ANNO TRICESIMO SEPTIMO

# Georgii III. Regis.

## CAP. CXVI.

### An Act for making Allowances in certain Cases to Subaltern Officers of the Militia in Time of Peace. [19th *July* 1797.]

Preamble.

WHEREAS it is expedient to make some Addition to the Pay of certain Subaltern Officers of the Militia Forces of this Kingdom, who have served during the present War, after the disembodying of the said Forces, and during Peace, under certain Regulations; 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, from and after the disembodying of the Militia Forces of this Kingdom, certain Annual Allowances, over and above the Pay to which during Peace they are now by Law entitled, shall for the future be allowed and paid to Subaltern Officers of the Militia, of the Descriptions, to the Amount, under the Restrictions, and in the Manner herein-after expressed; (that is to say), to every Subaltern Officer of the Militia, who having, at any Time previous to the Expiration of Four Months from the passing of an Act of the last Session of Parliament, intituled, *An Act for making Allowances in certain Cases to Subaltern Officers of the Militia in Time of Peace*, been appointed to a Commission in the Militia, is now serving, and shall continue faithfully to serve, in the same Corps, until the disembodying thereof, the following Annual Allowances, over and above the Pay to which they may be by Law entitled during Peace, shall be allowed and paid without any Deductions of any Kind, or for any Purpose whatsoever; (that is to say), to

From disembodying the Militia, the Subalterns to have certain Annual Allowances over the Pay they may be entitled to during Peace.

a Lieutenant Twenty-five Pounds *per Annum*, and to an Enſign Twenty Pounds *per Annum*, in the Manner herein-after mentioned.

Exceptions.

II. Provided always, and be it further enacted, That no Perſon who is or ſhall at any Time hereafter become poſſeſſed of ſuch an Eſtate or Income, as would by Law qualify him to hold a Captain's Commiſſion in the Militia, or who is or ſhall at any Time hereafter be appointed Adjutant or Battalion Clerk in any Regiment or Corps of Militia, nor any Perſon deriving in any Way whatſoever, otherwiſe than as a Subaltern Officer of the Militia, any Income, Stipend, or Allowance whatever from the Publick, nor any Officer on the Full or Half Pay of the Navy, Army, or Marines, who ſhall alſo hold a Subaltern's Commiſſion, and ſerve as aforeſaid in the Militia, ſhall have or be in anywiſe entitled to the ſaid Annual Allowances, or any Part or Share thereof; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Subalterns to take the following

III. And be it further enacted, That the Subaltern Officers of the Militia, who ſhall claim under the Authority of this Act to receive either of the ſaid Annual Allowances, ſhall, previous to receiving the ſame, and in order to entitle themſelves thereto, annually take and ſubſcribe an Oath before ſome One of His Majeſty's Juſtices of the Peace for the County, Riding, or Place, to which the Regiment or Corps in which they ſerve ſhall belong, in the Words or to the Effect following; (*videlicet*),

Oath.

'I *A. B.* do ſwear, That I am now ſerving as a Subaltern Officer in the Regiment [*or* Corps] of Militia, and that I am not in my own Right, or in Right of my Wife, nor have been ſince the diſembodying of the ſaid Regiment [*or* Corps], in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of ſuch an Annual Value above Reprizes, as would qualify me to hold a Captain's Commiſſion in the Militia; that I am not, nor have been, ſince the diſembodying of the ſaid Regiment [*or* Corps], an Adjutant or Battalion Clerk in any Regiment [*or* Corps] of Militia; that I do not hold or enjoy, nor have I held or enjoyed, nor does or has any Perſon for me hold or enjoy, or held or enjoyed, ſince the diſembodying of the ſaid Regiment [*or* Corps], any Office or Income whatſoever from the Publick; and that I am not entitled either to the Full or Half Pay of the Navy, Army, or Marines, nor have been ſince the diſembodying of the ſaid Regiment [*or* Corps].

'So help me GOD.'

Juſtices to tranſmit Oaths to the Receiver General of the Land Tax for the County.

Which Oath, ſo taken and ſubſcribed, ſhall be by the ſaid Juſtice forthwith certified and tranſmitted, and he is hereby required to certify and tranſmit the ſame to the Receiver General of the Land Tax of the County, Riding, or Place, to which the Regiment or Corps of Militia in which ſuch Subaltern Officer ſhall be then ſerving ſhall belong, to be by him filed and preſerved for the Purpoſes herein-after mentioned.

Subalterns to attend the Annual Exerciſe, on Pain

IV. And be it further enacted, That every Subaltern Officer of the Militia who ſhall be entitled, or claim to be entitled to the Benefits of this Act, ſhall regularly attend the Annual Exerciſe and Training of the

Regiment or Corps to which he belongs, during the Whole of the Twenty-eight Days by Law required for that Purpose, and shall, during the said Time, punctually do and perform His Duty as a Subaltern Officer of such Regiment or Corps, on Pain of forfeiting the said Annual Allowance, as well as the rest of his Pay, and every Part thereof which may be due for the current Year, in which he shall neglect or refuse to attend; and Certificates of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment or Corps to which he may belong, shall be transmitted by the said Commanding Officer to the Lieutenant and Receiver General of the Land Tax of the County, Riding, or Place, to which the said Regiment or Corps of Militia in which such Subaltern Officer shall be then serving shall belong, to be by the said Receiver General received previous to any such Subaltern Officer being entitled to demand or receive the said Annual Allowance, or any Part thereof; and in case any such Subaltern Officer, claiming to be entitled to such Annual Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Annual Exercise, (in which Case it shall be lawful for such Commanding Officer to grant such Leave of Absence, and for such Subaltern Officer who may be so permitted to be absent, to demand and receive the said Annual Allowance, and every Part thereof, in like Manner as if he had attended during the Whole of the said Annual Exercise), the Reasons for such Absence, as well as the Duration thereof, shall be carefully and truly specified in the Certificates before mentioned, signed by the Commanding Officer, to be transmitted as soon as conveniently may be to the Lieutenant of the County, Riding, or Place, to which the Regiment or Corps shall belong, to the Receiver General of the Land Tax for the same County, Riding, or Place, and to His Majesty's Principal Secretary of State for the Home Department.

of forfeiting the Allowance and their Pay.

Certificate of such Attendance to be transmitted by the Commanding Officer to the Lieutenant and Receiver General of the Land-Tax for the County.

In case of Leave of Absence, the Reason for granting it to be inserted in the Certificate, which must also be sent to the Secretary of State.

V. Provided always, and be it further enacted, That in case any Regiment or Corps of the Militia, after the disembodying thereof, at any Time, shall not be called out for the Annual Exercise and Training thereof, every Subaltern Officer belonging to any such Regiment or Corps, and coming within the Descriptions of this Act, who shall have taken and subscribed the Oath herein-before mentioned, before any such Justice of the Peace as aforesaid, shall be entitled to the said Annual Allowance, as if such Subaltern Officer had regularly attended the Annual Exercise and Training of such Regiment or Corps during the Whole of the Twenty-eight Days by Law required for that Purpose, and a Certificate of such Attendance, signed by the Commanding Officer of the said Regiment or Corps, had been transmitted to the Lieutenant and Receiver General of the Land Tax for the County, Riding, or Place, to which such Regiment or Corps belong, according to the Directions of this Act; any Thing contained in this Act to the contrary hereof notwithstanding.

If Militia be not called out to Annual Exercise, the Subalterns still to be entitled to the Allowance.

VI. And be it further enacted, That, upon such Certificates as aforesaid of such Justice of the Peace and Commanding Officer as aforesaid, or (where any Regiment or Corps of Militia shall not have been called out to their Annual Exercise, as aforesaid), upon a Certificate of any such Justice of the Peace only being produced to or received by the

Allowances to be paid without Deduction.

 respective

reſpective Receivers General of the Land Tax, it ſhall and may be lawful for ſuch Receivers General, and they are hereby authorized and required to pay to the ſaid Subaltern Officers, according to their reſpective Commiſſions of Lieutenant or Enſign, the Annual Allowance above mentioned, in Addition to their Pay, without any Deduction whatſoever, out of any Publick Monies in their Hands, and to charge the ſame in their reſpective Annual Accounts of Money diſburſed for the Uſe of the Publick; the Certificates before mentioned to be by them preſerved and produced among the Vouchers for the Payments from Time to Time made by them in purſuance of this Act.

Subalterns not attending when called upon to forfeit their Claims.

VII. And be it further enacted, That the Subaltern Officers of the Militia, entitled or claiming to be entitled, to the Benefits of this Act, ſhall at all Times be liable to ſerve in the reſpective Regiments or Corps to which they belong, whenever the ſame ſhall be embodied, and called out upon actual Service; and in caſe of Neglect or Refuſal to attend when called upon, or in caſe any ſuch Subaltern Officer ſhall a Second Time neglect or refuſe to attend, and perform his Duty at the Annual Exerciſe as before directed, each and every ſuch Subaltern Officer ſhall forfeit his and their Claim to the ſaid Annual Allowance, and every Part thereof, in all Time to come, and ſhall alſo be conſidered as having reſigned and vacated his and their Commiſſion and Commiſſions to all Intents and Purpoſes whatſoever.

Allowances to be paid by Receivers General on Production of Certificates.

Subalterns may receive Pay for attending Annual Exercife;

but not entitled to the Allowance while the Militia is embodied.

Allowance to extend only to a certain Number.

VIII. And be it further enacted, That the ſaid ſeveral Annual Allowances ſhall be paid to the Perſons reſpectively entitled thereto, by the Receivers General of the Land Tax, upon the Production of the beforementioned ſeveral Certificates, as ſoon after the Times of the Annual Exerciſe and Training as may be convenient and practicable: Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent any Subaltern Officer entitled to the Benefit of it, from receiving the Pay allowed by Law for his Attendance at ſuch Annual Exerciſe as before mentioned, over and above the ſaid Annual Allowance: Provided alſo, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to entitle any Subaltern Officer as aforeſaid, to the ſaid Annual Allowance, or any Part thereof, during the Time the Regiment or Corps to which he belongs ſhall be embodied or called out on actual Service: Provided alſo, that this Act, and the Benefits and Allowances therein contained, ſhall not extend, or be conſtrued to extend, to more than Ten Lieutenants in any Regiment conſiſting of more than Ten Companies; to more than Nine Lieutenants in any Regiment conſiſting of more than Eight and leſs than Eleven Companies; to more than Eight Lieutenants in any Regiment conſiſting of more than Six and leſs than Nine Companies; to more than Five Lieutenants in any Regiment, Battalion, or Corps, conſiſting of Six or of a leſs Number of Companies.

Senior Lieutenants to have the Preference, and the Junior to ſucceed on Vacancies.

IX. And be it further enacted, That in caſe in any Regiment, Battalion, or Corps of the Militia, at the Time of diſembodying thereof, there ſhall happen to be a greater Number of Lieutenants, coming within the Deſcriptions of this Act, than can be entitled to claim the Benefits thereof, within the true Intent and Meaning of the foregoing Proviſo, the Senior Lieutenants of ſuch Number ſhall always be preferred, and ſhall

ſhall be alone entitled to demand and receive the above-mentioned Allowances, and that the Junior Lieutenants ſhall ſucceed to ſuch Allowances in Rotation as Vacancies may happen among the ſaid Senior Lieutenants from Time to Time.

26 *Geo.* III, Cap. 107, recited.

X. And whereas by an Act of Parliament, paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending, and reducing into One Act of Parliament, the Laws relating to the Militia in that Part of* Great Britain *called* England, it is enacted, that the Lieutenant of any County, Riding, or Place, together with any Three or more Deputy Lieutenants, and on the Death or Removal, or in the Abſence of any ſuch Lieutenant, any Five or more Deputy Lieutenants, may at the End of every Five Years, at their Annual Meetings to be holden as in the ſaid Act mentioned, in caſe the Militia of ſuch County, Riding, or Place, ſhall not be then embodied, diſcharge a certain Number of Officers for the Purpoſes and in the Manner in the ſaid Act mentioned: And whereas it is not expedient that the Powers ſo given by the ſaid recited Act ſhould extend to Subaltern Officers coming within the Deſcription and entitled to the Benefits of this Act: Be it therefore enacted and declared, That nothing in the ſaid recited Act contained ſhall extend, or be conſtrued to extend, to empower the Lieutenant, or Deputy Lieutenants, of any County, Riding, or Place, to diſcharge any ſuch Subaltern Officers as are or may be entitled to the Benefits of this Act, according to the true Intent and Meaning thereof, or any of them.

Powers of recited Act for diſcharging Officers at the End of every Five Years, not to extend to Subalterns entitled to Allowances.

Continuance of this Act.

XI. And be it further enacted, That this Act ſhall continue in Force until the Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-eight, and no longer.

FINIS.