Anno tricesimo tertio

Georgii II. Regis.

An Act for applying the Money granted in this Session of Parliament, towards defraying the Charge of Pay and Cloathing of the unembodied Militia, for One Year, ending the Twenty fifth Day of *March*, One thousand seven hundred and sixty one; and for explaining certain Parts of the Acts for the better Ordering of the Militia Forces within that Part of *Great Britain* called *England*, relating to the Money to be given to Private Militia Men, upon their being ordered out into actual Service; and to the Cloaths of Private Militia Men; and to the Time of the Commencement of the Pay of the embodied Militia.



WHEREAS the Sum of Eighty thousand Pounds has been granted to His Majesty, upon Account, towards defraying the Charge of Pay and Cloathing for the unembodied Militia, from the Twenty fifth Day of March, One thousand seven hundred and sixty, to the Twenty fifth Day of March, One thousand seven hundred and sixty one: In order therefore that the Charge of Pay and Cloathing for such Militia may be duly and properly defrayed and satisfied, Preamble.

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 that His Majesty's Lieutenant, or, in his Absence, any Three Deputy Lieutenants of any County, Riding, or Place, within that Part of Great Britain called England, where Pay has not yet been issued for the Militia according to Law, shall have certified to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, that Three Fifths of the Number of Private Men of any Regiment, Battalion, or Independent Company of the Militia, of such County, Riding, or Place, have been chosen and inrolled, and that the like Proportion of the Number of the Commission Officers of such Regiment, Battalion, or Independent Company, have been appointed, and have taken out their Commissions and entered their Qualifications as is by Law required, His Majesty's said Lieutenant, or, in His Absence, the said Three Deputy Lieutenants, shall also certify the same to the Receiver or Receivers General of the Land Tax for such County, Riding, or Place; and when any Regiment, Battalion, or Independent Company of the Militia, of any County, Riding, or Place, within the Part of Great Britain aforesaid, that shall have been embodied and called out into actual Service, shall be disembodied and returned home by Order of their Commanding Officers, and thereby be no longer intitled to the same Pay as the Officers and Private Men in His Majesty's other Regiments of Foot receive, His Majesty's Lieutenant of the County, Riding, or Place, to which such Regiment, Battalion, or Independent Company shall belong, or, in his Absence, any Three Deputy Lieutenants, shall certify to the Receiver or Receivers General of the Land Tax for such County, Riding, or Place, that such Regiment, Battalion, or Independent Company, is disembodied and returned home as aforesaid; upon Receipt of which Certificate, such Receiver or Receivers General of the Land Tax shall issue and pay the whole Sums required for the several Uses herein after mentioned; that is to say, For the Pay of the said Militia, for Four Calendar Months in Advance from the Date of such Certificate, at the Rate of Six Shillings a Day for each Adjutant, where an Adjutant is by this Act allowed; and at the Rate of One Shilling a Day for each Serjeant, with the Addition of Two Shillings and Six Pence a Week for each Serjeant-major, where a Serjeant-major is by this Act allowed;

Where Pay has not yet been issued, the Lieutenant, or Deputy Lieutenant of the County, after having certified to the Treasury the actual Inrollment of the Proportion of Men and Officers required to be inrolled, before Pay, Arms, or Cloathing, are issuable,

are to certify the same also to the Receiver General of the Land Tax;

and also the Return of any of the Troops that have been embodied and called out, which shall be disembodied and returned Home.

Receivers General are to make Issues of 4 Months Pay in Advance, from the Date of such Certificates, according to the Establishment of Pay here set down.

and at the Rate of Six Pence a Day for each Drummer, with the Addition of Six Pence a Day for each Drum-major, where a Drum-major is by this Act allowed; and also at the Rate of One Shilling for each Private Militia Man, with the Addition of Six Pence to each Corporal, for every Day in which such Private Militia Man, or Corporal, shall be respectively employed in the Militia; and also at the Rate of Two Shillings for each Private Militia Man, with the Addition of One Shilling to each Corporal, for his March on the Monday and Saturday in Whitsun Week, to and from the Place of General Exercise; and also at the Rate of Five Pence a Month for each Private Man, and Drummer, for defraying the contingent Expences of each Regiment, Battalion, or Independent Company of Militia; and also for Half a Year's Salary for the Clerk of each Regiment of Militia, or of the Battalion of Militia belonging to such County, Riding, or Place, at the Rate of Fifty Pounds a Year; and also for the respective Allowances to the Clerk of the General Meetings, and Clerks of the several Subdivision Meetings, at the Rates following; that is to say, To the Clerk of the General Meetings, at the Rate of Five Pounds Five Shillings for each Meeting; and to the several Clerks of the Subdivision Meetings, at the Rate of One Pound One Shilling for each Meeting; and also for the Cloathing of the Militia for such County, Riding, or Place, where the Militia hath not already been cloathed, at the Rate of One Pound Ten Shillings for each Private Man, and at the Rate of Two Pounds for each Drummer, and at the Rate of Three Pounds Ten Shillings for each Serjeant.

with Half a Year's Salary to the Regimental and Battalion Clerks,

and the Allowances to

the Clerk of the General Meetings;

and Clerks of the Subdivision Meetings;

and also Pay for Cloathing.

Provided always, and be it enacted, That in every such County, Riding, or Place, within the Part of Great Britain aforesaid, for which His Majesty's Lieutenant, or, in his Absence, any Three Deputy Lieutenants, shall have certified to the Purpose aforesaid, and received the Cloathing for the Militia thereof, which shall not have been embodied and called out into actual Service; and in every County, Riding, and Place, within the Part of Great Britain aforesaid, where the Militia shall, after having been embodied and called out into actual Service, be disembodied, and be returned Home by Order of their Commanding Officers, and thereby be no longer intitled to the same Pay as the Officers and Private Men in His Majesty's other Regiments of Foot receive, and such Return shall have been certified as aforesaid; the Receiver or Receivers General of the Land Tax for every such respective County, Riding, or Place, shall make the Issues or Pay-

Where Certificates, as aforesaid, have been received,

the Receivers General are to make the usual Issues, without any new Certificate for that Purpose.

Payments aforesaid, without any new or other Certificate made for that Purpose.

The Money to be paid to the Clerk of the Regiment or Battalion;

And be it enacted, That all such Sums of Money aforesaid (except such as shall be due to the several Clerks of the Meetings aforesaid) shall be paid by the said Receiver or Receivers General of the Land Tax, into the Hands of the Clerk or Clerks of the Regiment or Regiments, or of the Battalion of Militia belonging to such County, Riding, or Place, upon his or their producing his or their Warrant or Warrants of Appointment to such Office, under the Hand and Seal of His Majesty's Lieutenant for such respective County, Riding, or Place;

and for Independent Companies, to the respective Captains, or to their Order.

and where the Militia shall be formed into an Independent Company or Independent Companies, such Sums as aforesaid shall be paid by the said Receiver or Receivers General of the Land Tax into the Hands of the respective Captain of each Independent Company of Militia, or to such Person as such respective Captain shall authorize to receive the same, according to the Number of Persons hereby intitled to receive Pay, of which such Regiment or Regiments, Battalion or Battalions, Independent Company or Independent Companies, shall have been appointed to consist: And such Receiver or Receivers General of the Land Tax shall also, within Fourteen Days after the Expiration of the Third Calendar Month from the Time of the said First Payment, make a Second Payment for Four Calendar Months in Advance; and shall also, within Fourteen Days after the Expiration of the Third Calendar Month from the Time of the said Second Payment, make a Third Payment for Four Calendar Months in Advance, for the Pay and contingent Expences of the Militia, and for the Allowances to the Regimental or Battalion Clerk or Clerks aforesaid, in the Proportions herein before mentioned: And the Receipts of such Clerk or Clerks, and of such Captain of an Independent Company, or Captains of Independent Companies, or of such Person or Persons as such Captain or Captains shall so authorize to receive such Money as aforesaid, shall be a sufficient Discharge to such Receiver or Receivers General of the Land Tax for the several Sums of Money so by him or them paid.

A Second Payment to be also made within 3 Months after the First;

and a Third, within Three Months after the Second.

Receipts of the Persons to whom the Money shall be paid, discharge the Receivers General.

The Clerks are to pay 1 Month in Advance to the Adjutant, and 14 Days to the Serjeant-major and Drum-major;

And be it enacted, That the Clerk of each Regiment or Battalion of Militia shall forthwith, after the Receipt of such Sums of Money as aforesaid, pay, or cause to be paid, One Calendar Month's Pay in Advance to the Adjutant, and Fourteen Days Pay in Advance to the Serjeant-major and Drum-major of such Regiment or Battalion respectively; and to the Captain or Commanding

ing Officer of each Company belonging to such Regiment or Battalion, Two Months Pay in Advance for his respective Company, and for the contingent Expences thereof; and so from time to time so long as any Money on that Account shall remain in his Hands: Which Pay every such Captain or Commanding Officer is hereby required to distribute to each Person belonging to his Company by this Act intitled to receive the same, as it shall become due; and shall Once in every Year give in to the Clerk of the Regiment or Battalion to which such Company shall belong, an Account of several Payments he shall have made in pursuance of this Act, and shall pay back to the said Clerk the Surplus, if any, of the Money by him from time to time received, and then remaining in his Hands, except the Money by this Act allowed for contingent Expences, for the Disposition whereof Provision is herein after made: And the said Money allowed for the contingent Expences of each Regiment or Battalion of Militia, shall, Once in every Year, be accounted for by the Captain of each Company respectively in Manner aforesaid, and the Balance thereof shall be by him paid into the Hands of the Clerk of the Regiment or Battalion to which such Company shall belong, to be applied to the general Use of the said Regiment or Battalion, as the Field Officers and Captains thereof, or the greater Part of them, shall, at a General Meeting, direct: And the Captain of each Independent Company is hereby required to distribute to each Person belonging to his Company intitled thereto, such Money as he shall receive by virtue of this Act; and the said Money allowed for the contingent Expences of each Independent Company of Militia, shall be respectively applied to the particular Use of such Independent Company by the Captain thereof.

and 2 Months Pay in Advance to the Captains, for their respective Companies;

who are to distribute the same as it becomes due;

and account for the same yearly to the Clerk, and pay back the Surplus Monies;

and also the Balance of the Money allowed for contingent Expences;

which is to be applied to the general Use of the Regiment.

Captains of Independent Companies to distribute the Pay to their Men, and apply the Money allowed for contingent Expences.

And be it enacted, That the said Regimental or Battalion Clerk may and shall retain to his own Use, out of the Money so by him received, such further Sums as shall complete the Allowance herein before made for his Salary; and such Regimental or Battalion Clerk shall pay to such Person or Persons as shall produce an Order from his Majesty's Lieutenant, or from the Commanding Officer of such Regiment or Battalion, and such Captain of an Independent Company, or such Person as shall be by him appointed for that Purpose, shall pay and discharge such Sums of Money as shall be due and owing for or on Account of the Cloathing of the said Militia, not exceeding the Rates herein before mentioned.

Clerk to retain in his Hands Money for his own Salary;

and discharge the Cloathing Bills.

Pro-

During the Time the Troops are embodied, and called out into actual Service,

Provided always, and be it enacted, That where any Regiment, Battalion, or Independent Company of Militia, is or shall be embodied and called out into actual Service, and thereby the Officers and Private Militia Men are or shall be intitled to the same Pay as the Officers and Private Men in His Majesty's other Regiments of Foot receive, all Pay from the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to which such Regiment, Battalion, or Independent Company of Militia, shall belong, whether to the Adjutant, Serjeants, Private Militia Men, or others; and all Money allowed as aforesaid for the contingent Expences of such Regiment, Battalion, or Independent Company of Militia; and also the Allowance to the Clerk of such Regiment, or Battalion, shall, during such Time of actual Service, cease, and not be paid.

all Pay from the Receivers General is to cease.

The Clerk of the General Meetings is to be paid his Allowance, upon producing an Order from the Lieutenant, &c.

And be it enacted, That the said Receiver or Receivers General of the Land Tax shall pay to the Clerk of the General Meetings his Allowance, at the Rate of Five Pounds Five Shillings for each Meeting, upon his producing an Order or Orders for that Purpose from His Majesty's Lieutenant, or from Three Deputy Lieutenants assembled at some General Meeting or Meetings; and shall also pay to each and every the Clerks of the Subdivision Meetings their several Allowances, at the Rate of One Pound One Shilling for each Meeting, upon his or their producing an Order or Orders from One or more Deputy Lieutenant or Deputy Lieutenants assembled in the several Subdivision Meetings; which said Order or Orders shall be to the said Receiver or Receivers General of the Land Tax a sufficient Discharge for the Payment of such Allowances, and be allowed in his or their Account.

and the Clerks of the Subdivision Meetings, upon producing a like Order from the Deputy Lieutenants.

Orders to discharge the Receivers General.

Regimental and Battalion Clerks to give Security for paying and accounting for the Monies received by them;

Provided always, and be it enacted, That the Clerk of each Regiment or Battalion of Militia shall give Security to His Majesty's Lieutenant of the County, Riding, or Place, to which such Regiment or Battalion shall belong, by a Bond to His Majesty in the Penalty of One Half of the Sum required for the whole Year's Charge of the Regiment or Battalion of Militia to which such Clerk shall belong, for duly answering and paying such Sums as he shall, from time to time, have received, and for duly accounting for the same, and for Performance of the Trust hereby in him reposed; which said Bond shall be lodged in the Hands of the Receiver or Receivers General of the Land Tax for the respective County, Riding, or Place, who, in case the said Regimental or Battalion Clerk shall not duly perform the Conditions comprized in the said

the Bonds to be lodged with the Receivers General, and put in Suit by them, &c. on Nonperformance of the Conditions;

Bond, shall, and is hereby required forthwith to put the said Bond in Suit in the Name of His Majesty, His Heirs, and Successors; the Full Costs and Charges of which Suit shall be paid by the said Regimental or Battalion Clerk, to the said Receiver or Receivers General of the Land Tax, who shall likewise be intitled to and receive to his or their own Use, at the Rate of Five Pounds per Centum out of all such Monies as shall be by him or them recovered thereon, and shall account for the Residue thereof with the proper Auditor of His Majesty's Revenue, the said Receiver or Receivers General of the Land Tax charging himself or themselves therewith upon the next Account of the Land Tax to be by him or them passed.

and they are intitled thereupon to Full Costs and Charges,

and 5 *l. per Cent.* of the Money recovered;

the Residue to be accounted for to the Auditor.

And be it enacted, That the Clerk of every Regiment or Battalion of Militia, and the Captain of every Independent Company of Militia, in every County, Riding, and Place, within the Part of Great Britain aforesaid, shall, between the Twenty fifth Day of March, and the Twenty fifth Day of June, in the Year One thousand seven hundred and sixty one, deliver to the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to which such Regiment, Battalion, or Independent Company shall belong, a fair Account in Writing of all Monies by him received and disbursed for the Service of the preceding Year in pursuance of this Act, with proper Vouchers for the same; and shall pay back to the said Receiver or Receivers General of the Land Tax any Surplus of such Monies that shall be then in his Hands; which said Accounts, signed by such Regimental or Battalion Clerk, or by such Captain of an Independent Company respectively, shall be transmitted by the said Receiver or Receivers General of the Land Tax into the Office of the proper Auditor of His Majesty's Revenue.

The Regimental and Battalion Clerks, and Captains of Independent Companies, are to deliver in Accounts of their Receipts and Disbursements,

and pay over the Balance to the Receivers General;

who are to transmit the Accounts into the Auditor's Office.

And be it enacted, That in case His Majesty's Lieutenant of any County, Riding, or Place, within the Part of Great Britain aforesaid, shall neglect to take such Security as aforesaid, from the Clerk or Clerks of his or their respective Regiment or Regiments, Battalion or Battalions, of Militia, or to deposit the same in the Hands of the Receiver or Receivers General of the Land Tax, for the same County, Riding, or Place, such His Majesty's Lieutenant shall be answerable to such Receiver or Receivers General of the Land Tax for any Loss of public Monies sustained by the Default of such Clerk or Clerks.

Lieutenants neglecting to take proper Security of the Clerks, or to deposit the Bonds with the Receivers General,

are answerable for any Loss of Monies sustained by their Default.

Provided always, and be it enacted, That all Penalties, all Costs and Charges of Suit, and all Sums of Money for which any Person or Persons is or are by this Act made answerable, may and shall be recovered in any

Recovery of Penalties, &c.

of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Wager of Law, or Protection, nor more than One Imparlance, shall be allowed.

And, to obviate and prevent all Doubts that have arisen, or may arise, concerning the Claim of Militia Men in actual Service, to the Guinea allowed, by the said Act passed in the Thirty first Year of His Majesty's Reign, to every Private Militia Man ordered out into actual Service, and by the said Act directed to be paid to every such Private Militia Man, by their respective Captains, on or before the Day appointed for their marching; be it enacted and declared, That every Private Militia Man, who has, or shall have been ordered out into actual Service, whether at the Time when the Regiment, Battalion, or Independent Company to which such Private Militia Man belongs, has belonged, or shall belong, was or shall be first embodied and ordered out into actual Service, or afterwards, and who shall not have received the Guinea so allowed as aforesaid, shall, in Consideration of his having been so called out into actual Service, be, and be deemed to be, intitled to, and shall receive, One Guinea from the Captain of the Company to which such Private Militia Man respectively doth, did, or shall belong, or have belonged; which Captain shall receive from the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to the Militia whereof such Company doth, did, or shall respectively belong, so many Guineas as now are, or shall be so due, and the Amount thereof shall be allowed to such Receiver or Receivers General of the Land Tax, in his or their Accounts.

Every Militia Man called out into actual Service, is to receive the Guinea allowed by Act 31 *Geo.* II.

and the Receivers General are to pay to the Captains the Money that is or shall be due on that Account.

Provided always, and be it enacted, That no Fee or Gratuity whatsoever, shall be given or paid, for or upon Account of any Warrant or Sum of Money, which shall be issued in relation to, or in pursuance of, this Act.

No Fee to be paid for issuing Warrants for Money.

Provided always, and be it enacted, That no Private Militia Man who shall not have been trained and exercised before the passing of this Act, shall be intitled to his Cloaths for his own Use, until he shall have served for the Space of Three Years, if unembodied; or for the Space of One Year, if embodied and in actual Service, after Delivery of the said Cloaths.

No Militia Man untrained before passing this Act, is intitled to his Cloaths until he has served 3 Years, if unembodied; or One Year if in actual Service.

And whereas Doubts have arisen upon an Act made in the Thirtieth Year of His present Majesty's Reign, intituled, An Act for the better Ordering the Militia Forces in the several Counties of that Part of *Great Britain* called *England*, with regard to the Time when the Pay of the Officers of the Militia and Private Militia Men which

Act 30 *Geo.* II.

have been, or shall be, ordered out into actual Service, ought to commence; it is hereby further declared and enacted, That the Officers of the Militia and Private Militia Men are and shall be intitled to Pay, from the Day of the Date of His Majesty's Warrant for drawing out and embodying the said Militia; any thing herein, or in any other Act, contained to the contrary notwithstanding.

Officers and Men are intitled to Pay, from the Date of the Warrant for their being drawn out and embodied.

FINIS.