ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

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CAP. XXXVIII.

An Act for allowing a certain Proportion of the Militia in *Ireland* voluntarily to enlist into His Majesty's Forces and Royal Marines.

[11th *April* 1805.]

WHEREAS it is highly important that the most effectual Measures should be taken for augmenting His Majesty's Regular Forces and Royal Marines, for the vigorous Prosecution of the present War; and it is therefore expedient to allow such Proportion of the Militia, now serving in *Ireland* as herein-after mentioned, to enlist into His Majesty's Regular Forces and Royal Marines; and to enable His Majesty to accept the Services of such of them as may so voluntarily enlist, under certain Provisions and Restrictions: 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 be lawful for His Majesty, by any Order or Orders signified by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, to name and appoint such and so many Regiments of His Majesty's Regular Forces and Divisions of Royal Marines,

His Majesty may appoint Regiments of the Regular Forces, and Divisions of the Marines,

in which Militia Men may enlist.

as His Majesty shall think fit, to receive Volunteers from the Militia of *Ireland* under this Act, out of any Regiment of Militia named in any such Order; and it shall be lawful for any Number of the private Men of any such Regiment of Militia, not exceeding the Proportion hereinafter mentioned, to enlist in the Manner and under the Regulations herein mentioned, into any Regiment or Division as aforesaid, which in any such Order of His Majesty shall be named to receive Volunteers from such Regiment of Militia.

The Number of Men to enlist shall not exceed Two Fifths of the Number actually serving. Where more than One Battalion, the Chief Secretary to the Lord Lieutenant to signify to the Commanding Officers the Number to be enlisted out of each.

II. Provided always, and be it further enacted, That the Number of private Men to be enlisted out of the Militia of any County of a Town or City in *Ireland*, shall not in any Case exceed Two Fifths of the Number of Men then actually serving in the Militia for such County; and in case the Militia of any County shall consist of more than One Battalion, the Chief Secretary to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, shall ascertain the Number of private Men that may be allowed to enlist out of each of such Battalions, by the Proportions which the Number of private Men serving in each Battalion bears to the whole Number of private Men actually serving in the Militia of such County; and shall signify to the Commanding Officers of each of such Battalions the Number of private Men that may be allowed to enlist out of their respective Battalions.

Commanding Officers to ascertain the Number willing to enlist, and if it be Four Fifths of the Number allowed no more shall be enlisted.

III. And be it further enacted, That it shall be lawful for the Commanding Officer of any Regiment of Militia, on the Receipt of any Order or Orders of His Majesty so signified as aforesaid, specifying the Regiments or Divisions as aforesaid, into which his Men may enlist, and the Number of Men to be allowed to enlist out of his Regiment, to ascertain the Number of private Men willing to enlist out of his Regiment; and if the Number of private Men, who shall upon Inspection be approved as herein after is mentioned, shall amount to Four Fifths of the Number allowed to enlist, forthwith to deliver them to the Officer appointed to receive such Volunteers; and in such Case no further Number of private Men shall be allowed to enlist out of such Regiment.

Commanding Officers may select not exceeding Half of the Number serving in the Regiment of Militia, and the Men to be enlisted under this Act shall be from the Remainder

IV. And be it further enacted, That it shall be lawful for the Commanding Officer of any Regiment of Militia, if he shall think fit, by Ballot or otherwise, at his Discretion, to select any Number of private Men, not exceeding in Number One Half of the private Men actually serving in such Regiment at the Time of receiving His Majesty's said Order, or in case such Regiment shall consist of the Militia of Two or more Counties, then not exceeding in Number for each County One Half of the private Men actually serving in such Regiment for each County, to serve as Part of the Militia to which the County shall remain liable; and the Men so selected by such Commanding Officer shall not be allowed to enlist under this Act; and in every such Case the Men to be enlisted under this Act, shall be enlisted only out of the private Men remaining after such Selection as aforesaid.

His Majesty may appoint Officers to approve or reject the

V. And be it further enacted, That it shall be lawful for His Majesty to appoint such General or Field Officers specially authorized by His Majesty, or the Commander in Chief of His Majesty's Forces for that Purpose, to inspect, approve, or reject the Men who shall be desirous of enlisting

enlisting under this Act; and such Officers may approve of or reject such Men accordingly: Provided always, that nothing in this Act contained shall extend to authorize any such Officers to reject any Man desirous of enlisting into His Majesty's Regular Forces, who shall be of the Height of Five Feet Four Inches or upwards, and under the Age of Thirty-five Years, and not disabled by Lameness or other bodily Infirmity.

Men, but none shall be rejected who are 5 Feet 4 Inches, and under 35 Years of Age, and not disabled.

VI. And be it further enacted, That the Commanding Officer of every Regiment of Militia, out of which such Proportion of Four Fifths shall not have enlisted, and been delivered to such Officer as aforesaid, shall, within Seven Days after receiving His Majesty's Order in that Behalf, cause such Regiment, if no Selection shall have been made as aforesaid, and if such Selection shall have been made, then the remaining Part of the Men then serving in such Regiment, to be drawn out, and such Commanding Officer, or some Commissioned Officer by his Direction, shall read to the Regiment or Men so drawn out, His Majesty's Orders, and shall cause the same to be given out in General Orders, and shall, in such Manner as His Majesty shall direct, explain to the Men the Terms upon which any Man serving in the Militia may enlist into the Regular Forces or Marines, under this Act, and shall on the Day next succeeding the Reading of His Majesty's said Order, cause his Regiment, or such Part thereof as aforesaid, to be drawn out in such Manner as the Commanding Officer shall direct; and such Commanding Officer shall cause the Names of the Men who shall then voluntarily declare their Intention of enlisting to be written down; and if the Number of such Men shall exceed the Proportion allowed to enlist, such Exceſs shall be reduced by Ballot to the Number authorized to enlist under this Act.

Commanding Officer of every Regiment out of which the Proportion of Four Fifths shall not enlist, shall read His Majesty's Orders, and explain to the Men the Terms of Enlistment, and cause the Names of the Volunteers to be written down, and if they exceed the allowed Proportion, the Exceſs shall be reduced by Ballot.

VII. Provided always, and be it further enacted, That if the Number of private Men in any Regiment, or such Part thereof as shall not have been selected as aforesaid, who shall (when so drawn out as aforesaid), voluntarily declare their Intention to enlist into His Majesty's Regular Forces or Marines, shall not amount to the Proportion authorized to enlist, then and in such Case a Book shall be opened by the Commanding Officer, and it shall be lawful for any other of such Men, within Ten Days after such Regiment, or Part thereof as aforesaid, shall be drawn out, to enlist into His Majesty's Regular Forces or Marines; and the Name of every such Man shall be entered in the said Book, and be transmitted by such Commanding Officer to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Time being, or his or their Chief Secretary; and in case the full Number of Men shall not be enlisted within such Period of Ten Days as aforesaid, the Regiment, or such Part thereof as shall not have been selected as aforesaid, shall, at the Expiration of such Period be again drawn out, and such Orders and the Terms of enlisting as aforesaid be again read and explained, and such Proceedings be had for enlisting of Men into His Majesty's said Forces as herein-before directed; and if the Number of Men who shall then have enlisted under this Act, shall not in the Whole amount unto the Proportion authorized to enlist out of such Regiment, then it shall be lawful for any Men who may at any Time after the First Day of *March* One thousand eight hundred and five have been enlisted or enrolled in such Regiment, for the further Period of One Calendar Month, to enlist under this Act; and the Names of all the Men so enlisted shall

But if the Number who shall enlist shall not be the due Proportion, Men may within Ten Days enlist, whose Names shall be transmitted to the Lord Lieutenant or his Chief Secretary; and if the full Number shall not then be enlisted, the Proceedings for enlisting them shall be had within the next Ten Days, and if then not enlisted, any Men who have been enrolled after *March* 1805, may enlist.

shall be entered in such Book, and transmitted by the Commanding Officer as before directed; and all such Men so enlisted shall, if approved, be entitled to such and the like Bounty as if they had declared their Intention to enlist when the Regiment, or any Part thereof, was first drawn out as aforesaid.

As soon as the Number to be enlisted from any Regiment is ascertained, they shall be discharged, and shall, if approved, be attested for General Service in the Regiment they have declared their Intention to enlist, and shall be entitled to the Bounty of 10 Guineas, *etc.*

VIII. And be it further enacted, That so soon as the Number of private Men to be enlisted from any Regiment shall have been ascertained in Manner by this Act directed, the Commanding Officer of such Regiment is hereby required to discharge all such private Men so to be enlisted from the Militia; and every such private Man so to be discharged as aforesaid, shall, if approved by the Officer to be appointed for the Purpose, immediately thereupon belong to the Regiment or Division as aforesaid, into which he shall declare his Intention to enlist, and may and shall be immediately enlisted and attested for General Service for such Regiment or Division, and shall (as soon as conveniently may be) be transferred to some Officer of such Regiment or Division, or such Officer as His Majesty may have appointed to receive Men enlisted under this Act, and shall have and be entitled to the Allowance of the Bounty of Ten Guineas, of which Three Guineas shall be paid to such Man upon his Approval by such Officer, and the Remainder as soon as he shall arrive at the Head Quarters of the Regiment or Division into which he shall have enlisted, together with Subsistence, Pay, and Cloathing, to be paid and furnished in like Manner in every Respect, and subject to and under the like Laws, Rules, and Regulations, as are provided and used for that Description of His Majesty's said Forces into which he shall have enlisted.

No Person in Confinement shall be entitled to enlist until he shall have suffered the Sentence of a Court Martial; nor any who have been in Confinement, or sentenced to Punishment, within a certain Period, without Consent of the Commanding Officer.

IX. Provided also, and be it further enacted, That no Militia Man shall be entitled to enlist under this Act who shall be in Confinement under any Court Martial, or with a View to being tried by any Court Martial, until he shall have suffered the Sentence of such Court Martial; and that no Militia Man shall be entitled to his Discharge, or to enlist under this Act, who shall have been in Confinement, or who shall have been sentenced to any Punishment by any Court Martial, for any Offence committed between the Twenty-first Day of *March* One thousand eight hundred and five, and the Time of his so offering to enlist, unless he shall obtain the Consent of the Commanding Officer of the Regiment of Militia in which he shall be serving at the Time of his being desirous of enlisting as aforesaid.

Certain Persons not to enlist without Consent of the Commanding Officer.

X. Provided also, and be it further enacted, That no Person serving in the Militia, who shall be usually employed as Adjutant's Clerk, or Regimental Clerk, or as a Drummer, or as a Musician in the Band of the Regiment of Militia to which he shall belong, or shall be usually employed as an Armourer in any such Regiment, shall be entitled to his Discharge, or to enlist under this Act, unless he shall obtain the Consent for that Purpose of the Commanding Officer of the Regiment of Militia in which he shall be then serving.

Commanding Officers may refuse to discharge Men, upon assigning sufficient

XI. Provided also, and be it further enacted, That it shall be lawful for the Commanding Officer of any Regiment of Militia to refuse to discharge any Militia Man who shall desire his Discharge for the Purpose of being enlisted under this Act, upon assigning, in Writing, to the General Officer

commanding in the District within which such Regiment of Militia shall be quartered, or to the Adjutant General of His Majesty's Forces, where there shall not be any such General Officer as aforesaid, such Cause for his Refusal as shall be deemed sufficient by such General Officer or Adjutant General, as the Case may be.

Cause to the General commanding the District, or to the Adjutant General.

XII. Provided also, and be it further enacted, That if any Person discharged from the Militia for the Purpose of being enlisted under this Act, shall notwithstanding refuse to enlist pursuant to any Declaration of being desirous to enlist, so made by him as aforesaid, or shall not be approved by the Officer appointed by His Majesty for that Purpose, then and in every such Case, such Person shall continue to belong to the Regiment of Militia from which he shall have been so discharged for the Purpose of enlisting as aforesaid, notwithstanding any such Discharge.

If any Person discharged shall refuse to enlist, or shall not be approved, he shall belong to the Regiment from which discharged.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize any Officers appointed by His Majesty to enlist and receive Militia Men under this Act, or any Commanding Officer or other Officer, or Non-commissioned Officer of any Regiment of His Majesty's Regular Forces or Marines, or other Person to enlist or persuade to enlist, or receive any Militia Man, other than such as shall have been duly discharged by the Colonel or Commanding Officer of the Regiment of Militia to which the Person desirous of enlisting shall belong.

Act not to authorize the enlisting or persuading to enlist, any Man not duly discharged.

XIV. And be it further enacted, That every Person who shall be enlisted to serve in any Regiment or Division of His Majesty's Regular Forces or Marines, so named and appointed as aforesaid, shall serve in the Regiment or Division in which he shall originally have enlisted to serve, and in no other Regiment or Division whatever; and no Person enlisting in any such Regiment or Division shall on any Account or Pretence whatsoever be drafted into or serve in any other Regiment or Division, whether such Person shall consent to his being so drafted or not, unless in every such Case the Person so consenting to serve in any other Regiment or Division, other than the one for which he shall have so enlisted as aforesaid, shall have been first wholly and absolutely discharged from all Service whatever in His Majesty's Forces, and shall thereafter have voluntarily entered into such other Regiment or Division.

No Person shall be drafted from the Regiment in which he enlists, unless first discharged therefrom.

XV. And be it further enacted, That it shall be lawful for His Majesty, by any Order to be signified at any Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, from Time to Time during the Execution of this Act, or any Part thereof, to give such Orders and Directions to the Governors or Deputy Governors of Counties, or to the respective Colonels or Commanding Officers of any Regiments of Militia, as His Majesty shall, from Time to Time, think expedient and necessary for the Execution of this Act; and the several Governors and Deputy Governors, and Colonels and Commanding Officers aforesaid, shall proceed forthwith, in pursuance of His Majesty's Orders, to do all such Acts as shall be necessary for the Purpose of carrying such Order into Execution, and for the due Execution of the Provisions of this Act.

His Majesty may give Orders for the Execution of this Act to Governors and Commanding Officers.

Commanding Officers, receiving His Majesty's Orders, to transmit to the Lord Lieutenant, or his Chief Secretary, an Account of the Men discharged.

XVI. And be it further enacted, That the several Colonels or Commanding Officers of the several Regiments of Militia, shall, within Ten Days after the receiving of any Order for that Purpose from His Majesty, signified as herein-before is mentioned, transmit to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, an accurate Account, in Writing, of the Number of Persons that shall have been discharged from the Militia.

Provisions relating to Counties and Regiments to extend to Divisions, Battalions, *etc.*

XVII. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments respectively, shall extend to all Divisions, Cities, and Places in *Ireland*, and to all Battalions, Corps, and Companies, as fully and amply as if they were severally and respectively repeated in every such Provision, Direction, and Clause, relating to any such Matter or Thing.

Act may be altered or repealed this Session.

XVIII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be made in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.