ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP XC.

An Act to empower His Majesty to retain upon Full Pay and Allowances Officers of the Militia during the War, notwithstanding the Reduction

[10th *July* 1805.]

WHEREAS it may be expedient to retain a Number of Officers, Non-commissioned Officers, and Corporals of the several Regiments, Battalions, or Corps of Militia within *Great Britain*, notwithstanding the Reduction which shall have taken place therein, in pursuance of an Act passed in the present Session of Parliament, intituled, *An Act for allowing a certain Proportion of the Militia in* Great Britain *voluntarily to enlist into His Majesty's Regular Forces and Royal Marines*, and notwithstanding the Number of such Officers, Non-commissioned Officers, and Corporals, shall in consequence of such Reduction exceed the Proportion of Officers, Non-commissioned Officers, and Corporals, prescribed for the said Regiments, Battalions, or Corps respectively, by any Act or Acts of Parliament now in force; 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 signified by His Majesty's Secretary of State, to direct any Number of Officers, Non commissioned Officers, and Corporals, actually serving in any Regiment, Battalion, or Corps of Militia, at the

45 G. 3. c. 31.

His Majesty may direct any Number of Officers, &c. serving in the Militia, at the Time of the

Reduction of Privates, to be retained, although the Number may exceed the Proportion prescribed for any Regiment, &c.

the Time that any Reduction of the Number of the private Men of such Regiment, Battalion, or Corps, shall have taken place, or shall take place by the Discharge of Men, for the Purpose of enlisting into the Regular Forces and Royal Marines, under the above recited Act, to be retained during the Continuance of the present War, or for so long Time during the Continuance thereof as His Majesty shall think fit, as Officers, Non-commissioned Officers, and Corporals, respectively, of such Regiments, Battalions, or Corps, although by reason thereof the Number of Officers, Non-commissioned Officers, and Corporals respectively, of any such Regiment, Battalion, or Corps, shall by such Reduction of the Number of Private Men therein as aforesaid, exceed the Proportion of Officers, Non-commissioned Officers, and Corporals, respectively prescribed for any Regiment, Battalion, or Corps of Militia, by any Act or Acts now in force; and all such Officers, Non-commissioned Officers and Corporals, so retained as aforesaid, shall be entitled to such Pay, Emoluments, and Advantages as other Officers, Non-commissioned Officers, and Corporals respectively are by Law entitled unto, any Thing in any Law or Act to the contrary thereof notwithstanding.

Such Officers to succeed to Vacancies.

II. Provided nevertheless, and be it enacted by the Authority aforesaid, That the Officers so retained who shall exceed the Proportion of Officers respectively prescribed for any Regiment, Battalion, or Corps, shall, being duly qualified according to any Act or Acts relating to the Militia of *England* and *Scotland* in that Behalf, succeed to Vacancies which may occur in such Regiment, Battalion, or Corps respectively, according to their respective Ranks, and beginning with the eldest Officer of each Rank respectively.

Regulations respecting Field Officers.

III. Provided also, and be it further enacted, That where the Establishment of Field Officers of any such Regiment, Battalion, or Corps, shall, previously to such Reduction thereof as aforesaid, have consisted of One Colonel, Two Lieutenant Colonels, and Two Majors, and by reason of such Reduction, One Colonel, and One Lieutenant Colonel only, and Two Majors, shall be allowed on the Establishment thereof, and One of such Majors shall at any Time after such Reduction have died or resigned, then and in such Case, it shall be lawful for His Majesty, by any Order, signified as aforesaid, to direct that the Lieutenant Colonel, who in consequence of such Reduction would have been retained as a Supernumerary Lieutenant Colonel under the Provisions of this Act, shall remain and continue upon the Establishment of such Regiment, Battalion, or Corps, with the full Rank of Lieutenant Colonel, but nevertheless with the Pay, Emoluments, and Advantages of Major, any Thing herein-before contained to the contrary thereof notwithstanding.

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