ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

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C A P. XLIV.

An Act for granting, until the Twenty-fifth Day of *March* One thouſand eight hundred and one, certain Allowances to Adjutants, Serjeant Majors, and Serjeants of Militia, diſembodied under an Act of this Seſſion of Parliament, intituled, *An Act for enabling His Majeſty to accept the Services of an additional Number of Volunteers from the Militia, under certain Reſtrictions.*

[30th *May* 1800.]

WHEREAS in purſuance of an Act, made in this preſent Seſſion of Parliament, intituled, *An Act for enabling His Majeſty to accept the Services of an additional Number of Volunteers from the Militia, under certain Reſtrictions*, certain of the Adjutants and Serjeant Majors of the ſaid Militia have been and may be reduced, and certain of the Serjeants have been and may be diſembodied: And whereas

Preamble.

39 Geo. III, Seſ. 1. Cap. 1.

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whereas it is expedient that ſome Proviſion ſhould be made for the ſaid Adjutants, Serjeant Majors, and Serjeants, during the Time, and under the Reſtrictions herein-after preſcribed: 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 in every County, Riding, or Place, within that Part of *Great Britain* called *England*, where any Part of the Militia ſhall have been diſembodied in purſuance of the ſaid recited Act, the Receiver or Receivers General of the Land Tax, and other the Duties under the Management of the Commiſſioners for the Affairs of Taxes, for ſuch County, Riding, or Place reſpectively, ſhall iſſue and pay, or cauſe to be paid, the whole Sums required, in the Manner herein-after expreſſed, to every reduced Adjutant and Serjeant Major, and to ſuch of the diſembodied Serjeants as ſhall have ſerved at leaſt One Year as Serjeants, and ſhall have obtained Certificates of their good Behaviour from their reſpective Commanding Officers; that is to ſay, to every reduced Adjutant an Allowance of Three Shillings a Day, to every reduced Serjeant Major, an Allowance of One Shilling a Day, with the Addition of Two Shillings and Sixpence a Week, and for every ſuch diſembodied Serjeant as aforeſaid, an Allowance of One Shilling a Day.

Receivers General of the Taxes to pay certain Allowances to Adjutants and Serjeant Majors reduced, and Serjeants diſembodied in purſuance of recited Act.

II. And, in order that ſuch Allowances may be the more eaſily made at the reſpective Places of Reſidence of ſuch Adjutants, Serjeant Majors, and Serjeants, be it further enacted, That the Commanding Officer of every Regiment, Battalion, or Corps of ſuch Militia, ſhall make or cauſe to be made out in Writing, and ſhall ſign and cauſe to be delivered to the Adjutant, Serjeant Major, and each Serjeant entitled to the ſaid Allowance as aforeſaid, a Certificate of his Service as ſuch Adjutant, Serjeant Major, or Serjeant, in ſuch Form and with ſuch Deſcription as he ſhall think neceſſary, ſpecifying the Day on which ſuch Adjutant, Serjeant Major, and Serjeant was reduced or diſembodied as aforeſaid, and the Period up to which he received Pay according to his Rank in the Militia; and every ſuch Adjutant, Serjeant Major, and Serjeant ſhall be entitled to the Allowance herein-before expreſſed, from the Termination of the Period laſt mentioned, at the Times and in the Manner, and for the Period herein-after mentioned, without Deduction or Abatement on any Account whatever.

Commanding Officers of Militia to give to ſuch as are entitled to the Allowance, a Certificate, ſpecifying the Period to which they received Pay, from which their Allowances ſhall commence.

III. And be it further enacted, That every ſuch Adjutant, Serjeant Major, and Serjeant, upon obtaining ſuch Certificate, ſhall procure the ſame to be indorſed with a Certificate of the Pariſh or Place of his actual Reſidence, under the Signatures of the Miniſter and Churchwardens (or any Two of them) of ſuch Pariſh or Place, which Certificate ſuch Miniſter and Churchwardens reſpectively are hereby required to give without Fee or Reward, and ſhall forthwith lodge the ſame ſo indorſed with the Receiver or One of the Receivers General of the County, Riding, or Place, within which he ſhall reſide, to be by ſuch Receiver General filed and preſerved for the Purpoſes herein-after mentioned, ſuch

Certificates to be indorſed by the Miniſter and Churchwardens of the Place of Reſidence of Adjutant, &c. and lodged with the Receiver General, who ſhall pay the Money then due, and

Receiver General giving a Receipt for the ſame to ſuch Adjutant, Serjeant Major, or Serjeant, and every ſuch Receiver General ſhall forthwith pay to every ſuch Adjutant, Serjeant Major, and Serjeant, the full Amount of the Money then due to him under this Act, and ſhall within Seven Days thereafter cauſe an Order to be delivered to One of the Collectors of the ſaid ſeveral Rates and Duties for the Pariſh or Place mentioned in the Indorſement upon any ſuch Certificate as the Reſidence of the Adjutant, Serjeant Major, or Serjeant, to whom the Certificate ſhall relate reſpectively, for the Payment from Time to Time of the Allowance given by this Act, either Weekly, Monthly, or Quarterly, as the Perſon entitled thereto may demand the ſame, and every ſuch Collector ſhall pay the Allowances directed by any ſuch Order to be paid out of any publick Monies he may then have in his Hands, or if he ſhall have no ſuch Monies then out of the Firſt publick Monies he ſhall thereafter receive, as long as any Adjutant, Serjeant Major, or Serjeant, ſhall reſide in the ſame Pariſh or Place, and ſhall continue entitled to the Allowance under this Act, ſuch Collector taking proper Receipts from Time to Time for ſuch Payments; and it ſhall be lawful for ſuch Collector to retain in his Hands, with the Conſent of ſuch Receiver General from Time to Time, ſufficient of the publick Monies received by him for the Payment in full of all ſuch Allowances for the Period of One Quarter of a Year next enſuing; and all ſuch Payments made by ſuch Collector ſhall be allowed in his Accounts with the reſpective Commiſſioners of the ſaid Duties, and with the reſpective Receivers General, and the ſaid ſeveral Sums of Money, ſo paid by ſuch Collectors and Receivers General reſpectively ſhall be allowed in the Accounts of ſuch Receiver General out of the Monies ariſing by the Land Tax, which ſhall be received or receivable by ſuch Receiver General.

give Order to the Collector of the Party's Place of Reſidence for Payment of the Allowance from Time to Time, &c.

IV. And be it further enacted, That as often as any ſuch Adjutant, Serjeant Major, or Serjeant, ſhall change his Place of Reſidence to any other Pariſh or Place within the ſame County or Riding in which he ſhall have lodged ſuch Certificate as aforeſaid, the Order upon the Collector of the Pariſh or Place where ſuch Adjutant, Serjeant Major, or Serjeant laſt reſided, ſhall be void; and in order to obtain a Continuance of his Allowance, ſuch Adjutant, Serjeant Major, or Serjeant, ſhall give or ſend Notice of his Change of Reſidence to the ſaid Receiver General, together with a like Certificate as is herein-before required from the Miniſter and Churchwardens of the Pariſh or Place where he ſhall intend to reſide; and ſuch Receiver General ſhall thereupon, and ſo from Time to Time, cauſe like Order to be given to the Collector of ſuch other Pariſh or Place, for the Continuance of ſuch Allowance to ſuch Adjutant, Serjeant Major, or Serjeant, ſo long as he ſhall be entitled to the ſame.

Rules to be obſerved by Adjutants, *etc.* changing their Places of Reſidence within the ſame County, in order to obtain a Continuance of the Allowances.

V. And be it further enacted, That as often as any ſuch Adjutant, Serjeant Major, or Serjeant, ſhall change his Place of Reſidence into any other County or Riding than the One in which ſuch his Certificate ſhall have been lodged as aforeſaid, the Receiver General with whom the ſame was lodged ſhall, upon a Demand made for that Purpoſe, deliver up

Rules to be obſerved for the like Purpoſe, when Adjutants, *etc.* remove into any other County.

up the Certificate of Service of ſuch Adjutant, Serjeant Major, or Serjeant, after indorſing thereon the Time up to which the Allowances thereon ſhall have been paid, and the Adjutant, Serjeant Major, or Serjeant, to whom ſuch Certificate ſhall relate, ſhall be entitled to receive his Allowance by this Act granted from the Receiver General of ſuch other County or Riding; and for the Purpoſe of obtaining and granting the ſame, every ſuch Adjutant, Serjeant Major, or Serjeant, and every ſuch Receiver General and Collector, and other Perſon, ſhall proceed reſpectively, in like Manner, in every Reſpect, as is herein-before directed on the firſt Delivery of ſuch Certificate.

Adjutants, &c. to make a Return to the Commanding Officer of the Militia of the Place of his Reſidence.

VI. And be it further enacted, That every ſuch reduced Adjutant, Serjeant Major, and Serjeant aforeſaid, ſhall at the Time of his tranſmitting the Certificate aforeſaid, to the Receiver General of any County, Riding, or Place, and alſo when and ſo often as he ſhall change his Place of Reſidence, make a Return to the Commanding Officer of the Militia of the County, Riding, or Place, to which he ſhall belong, of the Place at which he ſhall then reſide.

Adjutants may take the Allowance, together with any Emolument they may receive under 26 *Geo.* III, Cap. 107, and any Allowance they may be entitled to as Adjutants.

VII. And be it further enacted, That every reduced Adjutant, entitled to any Allowance under this Act may receive and take ſuch Allowance, together with the Pay of any ſuch other Commiſſion, or any ſuch other Allowance or Emolument as is allowed to be held or received by any Adjutant of any Militia raiſed, and ſerving under an Act paſſed in the Twenty-ſixth Year of His Majeſty's Reign, 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, together with any Pay or Allowance to which he may be entitled as ſuch Adjutant.

Adjutants holding any Office under His Majeſty, except as aforeſaid, not entitled to the Allowance.

VIII. Provided always, That no reduced Adjutant aforeſaid ſhall be entitled to receive ſuch Allowance under this Act, who ſhall hold any Office of Profit, Civil or Military, under His Majeſty, other than ſuch as aforeſaid.

Adjutants, &c. to remain liable to ſerve in the Militia, and to join when called upon by the Commanding Officer.

IX. Provided always, and be it further enacted, That every ſuch Adjutant, Serjeant Major, and Serjeant, ſhall remain liable to ſerve in the Militia of the County, Riding, or Place to which he ſhall have belonged, and ſhall join any Regiment, Battalion, or Corps of Militia ſerving for ſuch County, Riding, or Place, whenever called upon ſo to do by the Commanding Officer of ſuch Militia, either for the Purpoſe of ſupplying any Vacancy that may have ariſen in the Rank he ſhall have held in the ſaid Militia, or whenever the Militia in which he ſhall have ſerved ſhall be again augmented in purſuance of the ſaid recited Act of this Seſſion of Parliament, and that from the Time of any ſuch Adjutant, Serjeant Major, or Serjeant, being again called into actual Service, and becoming entitled to the Pay of the Rank in which he had formerly ſerved, or in caſe any ſuch Adjutant ſhall be appointed Captain of a Company, or to any higher Rank than that of Captain, or in caſe any

The Allowance to ceaſe in certain Caſes.

ſuch

ſuch Adjutant, Serjeant Major, or Serjeant, to whom ſuch Allowance ſhall have been granted, ſhall neglect to make ſuch Return of his Place of Reſidence to the Commanding Officer of the Militia of the County, Riding, or Place to which he ſhall belong, as is required by this Act, or ſhall neglect or refuſe to join ſuch Militia, according to any Notice that ſhall have been given to him for that Purpoſe, unleſs prevented by Sickneſs or other ſufficient Cauſe, to be allowed by the Commanding Officer of ſuch Militia, then, and in any ſuch Caſe, the Allowance granted by this Act ſhall wholly ceaſe.

Continuance of Allowances.

X. Provided always, and be it further enacted, That the Allowances hereby granted ſhall continue until the Twenty-fifth Day of *March* One thouſand eight hundred and one, and no longer.

If a Collector neglect to pay the Allowance, on Complaint to a Juſtice, he ſhall order punctual Payment, and may fine the Collector.

XI. And be it further enacted, That if any ſuch Collector as aforeſaid ſhall at any Time refuſe or neglect to pay any ſuch Allowance that ſhall be demanded in purſuance of any Order of any Receiver General granted by virtue of this Act, it ſhall be lawful for the Adjutant, Serjeant Major, or Serjeant, entitled thereto, to make a Complaint of ſuch Neglect or Refuſal to any One of His Majeſty's Juſtices of the Peace for the County, Riding, or Place, in which ſuch Adjutant, Serjeant Major, or Serjeant ſhall reſide, and ſuch Juſtice of the Peace ſhall thereupon cauſe ſuch Collector to come before him with the Order for Payment of ſuch Allowance, and ſhall make ſuch Order for the punctual Payment of ſuch Allowance then or to become due, as upon ſuch Enquiry he ſhall deem neceſſary; and if it ſhall appear to any ſuch Juſtice of the Peace, upon any ſuch Complaint as aforeſaid, that any ſuch Collector hath unneceſſarily and without any good Cauſe wilfully refuſed or delayed the Payment of any ſuch Allowance, it ſhall be lawful for ſuch Juſtice of the Peace to fine *inſtanter* ſuch Collector in any Sum not exceeding the Sum of Ten Pounds, without any other or further Information than Summons or Proceſs as aforeſaid, and unleſs ſuch Fine ſhall be forthwith paid, to cauſe ſuch Fine and Coſts attending the ſame to be forthwith levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector, which Fine ſhall be paid to the Adjutant, Serjeant Major, or Serjeant, whoſe Allowance ſhall have ſo remained unpaid as aforeſaid, and the Surplus (if any) of the Money ſo levied ſhall be returned upon Demand to the Party.

No Certificate nor any Allowance to be aſſignable.

XII. And be it further enacted, That no Certificate given under this Act, nor any Allowance to any Adjutant, Serjeant Major, or Serjeant, or any Part thereof, ſhall be aſſignable or aſſigned in Law or in Equity, in any Way whatever, nor ſhall any ſuch Allowance be receivable, or any Part thereof received, under any Power or Diſpoſition thereof, or any Part thereof, nor otherwiſe than to the ſole Uſe and Benefit of ſuch Adjutant, Serjeant Major, or Serjeant reſpectively, whoſe Receipt ſhall be a ſufficient Diſcharge for all Payments made to them reſpectively under this Act.

No Fee to be paid for any Thing done in relation to Allowances.

XIII. Provided always, and be it further enacted, That no Fee or Gratuity whatever ſhall be given or paid by any Perſon entitled to any Allowance under this Act, for any Thing which ſhall be done in relation thereto.

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