an Act passed in the Thirty first Year of His Majesty's Reign, intituled, An Act to explain, amend, and enforce an Act, for the better Ordering of the Militia Forces in the several Counties of that Part of *Great Britain* called *England*; it is enacted, That when any Militia Man shall be ordered out into actual Service, leaving a Family not of Ability to support themselves during his Absence, the Overseer or Overseers of the Parish where such Family shall reside, shall allow to such Family

Preamble, reciting Clauses in Act 31 *Geo.* II.

mily such Weekly Allowance for their Support, until the Return of such Militia Man, as shall be ordered by any One Justice of the Peace; such Allowance to be reimbursed out of the County Stock by the Treasurer of the County, and that such Treasurer shall be allowed the same in his Accounts: And whereas under the Authority of the said Act, sundry Payments have been made to such Families exceeding the Sums necessary for their Support: And whereas many Persons having large Families, have been accepted and inrolled as Substitutes, hired Men, or Volunteers in the Militia, and are now in actual Service; in Consequence whereof, larger Sums have been raised and paid for the Purpose aforesaid, than Necessity required: For Remedy whereof; 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 if any Militia Man who shall have been accepted and inrolled as a Substitute, or as a hired Man, or as a Volunteer, before the passing of this Act; or if any Militia Man who shall have been chosen by Lot, whether before or after the passing of this Act, shall, when embodied and called out into actual Service, and ordered to march, leave a Family unable to support themselves, the Overseer or Overseers of the Poor of the Parish, Tything, or Township, where the Family of such Militia Man shall dwell, shall, by Order of some One Justice of the Peace, out of the Rates for the Relief of the Poor of such Parish, Tything, or Township, pay to such Family a Weekly Allowance according to the usual and ordinary Price of Labour in Husbandry, within the County, Riding, Division, District, or Place, where such Family shall dwell, by the following Rule; that is to say, For One Child under the Age of Ten Years, the Price of One Day's Labour; for Two Children under the Age aforesaid, the Price of Two Days Labour; for Three or Four Children under the Age aforesaid, the Price of Three Days Labour; for Five or more Children under the Age aforesaid, the Price of Four Days Labour; and for the Wife of such Militia Man, the Price of One Day's Labour: And in every Parish, Tything, or Township, where the Money arising by such Rates shall not be sufficient for the Purpose aforesaid, a new Rate or Rates shall be made for raising a Sum sufficient for that Purpose; and every such Weekly Allowance shall be forthwith reimbursed to the Overseer or Overseers of such Parish, Tything, or Township, by the Treasurer of the

Overseers to pay out of the Poor Rates, by Order of some Justice, a Weekly Allowance to the distressed Families of Militia Men embodied and called out into actual Service, proportionate to the usual Price of Labour in Husbandry within the County, and the Number and Age of the Children;

and where the said Rates shall be insufficient, a new Rate is to be made; and the Overseers are to be reimbursed forthwith out of the County Stock.

County, Riding, or Place, where such Parish, Tything, or Township shall be situate, out of the publick Stock.

Provided always, That no Family of any Militia Man, who shall not have been chosen by Lot (except the Families of such Substitutes, hired Men, or Volunteers, who shall have been accepted and inrolled before the passing of this Act) shall, after the passing of this Act, be intitled to, or receive any such Weekly Allowance.

The Families only of such Men as shall be chosen by Lot, and of the Substitutes, hired Men, and Volunteers, already inrolled, are intitled to such Allowance.

And be it enacted, That the Treasurer of every County, Riding, and Division shall, and is hereby required to keep exact and distinct Accounts of all the Monies that shall have been so by him reimbursed to such Overseer or Overseers as aforesaid, in pursuance of the Directions of this Act; and shall, at the End of every Seven Calendar Months, return the said Accounts, together with the Accounts which he shall have received from the several Treasurers of the Cities, Towns, Liberties, or Places, to the Office of the Treasurer's Remembrancer of the Court of Exchequer.

Treasurer of the County to keep and return an Account of the Monies reimburſed by him, or other Treasurers, to the Overseers, into the Exchequer every 7 Months.

Provided always, and be it enacted, That in all Cities, Towns, Liberties, Divisions, and Places, which are not liable to contribute to County Rates by virtue of an Act made in the Twelfth Year of His Majesty's Reign, intituled, An Act for the more easy assessing, collecting, and levying of County Rates; the Justices of the Peace for every such City, Town, Liberty, Division, and Place, at any Sessions or Meeting, or the greater Part of them then and there assembled, may and shall appoint a Treasurer, and shall assess upon every Parish, Tything, Township, Hamlet, or Hill, within the Limits of their respective Jurisdictions, in such Proportions as the Rates heretofore made for the Relief of the Poor have been usually assessed, and shall cause to be paid out of the Money collected and levied for the Relief of the Poor of every such Parish, Tything, Township, Hamlet, or Hill, into the Hands of such Treasurer, such Sum or Sums of Money as they in their Discretion shall think sufficient for reimbursing to the Overseer or Overseers of the several Parishes, Tythings, Townships, Hamlets, or Hills, within the Limits of their respective Jurisdictions, the Amount of the Weekly Allowances paid by such Overseer or Overseers to the Families of the Militia Men residing within their respective Jurisdictions as aforesaid; and every such Treasurer shall forthwith reimburse the same to every such Overseer or Overseers accordingly: And such Treasurer is hereby required to keep exact and distinct Accounts of all the Monies that shall have been so paid into his Hands,

Where any City or Place shall not be liable by Act 12 *Geo.* II. to contribute to County Rates, the Justices may appoint a Treasurer, and assess each Parish, *&c.* proportionate to their usual Poors Rate, in a Sum sufficient to reimburse to the Overseers the Weekly Allowances paid by them.

The Treasurer to keep and transmit an Account of the Monies so received and paid by him, to the Treasurer of the County every 6 Months.

and so by him reimbursed to such Overseer or Overseers as aforesaid; and shall, at the End of every Six Calendar Months, transmit the said Accounts to the Treasurer of the County or Riding which such City, Town, Liberty, Division, and Place, is, by an Act made in the Thirtieth Year of the Reign of his present Majesty, intituled, An Act for the better Ordering of the Militia Forces in the several Counties of that Part of *Great Britain* called *England*, united with, and made Part of, for the Purposes of the said Act.

Treasurer of the City, &c. of *Lincoln*, to transmit his Accounts to the Treasurer of *Lindsey* Division.

Provided, That the Treasurer of the City of Lincoln, and County of the said City, shall transmit his Accounts to the Treasurer of the Division of Lindsey within the County of Lincoln.

Where Treasurers shall reimburse to Overseers any Money on account of the Weekly Allowance to the Families of Militia Men, serving in any County other than that wherein such Families dwell,

they are to transmit an Account thereof, signed by a Justice, to the Treasurer of the County wherein such Men serve,

and he is to reimburse them the same.

Provided always, and be it enacted, That the Treasurer of any County, Riding, City, Town, Liberty, Division, or Place, within the Part of Great Britain aforesaid, who shall, after the passing of this Act, reimburse to any Overseer or Overseers of the Poor of any Parish, Tything, Township, Hamlet, or Vill, any Sum or Sums of Money in pursuance of the Directions of this Act, on account of the Weekly Allowance to the Family of any Militia Man serving in the Militia of any County, Riding, City, Town, Liberty, Division, or Place, other than the County, Riding, City, Town, Liberty, Division, or Place, where such Family shall dwell, shall deliver or transmit an Account of such Money as he shall have so reimbursed, as aforesaid, signed by One or more Justice or Justices of the Peace for the County, Riding, City, Town, Liberty, Division, or Place, where such Family shall dwell, to the Treasurer of the County, Riding, City, Town, Liberty, Division, or Place, in the Militia whereof such Militia Man shall serve; and thereupon the Treasurer to whom such Account shall have been delivered or transmitted, as aforesaid, shall, and is hereby required, to pay to the Treasurer who shall have so delivered or transmitted such Account, the Sum or Sums so by him reimbursed to such Overseer or Overseers, and shall be allowed the same in his Accounts.

The Pay of all Regiments and Battalions, to which Commissions for Field Officers were not assigned before 1 *May*, 1760,

And, for avoiding all unnecessary Expences on account of the Pay of the Officers of the Militia when embodied and called out into actual Service, be it enacted; That the Pay of every Regiment or Battalion of Militia, to which the Commissions for Field Officers have not been issued and given, pursuant to the Directions of the several Acts of Parliament for the better Ordering the Militia Forces in the several Counties of that Part of Great Britain called England, before the First Day of May, One thousand

thousand seven hundred and sixty, and of every Independent Company of Militia now embodied and in actual Service, when it shall, after its Return Home, and Discharge from such actual Service, be again embodied and called out into actual Service, shall be issued and paid according to the following Establishment; that is to say, The Field Officers of a Regiment (which, when embodied and in actual Service, shall in no Case consist of more than Twelve Companies, nor less than Eight Companies, of Eighty Private Men at the most, and Sixty Private Men at the least) intitled to Pay, shall be One Colonel, One Lieutenant Colonel, and One Major; and where the Number of Private Men shall amount to Five Companies, or to any Number under Eight Companies, such Militia shall be formed into a Battalion, with One Lieutenant Colonel and One Major, and no other Field Officer intitled to Pay; and where the Number of Private Men shall amount to Three Companies, or to any Number under Five Companies, such Militia shall also be formed into a Battalion with One Lieutenant Colonel, and no other Field Officer intitled to Pay; and in each Regiment or Battalion of Militia, there shall be intitled to Pay a Number of Captains, Lieutenants, and Ensigns, equal to the Number of Companies in such Regiment or Battalion (Grenadier Companies excepted, wherein there shall be One Captain and Two Lieutenants intitled to Pay) and in every such Regiment or Battalion there shall be intitled to Pay One Adjutant, One Quarter-master, One Surgeon, One Serjeant-major, and One Drum-major, and a Number of Serjeants and Corporals, in the Proportion of One Serjeant and One Corporal to Twenty Private Men, and also Two Drummers to each Company: And in every County, Riding, and Place, and in every City and Town, being a County, within the Part of Great Britain aforesaid, and in the Isle of Wight, and in the Town of Berwick upon Tweed, where the Number of Private Militia Men shall not be sufficient to form a Regiment or a Battalion, according to the Intent and Meaning of this Act, the following Establishment shall take Place therein; and the Militia thereof, and the Officers of such Militia, shall, when embodied and in actual Service, be intitled to Pay accordingly; that is to say, The Militia of such Counties, Ridings, Places, Cities, and Towns, and of the said Isle of Wight, shall be formed into Independent Companies, each Company consisting of Eighty Private Men at the most, and Sixty Private Men at the least; and to every such Company there shall be intitled to Pay,

and of all Independent Companies now embodied and in actual Service, when the same shall return Home from such Service, and be again embodied and called out, to be according to the following Establishment, *viz.*

To every Regiment of 12 or 8 Companies,
1 Colonel,
1 Lieutenant Colonel, and
1 Major;

to every Battalion of 5 or more Companies, 1 Lieut. Colonel, and 1 Major;

and to every inferior Battalion,
1 *L.* Colonel;

with Captains, Lieutenants, and Ensigns, equal to the Number of Companies in each;

(except Grenadier Companies, wherein are to be 1 Captain and 2 Lieutenants)

Staff Officers:
1 Adjutant,
1 Quarter Master, and
1 Surgeon.
1 Serj. Major,
1 Drum Major,
with Serjeants, Corporals, and Drums.

To the Independent Companies of the Isle of *Wight*, and other Places,

One

1 Captain, 1 Lieutenant, 1 Ensign, with Serjeants and Corporals.

One Captain, One Lieutenant, and One Ensign, and a Number of Serjeants and Corporals equal to the Number herein before allowed to a Company of Militia: And

Independent Companies may be formed into Battalions, or incorporated with other Regiments, &c.

it shall be lawful for His Majesty, His Heirs, and Successors, to join together any Number of such Independent Companies, and therewith to form a Battalion or Battalions, or to incorporate them with any Regiment or Battalion, Regiments or Battalions, of Militia, but so as the Number of Companies in any such Regiment or Battalion do not exceed, or fall short of, the Number of Companies of which a Regiment or Battalion of Militia is herein before respectively allowed to consist.

Lieutenants of Counties may act as Colonels, where no Colonel shall be appointed;

And whereas Doubts have arisen, whether a Lieutenant of any County, Riding, or Place, can serve as a Colonel in the Militia for such County, Riding, or Place, be it therefore declared and enacted by the Authority aforesaid, That it shall be lawful for the Lieutenant of any County, Riding, or Place, to act as a Colonel of any Regiment or Battalion of Militia for such County, Riding, or Place, for and during such Time or Times as there shall not be any Colonel appointed for the Command of the same Regiment or Battalion; but no Lieutenant shall at any One Time act as a Colonel to more than One Regiment or Battalion.

but not to more than 1 Regiment or Battalion;

and is to receive Pay as Lieutenant Colonel only, when serving with any Battalion embodied and called out;

Provided always, and be it enacted, That where His Majesty's Lieutenant of any County, Riding, or Place, within the Part of Great Britain aforesaid, shall, under the Powers given by this Act, serve as Colonel to any Body of Militia by this Act deemed a Battalion, he shall not, when such Battalion shall be embodied and in actual Service, be intitled to or receive any other Pay than that of a Lieutenant Colonel; and that no other Person whatsoever shall serve, or be intitled to Pay, as a Lieutenant Colonel in such Battalion, during the Time that His Majesty's said Lieutenant shall serve therein as Colonel; any thing herein contained to the contrary notwithstanding.

and no other Person to serve, or be intitled to such Pay, during such Time.

So many Officers now embodied and in Service, as exceeds the Number upon the Establishment of Pay, may be exempted from Service, as shall desire it;

but they are not to be intitled to Pay;

And be it enacted, That where the Number of Officers in any Regiment, Battalion, or Independent Company of Militia, now embodied and in actual Service, exceeds the Number by this Act intitled to Pay under the Establishment aforesaid, such and so many of them of each respective Rank exceeding the Number so intitled to Pay, shall, within Two Months after the passing of this Act, be exempted from actual Service, as shall desire so to be; and no Officer so exempted shall be intitled to or receive any Pay as an Officer of the Militia.

And whereas it might conduce to the better Disciplining of the Militia, if the Adjutant of each Regiment or Battalion was allowed to be a Commissioned Officer in the Regiment or Battalion to which he belongs, be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful for His Majesty's Lieutenant of any County, Riding, or Place, to grant unto the Adjutant of each Regiment or Battalion a Commission of Lieutenant, or any inferior Commission therein, if he shall think fit, although such Adjutant shall not have the Qualification mentioned in this or any former Act; and such Adjutant shall be and is hereby freed and discharged from all Penalties and Forfeitures for taking and holding such Commission, or acting as a Commissioned Officer in such Regiment or Battalion, without having such Qualification; any thing herein, or any former Act or Acts, to the contrary notwithstanding.

Lieutenants or inferior Commissions may be granted to Adjutants, tho' they want a legal Qualification;

and they are indemnified for holding the same.

Provided always, and be it enacted, That if the Number of Private Militia Men within any such City or Town, as aforesaid, shall not be sufficient to form One Company according to the Establishment aforesaid, then, and in such Case, the Private Militia Men of such City or Town shall be and be deemed Part of, and shall serve in, some Company or Companies of the Militia of the County or Riding to which such City or Town is, by an Act made in the Thirtieth Year of His Majesty's Reign, intituled, An Act for the better Ordering of the Militia Forces, in the several Counties of that Part of *Great Britain* called *England*, united, for the Purposes therein mentioned; and the Deputy Lieutenants and Justices of the Peace of and for the County or Riding to which such City or Town is so united, as aforesaid, shall, in such Case, have full Power and Authority to act within such City or Town, with respect to such Matters only as shall relate to the Militia thereof, in the same Manner, and to all Intents and Purposes, as they are by Law impowered and required to act, with respect to the Militia of any other Part of such County, Riding, or Place; any thing herein, or in any other Act, contained to the contrary notwithstanding.

Where the Men of any City or Town shall not be sufficient to form a Company,

they are to be deemed Part of, and to serve in, some Company of the County, &c. to which such City or Town is, by Act 30 *Geo.* II. united;

and the Dep. Lieutenants and Justices may act therein, as they may do in any County, with respect to the Militia thereof.

And whereas some Doubt hath arisen, whether certain Provisions contained in an Act made in this present Session of Parliament, intituled, An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, do at any Time, or in any Case, extend to the Officers of the Militia and Private Militia Men; it is hereby declared and enacted, That from the Time

All the Provisions in the Mutiny Act

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are to extend equally to the Militia while drawn out and embodied, as to the King's Regular Forces;

Time that any Regiment, Battalion, or Independent Company of Militia shall be drawn out and embodied, until they shall be returned again, by Order of their Commanding Officers, to their respective Parishes or Places of Abode, all the Provisions contained in the said Act relating to Officers and Soldiers mustered, listed, or in Pay in His Majesty's Service, do and shall equally extend to, and take Place, in respect of the Officers and Private Militia Men of every such Regiment, Battalion, or Independent Company of Militia respectively, excepting only as to such Particulars as are or shall be otherwise specially provided for by any Act or Acts of Parliament for regulating the Militia Forces within the Part of Great Britain aforesaid.

excepting wherein it is otherwise specially provided for by any of the Militia Acts.

The Clause in the Act 32 *Geo.* II. enacting, that One Half of the Qualification of Dep. Lieutenants and Officers for the Isle of *Ely*, shall lie within the said Isle, is repealed;

And whereas by a Clause in an Act made in the last Session of Parliament, intituled, An Act for enforcing the Execution of the Laws relating to the Militia; and for removing certain Difficulties, and preventing Inconveniencies attending, or which may attend, the same; it is enacted, That One Half of the Estates thereby respectively required for the Qualification of the Deputy Lieutenants, and of the Captains, Lieutenants, and Ensigns, of the Militia in the Isle of Ely, in the County of Cambridge, shall be situate or arising within the said Isle, from which Provision some Inconvenience has been found to arise; for Remedy whereof, be it enacted by the Authority aforesaid, That so much of the said Clause as requires that One Half of such Estates shall be situate or arising within the said Isle of Ely, be, and the same is hereby repealed; and that One Half of the Estates by the said recited Act respectively required for the Qualification of the Deputy Lieutenants, and of the Captains, Lieutenants, and Ensigns of the Militia, in the said Isle of Ely, shall be situate or arising within the said Isle, or some other Part of the County of Cambridge: And in case any Person shall act as a Deputy Lieutenant, or as a Captain, Lieutenant, or Ensign of the Militia, in the said Isle, who shall not be respectively qualified in such Manner as by the said recited Clause (so far as the same is not hereby altered) and by this Act is required, every such Person shall be subject and liable to the same Penalties and Forfeitures as any Person is subject and liable to for acting as a Deputy Lieutenant or Officer of the Militia, within any other County or Place in England, without being qualified according to the Acts of Parliament now in Force relating thereto.

and the same may lie either in *Ely* or *Cambridgeshire*;

but the Penalty of acting not being qualified, is the same as within any other County.

FINIS.