

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LX.

An Act for making Allowances in certain Cases to Subaltern Officers of the Militia in *Great Britain*, while disembodied. [27th *June* 1805.]

WHEREAS it is expedient to make some Addition to the Pay of certain Subaltern Officers of the Militia Forces in *Great Britain* while disembodied, 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, the following annual Allowances, over and above the Pay to which they are now by Law entitled, during the Time of annual Exercise, shall be made and paid to the Amount, under the Restrictions,

The annual Allowances herein mentioned, beside the Pay to which they are entitled

during annual Exercise, shall be made to Lieutenants, Surgeons, and Enfigns.

tions, and in the Manner herein-after expreſſed, to every Subaltern Officer now bearing a Commiſſion and ſerving in the Militia of *Great Britain*, who ſhall continue faithfully to ſerve in the ſame Corps, or who, previouſly to the Expiration of Three Months from the paſſing of this Act, ſhall be duly appointed to a Commiſſion, and ſhall continue faithfully to ſerve in the embodied Militia, and in the ſame Corps until the diſembodying thereof; (that is to ſay), to a Lieutenant or a Surgeon Twenty-five Pounds Eighteen Shillings and Sixpence, being at the Rate of One Shilling and Five-pence *per Diem* for Three hundred and ſixty-ſix Days; and to an Enſign Twenty-one Pounds Seven Shillings, being at the Rate of One Shilling and Two-pence *per Diem* for Three hundred and ſixty-ſix Days: Provided always, that all ſuch Officers of the Militia as are now ſerving with the Rank of Captain Lieutenant, ſhall be deemed to be Lieutenants for the Purpoſes of this Act.

Exceptions.

II. Provided alſo, and be it further enacted, That no Perſon who is or ſhall, during the Continuance of this Act, become poſſeſſed of ſuch an Eſtate or Income, as would by Law qualify him to hold the Commiſſion of Captain of a Company in the Militia, or who is or ſhall be appointed Adjutant or Battalion Clerk in any Regiment, Battalion, or Corps of Militia, nor any Perſon deriving in any Way whatſoever, otherwiſe than as a Subaltern Officer or Surgeon 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 or Surgeon'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 and Surgeons to take the following

III. And be it further enacted, That the Subaltern Officers and Surgeons of the Militia, who ſhall claim under the Authority of this Act to receive any Part of the ſaid annual Allowances, ſhall, previous to receiving the ſame, and in order to entitle themſelves thereto, take and ſubſcribe an Oath before ſome One of His Majeſty's Juſtices of the Peace for the County, Riding, Stewartry, City, or Place, to which the Regiment, Battalion, Corps, or Independent Company in which they ſerve ſhall belong, in the Words or to the Effect following; (*videlicet*),

Oath.

'I *A. B.* do ſwear, That I belonged to the of Militia when the 'ſame was diſembodied, and that I have continued to ſerve therein from 'that Time until the Day of inclusive, as a [Captain-'Lieutenant, Lieutenant, Enſign, *or* Surgeon, *as the Caſe may be*], and 'that I was not, in my own Right or in Right of my Wife, during the ſaid 'Period, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents 'and Profits of Lands, Tenements, or Hereditaments of ſuch an annual 'Value above Repriſes, as would qualify me to hold a Commiſſion of 'Captain of a Company in the Militia; that I have not, during the 'above Period, held the Appointment of Adjutant or Battalion Clerk in 'any Regiment, Battalion, or Corps of Militia; that I did not hold or 'enjoy, nor did or has any Perſon for me hold or enjoy, or held or en-

'joyed,

"joyed, during the said Period, any Office or Income whatsoever from
'the Publick, except my Pay as for the Period of the Corps
'having assembled to be trained and exercised; and that I was not en-
'titled during the said Period, either to the Full or Half Pay of the Navy,
'Army, or Marines.

'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, Battalion, Corps, or Independent Company of Militia, in which such Subaltern Officer or Surgeon shall be then serving, shall belong, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*, to be by him filed and preserved for the Purposes herein-after mentioned.

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

IV. And be it further enacted, That every Subaltern Officer and Surgeon 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, Battalion, Corps, or Independent Company 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 or Surgeon of such Regiment, Battalion, Corps, or Independent Company, 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, Battalion, Corps, or Independent Company to which he may belong, shall be transmitted by the said Commanding Officer to the Lieutenant of the County, Riding, Stewartry, City, or Place, to which the said Regiment, Battalion, Corps, or Independent Company of Militia shall belong, and also to the Receiver General of such County, Riding, or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*: Provided always, that in case any such Subaltern Officer or Surgeon 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 or Surgeon 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 Certificates (in lieu of those before mentioned) to be signed by the Commanding Officer, and to be transmitted as soon as conveniently may be to the Lieutenant of the County, Riding, Stewartry, City, or Place, to which the Regiment, Battalion, Corps, or Independent Company wherein such Subaltern or Surgeon shall be serving, shall belong, and also to the Receiver General of the same County, Riding,

Subalterns and Surgeons 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 County.

In case of Leave of Absence, the Reason for granting it to be inserted in the Certificate.

or

or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*.

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

V. Provided always, and be it further enacted, That in caſe any Regiment, Battalion, Corps, or Independent Company of Militia, after the diſembodying thereof, and before the reſpective Days herein-after fixed for the Half-yearly Payment of the ſaid annual Allowances, ſhall not be called out for the annual Exerciſe and Training thereof, every Subaltern Officer and Surgeon belonging to any ſuch Regiment, Battalion, Corps, or Independent Company, 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 or Surgeon had regularly attended the annual Exerciſe and Training of ſuch Regiment, Battalion, Corps, or Independent Company, during the Whole of the Time by Law appointed for that Purpoſe, and as if a Certificate of ſuch Attendance, ſigned by the Commanding Officer of the ſaid Regiment, Battalion, Corps, or Independent Company, had been tranſmitted to the Lieutenant of the County, Riding, Stewartry, City, or Place to which ſuch Regiment, Battalion, Corps, or Independant Company ſhall belong, and alſo to the Receiver General of the ſame County, Riding, or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*, according to the Directions of this Act; any Thing contained in this Act to the contrary hereof notwithſtanding.

Allowances to be paid without Deductions.

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, Battalion, Corps, or Independent Company 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, it ſhall and may be lawful for ſuch Receivers General, and they are hereby authorized and required, to pay to the ſaid Subaltern Officers and Surgeons, according to their reſpective Commiſſions of Lieutenant, Enſign, or Surgeon, in Addition to their Pay, for the Time of Training and Exerciſe, One Moiety of the annual Allowance above mentioned on the Twenty-fourth Day of *September* next, and the other Moiety of the ſame on the Twenty-fourth Day of *March* One thouſand eight hundred and ſix, 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 and Surgeons not attending when called upon to forfeit their Claims.

VII. And be it further enacted, That the Subaltern Officers and Surgeons 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, Battalions, Corps, or Independent Companies to which they belong, whenever the ſame ſhall be embodied, and called out upon actual Service; and

and in case of Neglect or Refusal to attend when called upon, or in case any such Subaltern Officer or Surgeon shall at any Time wilfully neglect or refuse to attend, and perform his Duty at the annual Exercise as before directed, and at such other Times, or for such other Occasions, as may be required of him in pursuance of the Laws now in force respecting the Militia when disembodied, each and every such Subaltern Officer and Surgeon shall, upon such Neglect or Refusal being certified to the Lord Lieutenant by the Colonel or other Commandant of the Regiment, Battalion, Corps, or Independent Company to which such Subaltern or Surgeon shall belong, forfeit his Claim to the said annual Allowance, and every Part thereof, and shall also be considered as having resigned and vacated his Commission, to all Intents and Purposes whatsoever.

Allowances to be paid by Receivers General on Production of Certificates;

but not to be paid while the Militia is embodied.

VIII. 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 in *England*, and the Receiver General for *Scotland* respectively, upon the Production of the before mentioned several Certificates, on or as soon after the Twenty-fourth Day of *September* next, and the Twenty-fourth Day of *March* One thousand eight hundred and six respectively, as may be convenient and practicable: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to entitle any Subaltern Officer or Surgeon as aforesaid to the said annual Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or ordered 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; or to more than Five Lieutenants in any Regiment, Battalion, or Corps, consisting of Six or of a less Number of Companies, except where the Companies consist of Ninety Private Men each or upwards; in which Case this Act, and the Benefits and Allowances therein contained, may be extended to Eighteen Lieutenants in any Regiment consisting of more than Ten Companies; to Sixteen Lieutenants in any Regiment consisting of more than Eight and less than Eleven Companies; to Fourteen Lieutenants in any Regiment consisting of more than Six and less than Nine Companies; and to Nine Lieutenants in any Regiment, Battalion, or Corps consisting of Six or of a less Number of Companies.

Allowances to extend only to a certain Number.

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

IX. 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.

Continuance of Act.

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

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