ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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C A P. CXLII.

An Act to make Provision, in certain Cases, for the Wives and Families of ballotted Men, Substitutes, and Volunteers, serving in the Militia of *Ireland*.

[11th *August* 1803.]

WHEREAS a Provision for the Families of Serjeants, Corporals, and Drummers, and Privates, serving in the Militia of *Ireland*, when it is called out into actual Service, is highly just and reasonable, and the Law at present in force is insufficient for the Purpose; 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 an Act, made in the Parliament of *Ireland* in the Thirty-fifth Year of His present Majesty's Reign, intituled, *An Act for the more effectual Support* So much of 35 Geo. 3. c. 2.

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of the Families of Militia Men; and also an Act, made in the Parliament of *Ireland*, in the Thirty-ninth Year of His present Majesty's Reign, to amend the said recited Act of the Thirty-fifth Year; and so much of an Act, made in the Parliament of *Ireland* in the Thirty-seventh Year of His present Majesty's Reign, intituled, *An Act to explain and amend the Laws now in force relating to the Militia of this Kingdom*, as relates to the providing Relief for the Families of Militia Men, shall, from and after the passing of this Act, be and the same are hereby repealed.

39 Geo. 3. c. 49.

37 Geo. 3. c. 19. as relates to providing Relief for Militia Men's Families, repealed.

Families of Militia Men, who have marched out of their County, *etc.* entitled to certain Allowances.

II. And be it further enacted, That whenever the Militia of any County, Town, City, or Place in *Ireland*, shall be embodied and called out into actual Service, and any Man serving or enrolled therein as a Serjeant, Corporal, or Drummer, or as a ballotted Man or Substitute, hired Man, or Volunteer respectively, shall have left a Family less able in consequence of his Absence to support themselves, and the Colonel, or Lieutenant Colonel, Commandant, or other Commanding Officer, shall certify in Writing in Manner and Form following, the Day when such Militia Man marched out of the County or Place for which he serves, and that the said Militia Man hath declared to such Commanding Officer the Names and Number of his Family, and the Place where they reside, then and in such Case every such Militia Man's Family shall be entitled to and shall receive during his Absence on actual Service, the Weekly Allowance following; that is to say, after the Rate of One Shilling for every Child born in Wedlock, and under the Age of Ten Years, not exceeding the Number herein-after mentioned, and of One Shilling for the Wife of such Man, whether he shall or shall not have any Child or Children, provided she does not follow the Regiment; and the Form of the aforesaid Certificate shall be as follows:

Form of Certificate of Commanding Officer.

'I Colonel [*or*, Lieutenant Colonel, Commandant, *or*, , Commanding Officer, *as the Case may be*], of the Militia, do hereby certify, That *A. B.* in the said Militia was called out into actual Service, and did, on the Day of march from, and is now absent on Service from the said County, [Town, City, *or* Place, *as the Case may be*], and that he hath declared to me that his Family resides at and consists of and that by his Absence they are rendered less able to support themselves; and I do certify, that the said *A. B.* never deserted from the said Militia.'

Adjutant to keep a Register of such Certificates.

III. And be it further enacted, That a Register of all such Certificates from Time to Time to be granted shall be kept by the Adjutant of every Regiment or Battalion of Militia in *Ireland*.

Two Justices, on Production of the Certificate, may order the Allowance to be paid by the Collector of the Cess, or Treasurer of the Town, *etc.*

IV. And be it further enacted, That it shall and may be lawful for any Two Justices of the Peace acting in and for the Barony, or Half Barony, Town, City, or Place in which the said Family shall reside, on the Production of such Certificate, to enquire into the Circumstances of the said Family, and whether they reside in the Parish or Place mentioned in the Declaration of such Militia Man; and if on such Enquiry they shall find that such Family do so reside, and shall be of Opinion that such Family

mily is less able to support itself in consequence of the Absence of such Militia Man, they shall then indorse such their Opinion in Writing, under their Hands, on the Back of the said Certificate, and shall subjoin thereto an Order requiring the Collector of the publick Cess in such Barony or Half Barony, or the Treasurer of such Town or City, to pay the several Allowances herein-before mentioned, after the Rate aforesaid, to such Family, specifying in such Order the Names and Ages of each Person of the said Family entitled to receive the same; which Order the said Collector or Treasurer respectively are hereby required to obey, and such Certificates, with the Opinions and Orders of such Justices, shall be forthwith deposited with the said Collector or Treasurer, by the Person or Persons applying to such Collector or Treasurer for Relief under this Act.

Allowance for Children limited.

V. Provided always, and be it enacted, That the Wife of any Man so in actual Service, or any other Person, shall not be entitled to the aforesaid Weekly Allowance of One Shilling for each Child for more than Three Children of any ballotted Man, nor for more than One Child of any Militia Man not being a ballotted Man.

Allowance not to be given longer than the Man shall serve, nor to a Wife who follows the Regiment.

VI. Provided also, and be it further enacted, That no Allowance shall be ordered or paid under this Act to the Wife or Family of any Person serving in the Militia, for any longer Period than such Person shall continue to serve and remain embodied in actual Service, nor in any Case in which the Wife in respect of or by whom any such Relief is demanded shall follow the Regiment, Battalion, or Corps in which her Husband shall serve.

Families of Substitutes, *etc.* marrying after embodied, unless with Consent of Commanding Officers, not entitled to Relief.

VII. Provided also, and be it further enacted, That, from and after the passing of this Act, no Allowance under this Act shall be given or ordered to be given to the Family of any Substitute, hired Man, or Volunteer, who shall marry after and during the Time of his being called out into actual Service, unless such Marriage shall have taken place with the Consent of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps, to which such Man shall belong, and such Consent shall have been certified under the Hand of such Colonel or other Commanding Officer.

Collector may stop Allowance in case of Death unless directed otherwise by Justices.

VIII. Provided always, and be it enacted, That if such Collector or Treasurer respectively shall have Reason to believe that by the Death of any of the Family of any Militia Man, or by any other Circumstance, the Allowance ought to be stopped or lessened in Amount, it shall be lawful for him to stop or lessen such Allowance accordingly, until Two Justices of the Peace shall direct him otherwise by Writing under their Hands and Seals.

Adjutant to make Returns Monthly to the Collector and Treasurer of the Barony, of the Promotions and Vacancies, *etc.* of the Regiment.

IX. And be it further enacted, That the Adjutant of every Regiment, Battalion, or Corps of the said Militia shall, within Seven Days after the Twenty-fourth Day of every Month, during the Time the Militia to which he shall belong shall remain embodied or in actual Service, return to the respective Collectors and Treasurers of the Barony, Half Barony, Town,

Town, City, or Place reſpectively, a particular Liſt of all Promotions and Vacancies, and all Deaths, Deſertions, and other Caſualties, that may have occurred among ſuch of the Militia Men of the ſaid Regiment as ſhall have their Families reſident in any ſuch Barony, Half Barony, City, Town, or Place reſpectively, and who ſhall have ſeverally declared the ſame to the Colonel, Lieutenant Colonel, Commandant, or other Commanding Officer of the Regiment, in Manner herein-before mentioned, and ſhall have received the Certificate of ſuch Commanding Officer for the Purpoſe of obtaining the Relief given by this Act.

Abſtract of Orders to be tranſmitted by the Collector to the Clerk of the Peace to be laid before the Quarter Seſſion.

X. And be it further enacted, That every ſuch Collector ſhall tranſmit to the Clerk of the Peace of the County, Town, or City within which the Barony or Half Barony for which he is Collector ſhall be ſituate, and the Treaſurer of any Town or City ſhall tranſmit to the Clerk of the Peace there, previous to each Quarter Seſſions, an Abſtract of all Orders which he ſhall have received as aforeſaid, to be by the ſaid Clerk of the Peace laid before the Juſtices at ſuch Seſſions; and it ſhall be lawful for the Juſtices there to ſet aſide or alter any Order of any Juſtices, which, upon due Enquiry in open Court, upon Oath, ſhall appear to have been fraudulently obtained, or not to be warranted by this Act.

Allowances paid by Baronial Collector or Treaſurer to be repaid Quarterly by the Collector of Exciſe for the Diſtrict.

XI. And be it further enacted, That every ſuch Weekly Allowance to be paid under this Act by the Collector of the Baronial Ceſs, or Treaſurer of the Town or City reſpectively, in Manner aforeſaid, to the Family of any Man, ſhall be repaid Quarterly to the Collector and Treaſurer reſpectively, by the Collector of His Majeſty's Exciſe for the Diſtrict in which ſuch Barony, Town, or City ſhall be ſituate, out of any publick Money in his Hands; and the Sums ſo paid by ſuch Collector of Exciſe ſhall be allowed to him in his Accounts, on ſuch Collector of Exciſe producing the Receipts of the Collector of the Baronial Ceſs, or Treaſurer of the Town or City for the ſame, as the Caſe may be.

Collector or Treaſurer, in caſe they have not Money in Hand, ſhall tranſmit Certificates and Orders of Juſtices to Collector of Exciſe, who ſhall remit a ſufficient Sum Monthly for Relief.

XII. Provided always, and be it enacted, That if any Collector of a Baronial Ceſs or Treaſurer of any Town or City ſhall not, at the Time when any Application ſhall be made to him to pay any Allowances under this Act, have in his Hands ſufficient Money for Payment of the ſame, ſuch Collector or Treaſurer ſhall and may, and he is hereby required from Time to Time, as Occaſion ſhall require, to tranſmit all ſuch Certificates and Opinions, and Orders of the Juſtices indorſed thereon or ſubjoined thereto, as ſhall be in his Hands, or an Abſtract of the ſame, to the Collector of the Exciſe for the Diſtrict, and it ſhall thereupon be lawful for the ſaid Collector of the Exciſe, and he is hereby authorized and required to remit or pay out of ſuch publick Monies as may be in his Hands to the ſaid Collector of the Baronial Ceſs or Treaſurer reſpectively, at leaſt Once in every Month, a Sum ſufficient to ſatisfy and pay the Amount of ſuch Orders for Relief ſo tranſmitted to him under and by virtue of this Act.

XIII. And

XIII. And be it further enacted, That in order to recompence the said Collectors of the Baronial Ceſs, Treaſurers of Counties or Cities, and Collectors of the Exciſe, for the Trouble and Expence which they may ſeverally incur by virtue of this Act, it ſhall be lawful for the Grand Jury of each County, Town, or City, at each Aſſizes, and for the Grand Juries of the County of *Dublin*, and County of the City of *Dublin*, at each preſenting Term, to preſent any Sums they ſhall think reaſonable to be raiſed off the County at large, to be applied and paid as ſuch Grand Juries ſhall direct to the ſaid reſpective Collectors and Treaſurers, over and above all Sums or Allowances to which they or any of them are or may be entitled by virtue of any Law or Laws in Force, as a Reward for their Trouble and Expence in advancing, paying, receiving, and accounting for any Money by them advanced or paid in purſuance of this Act.

Grand Juries may preſent any Sum they think reaſonable for Collectors, *etc.* for their Trouble.

XIV. And be it further enacted, That if any Collector of a Baronial Ceſs, Treaſurer, Clerk of the Peace, Officer of the Peace, or Collector of Exciſe, ſhall wilfully neglect or refuſe to carry the Proviſions of this Act into Execution, and ſhall be thereof convicted by Preſentment or Indictment at the Aſſizes, or, if in the County or City of *Dublin*, in the Court of King's Bench, he ſhall be fined at the Diſcretion of the Court, any Sum not exceeding Fifty Pounds.

Penalty on Officers neglecting to carry this Act into Execution;

XV. And be it further enacted, That if any Collector of the Baronial Ceſs or Treaſurer of a County or City ſhall on Demand made in purſuance of any Order or Certificate of any Juſtice or Juſtices of the Peace for the Payment of any Sum of Money by virtue of this Act, and Production of ſuch Order or Certificate to him, refuſe or neglect to pay and ſatisfy the Sum or Sums of Money directed to be paid in or by ſuch Order or Certificate, every ſuch Collector or Treaſurer ſo refuſing or neglecting to make ſuch Payment ſhall for every ſuch Neglect forfeit the Sum of Five Pounds to be recovered upon the Oath of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party accuſed before the Juſtice making ſuch Order, or any other Juſtice of the Peace of the County, City, or Place where the Offence ſhall be committed, which ſaid Juſtice is hereby authorized and required upon Information exhibited, or Complaint made, by the Party aggrieved in that Behalf, to ſummon the Party accuſed, and to examine into the Matter of Fact, and upon due Proof thereof as aforeſaid, to give Judgement for ſuch Penalty, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, in caſe the ſame ſhall not be forthwith paid, by Warrant under the Hand and Seal of ſuch Juſtice, 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 Uſe of the Party ſo aggrieved as aforeſaid: Provided always, that the Allowances under and by virtue of this Act ſhall be claimed and paid Weekly, and that no Wife of any ſuch Militia Man, nor any other Perſon on Behalf of ſuch Wife, or of the Family of any ſuch Militia Man, ſhall be entitled to receive at any One Time more than Two Weeks Arrears of any Allowance to ſuch Wife and Family under or by virtue of this Act.

and on Officers for not paying Money in purſuance of Orders.

Allowances to be claimed weekly, and no more than Two Weeks Arrears to be allowed.

Act may be altered or repealed this Seſſion.

XVI. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be paſſed in this preſent Seſſion of Parliament.

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