

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. XXXVIII.

An Act to provide, until the Twenty-fifth Day of *March* One thouſand eight hundred and four, for the more ſpeedy and effectual Completion of the Eſtabliſhment of Officers in the Militia of *Great Britain*; and for facilitating the filling up Vacancies therein. [22d *April* 1803.]

WHEREAS it is expedient to provide for the more ſpeedy and effectual Completion of the Eſtabliſhment of Officers in the Militia of *Great Britain*, and for facilitating the filling up Vacancies therein: 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 all Caſes where any Reduction of Field Officers, or of other Officers, ſhall have taken place in the Militia of any County, Riding, Shire, Stewartry, or Place, or in any Regiment, Battalion, or Corps thereof, in *Great Britain*, either under an Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*; or under another Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act to raiſe and eſtabliſh a Militia Force in* Scotland; or in conſequence of any Diminution of the Numbers of Militia Men for any County, Riding, Shire, Stewartry, or Place, or in any Regiment, Battalion, or Corps of Militia thereof, previous to the laſt diſembodying of the Militia Forces, every ſuch Field or other Officer

Where any Reduction of Officers ſhall have taken place in any Militia under 42 Geo. 3. c. 90, or c. 91, or in conſequence of the Diminution of the Number of Men, ſuch Officers ſhall, if duly qualified, be competent to

succeed to any Vacancy of equal Rank in the Militia of the County in which they were ſerving, if approved of by His Majeſty, and take Rank according to their original Commiſſion.

Officer who ſhall have been ſo reduced, if duly qualified according to the Proviſions of the ſaid recited Acts, or either of them, ſhall, notwithſtanding ſuch Reduction, be competent to ſucceed to any Vacancy of a Commiſſion of equal Rank in the Regiment, Battalion, or Corps of Militia in which he was ſerving at the Time of ſuch Reduction, or in any Regiment, Battalion, or Corps of Militia of the ſame County, Riding, Shire, Stewartry, or Place, provided ſuch Officer ſhall be approved by His Majeſty as eligible to fill ſuch Vacancy; and every ſuch Officer, who ſhall be ſo appointed to fill ſuch Vacancy in ſuch Regiment, Battalion, or Corps of Militia, ſhall take Rank, as well within the ſame as in the General Line of Militia, according to the Date of his original Commiſſion.

His Majeſty may approve of the Appointment of any Perſon who, at the late diſembodying of the Militia, was ſerving as a Captain, and conſidered as reduced as not being qualified, to reſume his Station, who ſhall take Rank according to the Date of his original Commiſſion.

II. And, for the more ſpeedy and effectual ſupplying of Vacancies among the Captains of Militia, be it further enacted, That it ſhall be lawful for His Majeſty, on the Recommendation of the Lieutenant of any County, Riding, Shire, Stewartry, or Place, or, in his Abſence, of Three Deputy Lieutenants, to approve the Appointment of any Perſon who, at the Time of the late diſembodying of the Militia, was actually ſerving as a Captain in the Militia of any County, Riding, Shire, Stewartry, or Place in *Great Britain*, or in any Regiment, Battalion, or Corps thereof, and who, under and by virtue of the ſaid recited Acts of the laſt Seſſion of Parliament, or either of them, ſhall have been conſidered as reduced, by reaſon of not having the Qualification required by Law, to reſume his Station and Rank in the Militia of ſuch County, Riding, Shire, Stewartry, or Place, or in ſuch Regiment, Battalion, or Corps, by virtue of his original Commiſſion; and it ſhall be lawful for every ſuch Perſon, ſo recommended and approved of as aforeſaid, to ſerve as a Captain without having the Qualification required by Law; any Thing in any Act or Acts to the contrary notwithſtanding; and every Perſon ſo ſerving ſhall take Rank in ſuch Militia, or in ſuch Regiment, Battalion, or Corps, as well as in the General Line of the Militia, according to the Date of ſuch original Commiſſion.

Every Perſon who at the Time of paſſing either of the recited Acts, was ſerving as a Captain Lieutenant, may continue to ſerve as ſuch.

III. And be it further enacted, That it ſhall be lawful for every Perſon who, at the Time of the paſſing of the ſaid recited Acts of the laſt Seſſion of Parliament, or either of them, was actually ſerving as a Captain-Lieutenant of Militia, to continue to ſerve as ſuch; and every ſuch Perſon, ſo continuing to ſerve as ſuch Captain-Lieutenant, ſhall be entitled to rank accordingly.

If Officers duly qualified cannot be found within a certain Period, Officers of the Army or Marines, on Full or Half Pay, including Lieutenants of Militia in which Companies become vacant, *etc.* approved by His Majeſty, may be

IV. And be it further enacted, That if a ſufficient Number of Officers, duly qualified according to the ſaid recited Acts, or either of them, or this Act, cannot be found to accept of Commiſſions in the Militia of *Great Britain*, within Two Months from the Date of His Majeſty's Warrant for embodying any Regiment, Battalion, or Corps of Militia, it ſhall be lawful for the Lieutenants and Deputy Lieutenants reſpectively to appoint, for that Service, ſuch a Number of Officers in the Army or Marines, whether on Full or Half Pay, or of Perſons who have had Commiſſions in any of His Majeſty's Forces, or in the Militia, including ſuch Officers as are ſerving at the Time as Lieutenants in the Regiment, Battalion, or Corps of Militia in which any Company is become vacant, or in any Corps of Proviſional Cavalry which may have been embodied, and have retired therefrom, as His Majeſty ſhall approve,

although not qualified according to the Laws relating to the Militia; provided that such Officers, in the Army or Marines, or said Provisional Cavalry, shall not be appointed, to any higher Rank in the Militia, than they respectively have or have had in His Majesty's other Forces, or in the Militia: Provided always, that nothing herein contained shall enable any Lieutenant, or Deputy Lieutenants, to appoint any of the Persons herein described, to bear any higher Commission in the Militia than that of Captain.

Officers appointed though not qualified, &c.

V. And be it further enacted, That if within Two Months from the Date of His Majesty's Warrant for embodying any Regiment, Battalion, or Corps of Militia in *Great Britain*, a sufficient Number of Officers possessing the Qualification required by Law within the County, Riding, Shire, Stewartry, or Place, to which such Regiment, Battalion, or Corps shall belong, cannot be found to accept Commissions therein, it shall be lawful for the Lieutenants and Deputy Lieutenants respectively, with the Approbation of His Majesty, to appoint Persons possessing any sufficient Estate or Property of the Value required by Law, in any other Part of *England* or *Wales*, if such Regiment, Battalion, or Corps, shall be Part of the Militia of *England*, or in any other Part of *Scotland*, if such Regiment, Battalion, or Corps, shall be Part of the Militia of *Scotland*.

If within the same Period, Officers possessing Qualifications within the County cannot be found, Persons possessing Qualifications in other Parts of *Great Britain* may, with the Approbation of His Majesty, be appointed.

VI. And, for the better Encouragement of Militia Men who may be attached to the Service of the Artillery, be it further enacted, That it shall be lawful for His Majesty, if He shall think fit, to order and direct that any Militia Men who shall be attached to the Service of the Artillery, and shall do Duty as Artillery Men, shall receive increased Pay, not exceeding such and the like Pay during the Time of their serving and doing Duty as Artillery Men as aforesaid, as any of the Men serving in the Royal Corps of Artillery are or may be entitled to; and it shall also be lawful for His Majesty to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as His Majesty may deem proper and necessary, from Time to Time, to order and direct in relation to any such Increase of Pay as aforesaid.

His Majesty may order increased Pay to Militia Men attached to the Artillery.

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

Continuation of Act.

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