Anno quarto

Georgii III. Regis.

CAP. XVII.

An Act to explain and amend an Act, paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Laws now in being, relating to the raiſing and training the Militia within that Part of* Great Britain *called* England.

WHEREAS the Laws now in Force, for the raiſing and training the Militia, within that Part of Great Britain called England, are in ſome Reſpects defective: And whereas frequent Delays, and many Difficulties have occured in the Execution of the Acts now in Force for raiſing and training the Militia, from the Manner in which the whole Preamble.

Execution of the Acts is made to depend in all Counties, Ridings, and Places, where the Militia has been or shall be raised, upon holding a General Meeting, on either the last Tuesday in October, or the last Tuesday in May, in each Year; and Doubts have arisen, whether, in such Case, any subsequent General Meetings can now be called for the Purposes of the said Acts, unless there shall have been a previous General Meeting on One of the Days before specified; 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 it shall and may be lawful for His Majesty's Lieutenant of every County, Riding, and Place, where the Militia has been or shall be raised, together with any Two or more Deputy Lieutenants, and on the Death or Removal, or in the Absence of His Majesty's Lieutenant, any Three or more Deputy Lieutenants, whenever and as often as they shall find necessary, to summon, or cause to be summoned, a General Meeting, according to the Directions of the Act, passed in the Second Year of the Reign of His present Majesty, for summoning General Meetings in Counties where the Militia has not been raised; which General Meetings herein directed, shall have the same Powers as if such General Meetings had been held on the last Tuesday in May, or on the last Tuesday in October, in each Year, in pursuance of the said Act.

In Counties where the Militia has been or shall be raised, General Meetings may be summoned in the same Manner as in Counties where the Militia has not been raised, and shall have the same Power as Meetings held on the last *Tuesday* in *May*, or the last *Tuesday* in *October*.

And whereas the raising the Militia has, in some Counties, been delayed by the Vacancy of Lord Lieutenants in particular Counties, and it is essential to the Good of the Service, and the Establishment of a Militia, which, to be effectual, should be general, that such local Difficulties should be removed for the future; be it therefore enacted, and it is hereby enacted, That in every County, Riding, and Place

where the Office of Lord Lieutenant is, or shall be vacant, it shall and may be lawful for His Majesty, His Heirs and Successors, to appoint Three Persons out of the Deputy Lieutenants of any such County, Riding, or Place, to execute the Office of Lord Lieutenant of such County, Riding, or Place, so far as the same relates to the executing the several Powers and Authorities vested in Lieutenants, in and by the several Acts of Parliament for the raising and training the Militia, during such Vacancy.

In every County, &c. where the Office of Lord Lieutenant is vacant, His Majesty to appoint 3 Deputy Lieutenants, to execute that Office, so far as relates to the Acts for raising and training the Militia.

And whereas many Inconveniencies have arisen in the Service, from the Want of some Description of the Men who shall be accepted as Volunteers, offered by Parishes as Parochial Substitutes, or of Men tendered to serve as Substitutes by Persons chosen by Ballot; be it enacted, That no such Volunteer or Substitute shall be admitted and sworn to serve in the Militia who shall not be Five Feet Four Inches in Height, and able and fit for Service.

No Volunteer or Substitute to be admitted and sworn, who shall not be 5 Feet 4 Inches high.

And whereas it is become necessary to prevent the Militia Men of One County from inrolling themselves in the Militia of another; be it therefore enacted, That if any Person, after being inrolled in the Militia of One County, Riding, or Place, shall, during such Service, engage and be inrolled to serve in the Militia of any other County, Riding, or Place, he shall, upon Conviction thereof before any One Justice of the Peace of the County in which he shall last enter into the said Militia, forfeit and pay any Sum not exceeding the Sum of Ten Pounds; and in case such Person shall not immediately pay such Penalty, such Justice of the Peace shall, by Warrant under his Hand and Seal, commit such Person to the Common Gaol of the County, Riding, or Place, where he shall have been so convicted, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, or unless he shall sooner pay the Penalty aforesaid.

A Person being inrolled to serve in the Militia of of One County, and who shall engage and be inrolled to serve in the Militia of another County, forfeits 10*l.* if not immediately paid, to be committed for any Time not exceeding 3 Months.

And whereas the Provisions in the said Act, passed in the Second Year of the Reign of His present Majesty, for reimbursing Officers of Parishes the Monies

by them expended for the Relief of Militia Men, who on their March, or at the Place where they shall be called out to Annual Exercise, shall, by Sickness or otherwise, want such Relief, have been found insufficient for the Purposes thereby intended; be it therefore enacted, That in case any Man serving in the Militia shall, on the March, or at the Place where he shall be called out to Annual Exercise, be disabled by Sickness or otherwise, it shall and may be lawful for any One Justice of the Peace of the County, Riding, or Place, or any Mayor or Chief Magistrate of any City, Town, or Place, where such Man shall then be, by Warrant under his Hand and Seal, to order him such Relief as he shall think reasonable; and the Officers of the Parish, Tything, or Place where such Militia Man shall be so relieved, shall, upon producing an Account of the Expences occasioned thereby, allowed under the Hand of a Justice of the Peace, to the Treasurer of the County, Riding, or Place, for which such Militia Man shall serve, shall be reimbursed such Expences by the Treasurer of such County, out of the County Stock, and such Treasurer shall, upon producing such Account allowed as aforesaid, be allowed the same in his Accounts.

A Militia Man on the March, or at the Place of Exercise, disabled by Sickness or otherwise, to be relieved by the Officers of the Parish where he shall then be, and Parish Officers to be reimbursed the Expences occasioned thereby, out of the County Stock, upon producing Accounts thereof allowed by a Justice of the Peace.

And whereas, as the Laws for regulating the Militia now stand, no Power is given of punishing such Militia Men as shall, after having joined their Corps, desert during the Time of Annual Exercise, and not be taken till after the Expiration of the Time of such Annual Exercise, and consequently of the Period now fixed for the Continuance of martial Law; be it therefore enacted, That if any Militia Man shall so offend, and not be apprehended during the Time of such Annual Exercise, every such Militia Man, being thereof convicted upon Oath, before One Justice of the Peace of any County where such Militia Man shall be apprehended, shall incur the Penalty, and be subject to the Punishment, inflicted by the said Act of the Second Year of his present Majesty upon Militia Men not joining their Corps.

Militia Men who after having joined their Corps, shall desert, during the Time of Annual Exercise, and shall not be taken till after the Expiration of the Time of Annual Exercise, shall incur the same Penalty as Militia Men not joining their Corps.

And whereas it would be very conducive to the Preservation of Order and Discipline, during the Time of Annual Exercise, of great Convenience to the Corporals and private Militia Men in the supplying them with Necessaries, and of essential Utility to their respective Families, if the Captains or Commanding Officers were enabled to stop a limited Part of the daily Pay of such Corporals and private Men when called out to Annual Exercise: be it therefore enacted, That it shall and may be lawful for every Captain or Commanding Officer of the Militia, to put the Corporals and private Militia Men of his Company under Stoppages, not exceeding Six Pence a Day, for the Purposes aforesaid; Provided always, That every Captain and Commanding Officer shall account with each Corporal and private Militia Man for the said Stoppages, before such Corporal or private Man shall be dismissed from the said Annual Exercise, having first deducted what shall have been laid out for them for Necessaries and Repair of Arms damaged by their Neglect.

A Captain or Commanding Officer may put Corporals and Private Men under Stoppages, not exceeding 6 *d.* a Day, and shall account with them for such Stoppages before they are dismissed from Annual Exercise.

And whereas no Powers are granted by the said Acts passed in the Second Year of the Reign of his present Majesty, for punishing Drummers for Misbehaviour during the Time the Militia to which they belong is not called out to Annual Exercise (except by their being displaced by their Captain) which Defect in the Law has been found inconvenient to the Service of the Militia: be it therefore enacted, That if any Drummer shall be negligent in his Duty, or disobedient to the Orders of the Adjutant, or other his superior Officers, and be thereof convicted upon the Oath of the Adjutant, or other superior Officer, or other credible Witness, before One or more Justice or Justices of the Peace of the County in the Militia of which such Drummer serves, such Drummer shall forfeit and pay any Sum not exceeding Forty Shillings, at the Discretion of such Justice or Justices; and if such Drummer shall not immediately pay such Penalty, it shall and may be lawful for the Captain, or Commanding Officer of the Company of Militia to which such Drummer shall belong, and he is hereby required to

A Drummer negligent in his Duty, or disobedient to the Orders of the Adjutant, or other superior Officer, to forfeit not exceeding 40 *s.* if not immediately paid, the Captain of the Company to stop the Pay of such Drummer, to pay the Penalty: Penalty to be applied as Part of the Common Stock of the Regiment or Battalion.

stop

ſtop the Pay of ſuch Drummer, until the ſame ſhall amount to the Sum of Money aſcertained by ſuch Juſtice or Juſtices, as the Penalty inflicted upon ſuch Drummer; and the ſaid Captain, or Commanding Officer, ſhall pay the ſame to the Clerk of the Regiment or Battalion, to be applied and accounted for as Part of the Common Stock of ſuch Regiment or Battalion; and the Receipt of the Clerk for ſuch Sum ſhall be a Diſcharge to the Captain, or Commanding Officer for the ſame; and the Money ſo paid, ſhall be deemed as ſo much Money paid to ſuch Drummer for his Service in the Militia.

And whereas by the ſaid Act, paſſed in the Second Year of the Reign of His preſent Majeſty, it is enacted, That in all Counties and Places where the Militia has not, or ſhall not be raiſed, by virtue of the ſeveral Acts made for raiſing the Militia Forces, that the Sum of Five Pounds ſhall be annually paid for and in lieu of every Private Man therein directed to be raiſed within each reſpective County, Riding, and Place; which ſaid Sum and Sums of Five Pounds per Man, the Juſtices of the Peace of each reſpective County, Riding, and Place, aſſembled at their General or Quarter Seſſions, are directed to rate and aſſeſs on the County; and that the ſaid Sum and Sums ſhall be rated and aſſeſſed in ſuch and the ſame Manner, and according to ſuch and the ſame Proportions, upon every Town, Pariſh, and Place, within each reſpective County or Riding, and ſhall be collected, received, levied, paid, and accounted for, by the Perſons making ſuch Collection, in ſuch Manner, and by ſuch Means, as the County Rates have been uſually, or may, by an Act made in the Twelfth Year of the Reign of His late Majeſty, intituled, An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates, be aſſeſſed, collected, received, levied, paid, and accounted for: And whereas there are ſeveral Cities, Towns, and Places, in many Counties and Ridings, which do not contribute to the Payment of the ſaid Rate, called the County Rate, by reaſon whereof Doubts have ariſen, whether ſuch Cities, Towns, and Places can be legally rated or aſſeſſed to-

wards the Payment of the said Sum and Sums of Five Pounds per Man, in pursuance of the Directions of the said Act of the Second Year of the Reign of his present Majesty: And whereas it is just and reasonable, that all such Cities, Towns, and Places, should bear an equal Share and Proportion of the said Payment of Five Pounds per Man with each County or Riding within which such Cities, Towns, and Places, may happen to lie; be it therefore enacted, That in all Cases where the Militia has not been raised, or shall not at any Time hereafter be raised, for any County or Riding, within which any City, Town, or Place, shall not be rated to the said Rate called the County Rate, the Payment of the said Sum of Five Pounds per Man, upon the whole Number of Private Militia Men directed to be raised within every County or Riding, shall be divided and apportioned between each respective County or Riding, and each such respective City, Town, and Place within the same, as shall not contribute to the said Rate, called the County Rate, in such Proportion as the respective Quotas paid to the Land Tax by each respective County or Riding, and by each such respective City, Town, and Place, bear to each other, and the respective Sum and Sums so ascertained and apportioned shall be rated, levied, and paid, out of the Rates for the Relief of the Poor, to be collected within each such respective City, Town, and Place, not rated to the said Rate, called the County Rate, by such Ways and Means, and with such Powers and Regulations for levying, collecting, and keeping the same distinct, as are prescribed in the said Act passed in the Second Year of the Reign of his present Majesty, for each respective County or Riding; and the Churchwardens and Overseers of the Poor of each such respective City, Town, and Place, shall, from time to time, pay over the same to the Treasurer or Treasurers of every County or Riding within which any such City, Town, and Place as aforesaid lies, in order that the said Treasurer or Treasurers may pay over the same to the Receiver General of the said County or Riding, together with the Proportion of the said Sum of Five Pounds per Man, directed to be rated, levied,

Where the Militia shall not be raised for any County within which any City shall not be rated to the County Rate, the Payment of 5 *l. per* Man shall be apportioned between such County and City as the respective Quotas paid to the Land Tax bear to each other; and the Sums so apportioned shall be paid out of the Poors Rate collected in such City by the Churchwardens and Overseers of the Poor, to the Treasurer of the County, to be by him paid to the Receiver General, together with the Proportion of the said Sum of 5 *l.* to be paid by such County.

and paid, by each County or Riding, by the said Act passed in the Second Year of the Reign of His present Majesty.

The same Method to be followed in such Cities as are Counties of themselves,

And be it further enacted, That in such Cities, Towns, and Places, as are Counties of themselves, and yet have no such Rate or Assessment as is called the County Rate, nor any Powers or Directions for rating, levying, or collecting the Proportion of the said Sum of Five Pounds per Man, to be raised by the County to which the said Cities, Towns, or Places are, by the said Act passed in the Second Year of the Reign of His present Majesty, united for the Purposes of the said Act, the Directions herein before given for rating, levying, and collecting the Proportion of the said Sum of Five Pounds per Man, within such Cities, Towns, and Places, as do not contribute to the County Rate, shall be pursued and followed in all such Cities, Towns, or Places, as are Counties of themselves.

Where a Town lies in Two Counties they are to contribute their Quota, in lieu of raising the Militia, for that County in which their Church stands;

and the Deficiencies of the other County Rates, are to be made up by the County in General.

And whereas, in some Parts of this Kingdom there are Towns which lie in Two Counties, and Doubts have arisen, whether such Towns are obliged to pay to both Counties the Sum of Five Pounds in lieu of every private Militia Man which shall not be raised by such Counties; be it therefore enacted by the Authority aforesaid, That where any Town lies in Two Counties, it shall be lawful for the said Town to contribute their Quota, for and in lieu of raising the Militia, for that County only where the Church of the said Town is situate; and the Deficiencies of the other County Rate, which the said Town would have paid, shall be made up by the County in general, and not by the Division or Hundred where the said Town is situated.

FINIS.