ANNO TRICESIMO NONO

GEORGII III. REGIS.

****

C A P. LXXXII.

An Act to explain and amend an Act, passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for amending, and reducing into One Act of Parliament, Two several Acts, passed in the Thirty-fourth and Thirty-fifth Years of the Reign of His present Majesty, for the better ordering the Militia of the City of* London, *and for the further regulating the Trained Bands or Militia of the said City.* [12th *July* 1799.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for amending, and reducing into One Act of Parliament, Two several Acts, passed in the Thirty-fourth and Thirty-fifth Years of the Reign of His present Majesty, for the better ordering the Militia of the City of* London, *and for the further regulating of the Trained Bands or Militia of the said City:* And whereas there are great Deficiencies of Men in the Two Regiments of *London* Militia, arising from Desertion; and there is no Provision made in the said Act for supplying such Deficiencies, and it is expedient that some further and other Powers should be granted for carrying the Purposes of the said Act into Execution; be it therefore 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 the present Deficiencies in the said Two Regiments of Militia shall be supplied by the

Preamble.

36 *Geo.* III, Cap. 92, recited.

The present Deficiencies in the Militia to be supplied

in the Proportions following.

the ſeveral Wards of the ſaid City, and the Liberties and Precincts within the ſame, in the Proportions following; (that is to ſay),

For the Eaſt Regiment; by the Wards of
Aldgate, Fourteen Men;
Baſſiſhaw, Three Men;
Billingſgate, Nine Men;
Biſhopſgate Within, Ten Men;
Biſhopſgate Without, Eleven Men;
Bridge, Six Men;
Broad Street, Eleven Men;
Candlewick, Five Men;
Coleman Street, Eight Men;
Cornhill, Eight Men;
Dowgate, Six Men;
Langbourn, Sixteen Men;
Lime Street, Five Men;
Portſoken, Ten Men;
Tower, Sixteen Men:

And, for the Weſt Regiment; by the Wards of
Alderſgate Within and *Saint Martin's Le Grand*, Four Men;
Alderſgate Without, Five Men;
Bread Street, Six Men;
Caſtle Baynard, Ten Men;
Cheap, Ten Men;
Cordwainer, Five Men;
Cripplegate Within, Ten Men;
Cripplegate Without, Eight Men;
Farringdon Within, Nineteen Men;
Farringdon Without, Forty-four Men;
Queenhithe, Five Men;
Vintry, Five Men;
Walbrook, Six Men.

Commiſſioners of Lieutenancy to iſſue Precepts to the reſpective Wards, to raiſe their Proportions.

II. And be it further enacted, That His Majeſty's Commiſſioners of Lieutenancy for the City of *London*, at any of their Courts of Lieutenancy, ſhall, and they are hereby required to iſſue Precepts to the Aldermen, Deputies, and Common Councilmen of the ſeveral Wards of the ſaid City and the Liberties and Precincts within the ſame, requiring them to cauſe the Number of Men, herein-before appointed, to be raiſed in their reſpective Wards, to be provided; and the Aldermen or Deputies, and Common Councilmen of the ſeveral Wards aforeſaid, or the major Part of them, ſhall provide the Number of Men directed to be raiſed in their reſpective Wards, in the ſame Manner, and with the ſame Powers, and under and ſubject to the ſeveral Clauſes, Regulations, Proviſions, Directions, Matters, and Things, in the ſaid Act contained, with reſpect to the raiſing of the Number of Men thereby ordered and directed to be raiſed.

If Deſerters or Abſentees be not taken or do not return in Three Months, the

III. And be it further enacted, That in caſe any Militia Man ſerving in the ſaid Militia ſhall deſert or abſent himſelf from his Duty, and ſhall not return or be taken within the Space of Three Calendar Months from the Time of his ſo deſerting or abſenting himſelf, then,

upon Certificate thereof from the Commanding Officer of the Regiment to which ſuch Militia Man ſhall belong, to the ſaid Commiſſioners of Lieutenancy, at any of their Courts of Lieutenancy, the ſaid Commiſſioners ſhall and are hereby required, out of the Trophy Tax raiſed for the ſaid City, within Ten Days next following, to provide another Man in the Place of him ſo deſerting; and in caſe ſuch Militia Man ſhall at any Time return, or be taken, he ſhall, notwithſtanding any Perſon ſhall have been provided to ſerve in his Room, be compelled to ſerve in the ſame Manner, and for the ſame Term, as if no Perſon had been provided in his Room.

Commiſſioners to provide other Men out of the Trophy Tax.

Deſerters, if taken, to be compelled to ſerve.

IV. And be it further enacted, That in caſe any of the Privates ſerving in the ſaid Militia ſhall be promoted to the Rank of Serjeants or Corporals therein, and the Commanding Officer of the Regiment in which ſuch Private or Privates ſhall ſerve, ſhall certify ſuch Promotion to the ſaid Commiſſioners, then the ſaid Commiſſioners ſhall and are hereby required, out of the Trophy Tax raiſed for the ſaid City, to provide another Man or Men to ſerve in the Lieu and Stead of ſuch Private or Privates ſo promoted; and all ſuch Men as ſhall be ſo provided by the ſaid Commiſſioners, as well as all ſuch as have been heretofore raiſed by the ſaid Commiſſioners in lieu of Deſerters, and alſo ſuch as ſhall be hereafter raiſed either by the Aldermen, or Deputies and Common Council, or by the ſaid Commiſſioners, in purſuance of this Act, in lieu of Deſerters, ſhall be allotted to the ſame Pariſhes as the Men were in whoſe Room they are or ſhall be reſpectively raiſed, and ſhall be entitled to the ſame Benefits in conſequence of ſuch Allotment as other Men ſerving in the ſaid Militia are or ſhall be by virtue of the ſaid Act, or of this preſent Act.

Commiſſioners to provide out of the Trophy Tax Men to ſerve inſtead of thoſe promoted.

V. And be it further enacted, That in addition to the Number of Serjeants by the ſaid Act directed to be appointed to the ſaid Militia, there ſhall be added One Serjeant to act as Serjeant Major, and One other Serjeant to act as Quarter Maſter Serjeant, to each of the ſaid Regiments, over and above the Proportion of Serjeants and Corporals by the ſaid Act directed.

A Serjeant-Major, and a Quarter Maſter Serjeant, to be added to each Regiment.

VI. And be it further enacted, That the Clauſe in the ſaid Act which directs that Serjeants or Corporals of the ſaid Militia may, by Sentence of a Court Martial, be reduced to Privates, ſhall be, and the ſame is hereby repealed; and, in lieu thereof, be it enacted, That any Serjeant or Corporal of the ſaid Militia may, by Sentence of a Court Martial, be reduced to the Condition of a private Soldier of the ſaid Militia, to ſerve as ſuch during any Time not exceeding Fifteen Calendar Months, if the Regiment ſhall not be then embodied or in actual Service, but if the Regiment ſhall be then embodied or in actual Service, to ſerve as aforeſaid until the ſame ſhall be diſembodied, after which Time, or at the End of the ſaid Fifteen Calendar Months, as the Caſe may be, if not regularly re-appointed to the Rank of a Non-commiſſioned Officer, he ſhall be diſcharged from the Service.

Clauſe 51, of recited Act, repealed.

Non-commiſſioned Officers may be reduced to Privates for a certain Time.

VII. And be it further enacted, That the Clauſe in the ſaid Act, which directs how the Charges of Pay, Cloathing, Trophies, and other incidental

Clauſe 44 of recited Act repealed.

incidental Expences of the ſaid Militia are to be defrayed, ſhall be and the ſame is hereby repealed; and, in lieu thereof, be it enacted, That for defraying the neceſſary Charges of Pay, Cloathing, Trophies, and other incidental Expences of the ſaid Militia, it ſhall be lawful for the ſaid Commiſſioners to continue to raiſe and levy, in every Year, the Proportion of One Month's Tax, amounting to Four thouſand ſix hundred and ſixty-ſix Pounds Thirteen Shillings and Four-pence, which the ſaid City hath been uſed to pay by virtue of an Act of Parliament, paſſed in the Thirteenth and Fourteenth Years of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for ordering the Forces in the ſeveral Counties of this Kingdom*; and the ſaid Commiſſioners ſhall be accountable for the ſame, in Manner directed by the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty; and that no Warrant ſhall be iſſued for the raiſing of any Trophy Money, till the Juſtices of the Peace, or the major Part of ſuch Juſtices, at ſome General or Quarter Seſſions for the ſaid City, ſhall have examined and allowed the Accounts of the Trophy Money laſt raiſed, levied, and collected, and certified ſuch Examination of the ſaid Accounts under the Hands and Seals of Three or more of ſuch Juſtices to the ſaid Commiſſioners; and if at any Time the ſaid Proportion of One Month's Tax as aforeſaid ſhall not be ſufficient for the ſeveral Purpoſes aforeſaid, or if at any Time, on Account of the ſaid Proportion of One Month's Tax as aforeſaid not being and in a Courſe of Payment, the ſaid Commiſſioners ſhall not have ſufficient Funds in their Hands to anſwer the ſeveral Purpoſes aforeſaid, then the Receiver General of the Land Tax for the ſaid City ſhall, and he is hereby required to iſſue and pay, from Time to Time, to the Treaſurer appointed by the ſaid Commiſſioners, upon his producing an Order of the Court of Lieutenancy for that Purpoſe, ſigned by Nine Commiſſioners, ſo much Money as ſhall be neceſſary for the Purpoſes of training, exerciſing, paying, cloathing, employing, and keeping in Readineſs, the ſaid Militia, and other incidental Expences relating thereto; and the Receipt of the ſaid Treaſurer, indorſed on the ſaid Order, ſhall be a ſufficient Diſcharge to the ſaid Receiver General for the Money ſo to be iſſued and paid by him: Provided always, That of all ſuch Sums of Money as ſhall be iſſued and paid by the ſaid Receiver General, for the Purpoſes aforeſaid, the ſaid Commiſſioners ſhall, Once in every Year, certify an Account, under the Hands of any Nine or more of them, of the Expenditure thereof, to the ſaid Receiver General; and the ſaid Receiver General ſhall not iſſue and pay to the ſaid Commiſſioners, in any ſucceeding Year, any further or other Sums of Money, until ſuch Time as the Accounts of the Expenditure of all Sums of Money received by them of him, in the preceding Year, ſhall have been duly certified to him as aforeſaid, as alſo that the ſaid Commiſſioners have uſed all due Diligence in the Collection and obtaining Payment of the ſaid Proportion of One Month's Tax as aforeſaid.

How the Pay, &c. of the Militia is to be defrayed.

VIII. And be it further enacted, That if any of the Collectors, duly appointed for the Collection of the ſaid Proportion of One Month's Tax as aforeſaid, ſhall neglect or refuſe to perform his Duty in the Collection thereof, or having collected the ſame ſhall neglect or refuſe to pay the ſame to the Treaſurer appointed by the ſaid Commiſſioners, it ſhall be lawful for any of His Majeſty's Juſtices of the Peace for the ſaid City,

Collectors of the Month's Tax neglecting their Duty may be fined.

City, to ſummon the Party before him or them, and to fine him for ſuch his Neglect or Refuſal, any Sum not exceeding the Sum of Twenty Pounds, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, (in caſe ſuch Fine ſhall not be forthwith paid), by Warrant under the Hand and Seal, or Hands and Seals, of any One or more of the ſaid Juſtices, cauſing the Overplus, if any, after deducting the Charges of ſuch Diſtreſs and Sale, to be rendered to the Party; and the Penalty ſo adjudged ſhall be paid to the Treaſurer to the ſaid Commiſſioners, to be applied by him as they ſhall direct.

Clauſe 50, of recited Act, repealed from *Aug.* 1, next.

IX. And be it further enacted, That the Clauſe in the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty, which directs Relief to be given to the Families of Perſons ſerving in the ſaid Militia, when embodied and called into actual Service, and ordered to march in Manner therein mentioned, ſhall be, and the ſame is, from and after the Firſt Day of *Auguſt* next, hereby repealed.

If Non-commiſſioned Officers, Drummers, or Privates, when ordered to march, leave Families behind them, they ſhall be relieved by the Pariſh Officers out of the Poor Rates.

X. And whereas the Families of Men ſerving in the ſaid Militia, when embodied and called out into actual Service and ordered to march, may become chargeable to the Pariſhes and Liberties whereunto they are allotted; and the Families of Serjeants, Corporals, Drummers, and Fifers, ſerving therein, when embodied and called out into actual Service and ordered to march, may become chargeable to the Pariſh to which they belong; and it is neceſſary Proviſion ſhould be made for ſuch Families; be it therefore enacted, That, from and after the ſaid Firſt Day of *Auguſt* next, if any Perſon ſerving in the ſaid Militia, or any Perſon ſerving in the Room or Place of any Man originally enrolled to ſerve therein, or any Serjeant, Corporal, Drummer, or Fifer, ſerving therein, ſhall, when embodied and called out into actual Service, and ordered to march, leave a Family unable to ſupport themſelves, and reſiding in the ſaid City, or within Three Miles thereof, the Churchwarden or Churchwardens, or Overſeer or Overſeers of the Poor of the Pariſh or Liberty to which ſuch Perſon ſhall be allotted, ſhall, by order of the Lord Mayor, or any other Magiſtrate of the City of *London*, out of the Rates for the Relief of the Poor of ſuch Pariſh or Liberty, pay to ſuch Family ſuch weekly Allowance, as to the ſaid Lord Mayor or the ſaid other Magiſtrate ſhall ſeem expedient, not exceeding the Rate of One Shilling and Sixpence *per* Week for each and every Child born in Wedlock, and under the Age of Ten Years; and not exceeding the Rate of Two Shillings *per* Week for the Wife of ſuch Militia Man, whether ſhe ſhall or ſhall not have any Child or Children, and provided ſhe does not follow the Regiment; and in every Pariſh or Liberty where the Money ariſing by ſuch Rates ſhall not be ſufficient for the Purpoſes aforeſaid, a new Rate or Rates ſhall be made for raiſing a Sum ſufficient for that Purpoſe; and in caſe any Serjeant, Corporal, Drummer, or Fifer, ſerving in the ſaid Militia, who ſhall not be allotted to any Pariſh or Liberty, or whoſe Allotment ſhall have ceaſed by Promotion as aforeſaid, ſhall, when embodied and called out into actual Service, and ordered to march, leave a Family unable to ſupport themſelves, who ſhall not belong to the Pariſh, Liberty, Tything, or Townſhip, where they ſhall dwell at the Time of being ſo embodied and called out into actual Service, and ordered to march as aforeſaid, then the Churchwarden or Churchwardens, or Overſeer or Overſeers of the Poor of the Pariſh, Liberty, Tything, or Townſhip,

ſhip, where ſuch Family ſhall dwell, ſhall, by the Order of ſome One Juſtice of the Peace of the reſpective County, City, Diviſion, or Place, out of the Rates for the Relief of the Poor of ſuch Pariſh, Liberty, Tything, or Townſhip, pay to ſuch Family ſuch Weekly Allowance as to ſuch Juſtice ſhall ſeem expedient, not exceeding the ſaid Rate of One Shilling and Sixpence *per* Week for each Child born in Wedlock, and under the Age of Ten Years, and not exceeding the ſaid Rate of Two Shillings *per* Week for the Wife of ſuch Serjeant, Corporal, Drummer, or Fifer, whether ſhe ſhall or ſhall not have any Child or Children, and provided ſhe does not follow the Regiment; and in every Pariſh, Liberty, Tything, or Townſhip, where the Money ariſing by ſuch Rates ſhall not be ſufficient for ſuch Purpoſe, 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 Churchwarden or Churchwardens, or Overſeer or Overſeers of ſuch Pariſh, Liberty, Tything, or Townſhip, by the Treaſurer to the ſaid Commiſſioners, on his or their producing and leaving with him a Certificate of the Order of the Juſtice, allowing ſuch Relief; which Certificate the ſaid Juſtice is hereby required to grant accordingly.

If the Family does not belong to the Pariſh, the Treaſurer to the Commiſſioners to reimburſe the Allowance to it.

Families of Men not reſiding within certain Limits not entitled to Relief, and of Men hereafter enrolled, only for the Child.

XI. Provided always, and be it further enacted, That ſuch Families of the Men, ſerving in the ſaid Militia, as ſhall not reſide within the City of *London*, or within the Diſtance of Three Miles therefrom, ſhall not be entitled to any Relief under the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty, or of this Act; and that the Families of Perſons hereafter to be enrolled to ſerve in the ſaid Militia, ſhall not be entitled to ſuch Relief for more than One Child born in Wedlock previous to the Time of the Enrolment of ſuch Perſons reſpectively; and that no Order for the Relief of the Family of any Man ſerving in the ſaid Militia ſhall be valid and effectual, unleſs Certificates of the Marriage and Baptiſm (or of Marriage only in the caſe of a Wife) ſhall be annexed to ſuch Order for Relief; any Thing in the laſt-mentioned Act contained to the contrary notwithſtanding.

The Commiſſioners, Forty Days before the Time of Service of any Man is expired, ſhall iſſue a Precept for providing another Man in his Room.

XII. And be it further enacted, That the ſaid Commiſſioners, at their ſaid Courts, ſhall, and they are hereby required, Forty Days at the leaſt before the Time of Service of any Man or Men ſerving in the ſaid Militia ſhall be expired, to iſſue a Precept or Precepts to the Alderman, Deputy, and Common Council Men of the Ward of the ſaid City, for which ſuch Man or Men ſhall be ſerving, requiring them to provide another Man or Men in the room of ſuch Man or Men, whoſe Time of Service ſhall be ſo expiring; and the Alderman or Deputy, and Common Council Men of ſuch Ward, or the major Part of them, ſhall provide the Man, or the Number of them ſpecified in ſuch Precept or Precepts accordingly, in the ſame Manner, and under and ſubject to the ſame Rules and Regulations, and with the like Powers and Authorities as are ſpecified and contained in the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty, for the raiſing of Men to ſerve in the ſaid Militia; and the Commanding Officer of each of the ſaid Regiments is hereby empowered, from Time to Time, to diſcharge any Man or Men of his Regiment whoſe Time of Service will expire within Forty Days then next enſuing, and to receive any other Militia Man or Men in his or their Room, who ſhall have taken the Oaths, and been enrolled according to the Directions of the ſaid Act.

Parish Officers refusing to pay Money ordered at the Sessions shall be liable to Penalty, and if they feel aggrieved may appeal to the next Sessions.

XIII. And be it further enacted, That if any Churchwarden or Overseer of the Poor shall, on Demand made in pursuance of any Order of the Justices of the Peace for the said City, made at their General or Quarter Sessions for the Payment of any Sum of Money, and after the producing of the said Order to him, refuse or neglect to pay and satisfy the Sum or Sums of Money directed to be paid in or by such Order, every such Churchwarden or Overseer of the Poor shall be subject to the same Penalty, and to be recovered and applied in like Manner, as is directed by the said Act in cases where any Churchwarden or Overseer of the Poor shall refuse to pay any Money directed to be paid by the Order of any Justice or Justices of the Peace; and if any such Churchwarden or Overseer of the Poor shall feel himself aggrieved by any such Order of the said Justices of the Peace for the said City, made at their said General or Quarter Sessions, it shall and may be lawful for such Person to appeal therefrom to the next General or Quarter Sessions of the Peace for the said City, in the like Manner as is directed by the said Act in cases of Appeal from the Order of any Justice or Justices of the Peace.

If the Treasurer to the Commissioners shall refuse to reimburse the Parish Officers Money paid to any Families not belonging to the Parish, he shall forfeit 10*l.*

XIV. And be it further enacted, That if the Treasurer to the said Commissioners shall at any Time refuse to reimburse any Churchwarden or Overseer of the Poor of any Parish, Liberty, Township, or Tything, any Sum or Sums of Money paid by him in pursuance of any Order of any Justices of the Peace, for the Relief of the Family of any of the Persons serving in the said Militia, such Persons not being allotted to any Parish or Liberty, and not belonging to such Parish, Liberty, Township, or Tything, having, at the Time the same shall be demanded, Funds in his Hands applicable for that Purpose, the said Treasurer so refusing shall for every such Refusal forfeit any Sum not exceeding Ten Pounds, to be recovered, by the Adjudication of the Lord Mayor, or other Magistrate of the said City, in like Manner as is directed by the said Act, in Cases where any Churchwarden or Overseer of the Poor shall refuse to pay any Money directed to be paid by any Order of any Justice or Justices of the Peace.

Mr. *Gregg*, late Muster Master of the Trained Bands, to be paid 75*l.* yearly out of the Month's Tax, until appointed to some Office.

XV. And whereas by virtue and under the Authority of the said Act of the Thirteenth and Fourteenth Years of the Reign of His late Majesty King *Charles* the Second, a Muster Master for the Purposes of mustering the Trained Bands of the City of *London*, and examining their Arms and Accoutrements, had always been appointed, which Office became unnecessary by the passing of the Act of the Thirty-fourth Year of the Reign of His present Majesty, for the better ordering of the Militia of the City of *London*, and it is just and reasonable that the Person who was Muster Master at the Time of the passing of the said last mentioned Act, should have some Indemnity in lieu of such Office as has been given to Muster Masters of His Majesty's Forces on their Offices being abolished; be it therefore enacted by the Authority aforesaid, That *Thomas Gregg*, the Person who was Muster Master to the said Trained Bands at the Time of the passing of the said last mentioned Act, shall receive and be paid out of the said Proportion of One Month's Tax as aforesaid, the Sum of Seventy-five Pounds yearly, for and during the Term of his natural Life, to be paid to him Half-yearly by the Treasurer to the said Commissioners, out of the Produce of the said Proportion of One Month's

Month's Tax, or until he ſhall be appointed by the ſaid Commiſſioners to ſome Office of not leſs than equal Value; the ſaid Payment to be computed and commence from the Time of the paſſing of the ſaid Act of the Thirty-fourth Year of the Reign of His preſent Majeſty.

Recited Act, as far as applicable, to extend to this Act.

XVI. And be it further enacted, That the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty, and all and every the Clauſes, Powers, Proviſions, Directions, Penalties, Matters, and Things therein contained, ſo far as the ſame are applicable, and not hereby repealed, ſhall be applied and put in Execution, with reſpect to this Act, in as full and ample a Manner as if they were here again at large repeated and re-enacted in the Body of this Act.

Publick Act.

XVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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