ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LV.

An Act for making Allowances in certain Caſes to Subaltern Officers of the Militia during Peace.

[28th *May* 1802.]

WHEREAS it is expedient to make ſome Addition to the Pay of certain Subaltern Officers of the Militia Forces in *England* 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 paſſing of this Act, 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

From the paſſing of the Act, the Subalterns of the Militia to have certain annual Allowances over the Pay they may be entitied to during Peace.

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 have continued 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 a Lieutenant Twenty five Pounds *per Annum*, and to an Enſign Twenty Pounds *per Annum*, in the Manner herein-after mentioned: Provided always, that all ſuch Officers of the Militia who ſhall hold the Rank of Captain-Lieutenant, ſhall be deemed to be Lieutenants for the Purpoſes of this Act.

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 have ſerved 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 Oath.

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*),

'I *A. B.* do ſwear, That I am now ſerving as a [Captain-Lieutenant, Lieutenant, *or* Enſign, *as the Caſe may be*] 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 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.'

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.

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

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 Time by Law appointed 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 One of His Majeſty's Principal Secretaries of State.

Subalterns to attend the annual Exerciſe, on Pain of forfeiting the Allowance and their Pay.

Certificates 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 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 Time by Law appointed for that Purpoſe, and a Certificate of ſuch Attendance, ſigned

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

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.

Allowances to be paid without Deduction.

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 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.

Surgeons who hold Commiſſions as Lieutenants and Enſigns, to receive ſuch Allowances.

VIII. Provided always, and be it further enacted, That every Surgeon of Militia, who at the Time of paſſing this Act ſhall be entitled to the Benefit thereof, by reaſon of his holding a Commiſſion of Lieutenant or Enſign in the Militia of the Date required by this Act, may and ſhall continue to receive the like Allowance and under the like Regulations as is herein-before directed, in regard to the Lieutenants and Enſigns of Militia reſpectively, ſo long as he ſhall do the Duty of Surgeon in the Regiment, Battalion, or Corps to which he now belongs, notwithſtanding he may hereafter ceaſe to hold ſuch Subaltern's Commiſſion as aforeſaid.

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

IX. 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 before-mentioned 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.

Subalterns may receive Pay for attending annual Exercise;

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

Allowance to extend only to a certain Number.

X. 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 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.

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

XI. 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.

26 Geo. 3. c 107.

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.

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

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