ANNO QUADRAGESIMO SEXTO

# GEORGII III. REGIS.

## CAP. CXXIV.

An Act to enable His Majesty to accept the Services of Volunteers from the Militia of *Ireland*, under certain Restrictions. [21st *July* 1806.]

WHEREAS by an Act, made in the Forty-fourth Year of His present Majesty's Reign, intituled, *An Act for empowering His Majesty to direct the Augmentation of His Militia Forces in Ireland to an Extent therein limited*, it is enacted, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to issue his Orders to any Colonel or Commanding Officer of any Regiment or Battalion of the Militia of *Ireland*, to enrol and receive into such Regiment or Battalion such Volunteers as shall offer to serve in the said Militia, and such Number as shall be from Time to Time necessary to supply any Vacancies in the same by Death, Desertion, or lawful Discharge, provided that the Strength of any Regiment or Battalion of Militia shall not exceed One hundred Rank and File per Company: And whereas the said Militia Regiments have been lately augmented under the Provisions of the said recited Act, and it would be highly beneficial to the publick Service, that a Proportion of the Militia Forces of *Ireland* should be permitted to enter from Time to Time into the Regiments of the Line, or of the Royal Marines, for General Service, for the Purpose of increasing the disposeable Force of the Empire: 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 at any Time within Twelve Calendar Months after the Twenty-fourth Day of *July* One thousand eight hundred and six, and also at any Time whatever within Twelve Calendar Months after the Twenty-fourth Day of *July* in the Year One thousand eight hundred and seven, or in any subsequent Year, while the said Militia shall continue augmented under the Provisions of the said recited Act, it shall be lawful for His Majesty, by any Order signified 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 to order and direct any such Regiments of the Line, or any such Regiments of Royal Marines, as His Majesty shall name and appoint, to receive Volunteers from the Militia Forces of *Ireland* for General Service out of any Regiment,

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His Majesty may direct any such Regiments of the Line or Marines as He shall appoint, to receive Volunteers from the Militia of Ireland for General Service.

ment, Battalion, or Corps of the ſaid Militia named in any ſuch Order; and that it ſhall be lawful for any Private Militia Man in the ſaid Militia to enliſt under this Act for General Service, ſubject to the Regulations herein-after mentioned, into any ſuch Regiment of the Line of His Majeſty's Regular Forces, or into any ſuch Regiment of the Royal Marines as His Majeſty ſhall hereafter, by any ſuch Order as aforeſaid, from Time to Time name and appoint to receive Volunteers from the Regiment, Battalion, or Corps of Militia to which any ſuch Private Man ſhall at the Time of ſuch enliſting under this Act belong.

Commanding Officers of the Militia to explain to the Men the Terms of Enlistment, and ſhall diſcharge ſuch as ſhall declare within Ten Days an Intention of enliſting.

II. And be it further enacted, That every Commanding Officer of any Regiment, Battalion, or Corps of the Militia of *Ireland*, whenever he ſhall receive His Majeſty's Directions, ſignified as aforeſaid, for that Purpoſe, ſhall explain to the Private Men of the Regiment, Battalion, or Corps of which he ſhall, for the Time being, have the Command, in ſuch Manner and at ſuch Times (within One Calendar Month from the Time of his firſt receiving ſuch Directions), as His Majeſty ſhall by any ſuch Order appoint, the Terms upon which any Private Man ſerving in the ſaid Militia may enliſt into the Regular Forces or Royal Marines, for General Service under this Act; and if upon the Terms of ſuch enliſting being explained and made known to them as aforeſaid, any Private Militia Man ſhall, within Ten Days then next enſuing, voluntarily declare an Intention to be enliſted into His Majeſty's Regular Forces or Royal Marines for General Service, it ſhall be lawful for ſuch Commanding Officer as aforeſaid, and every ſuch Commanding Officer is hereby required to diſcharge ſuch Perſon from the ſaid Militia, and that every ſuch Private Man ſo diſcharged as aforeſaid ſhall immediately belong as a Private Man to the Regiment or Corps into which he ſhall declare his Intention to enliſt, and ſhall be immediately enliſted and atteſted for ſuch Regiment or Corps, in due Courſe of Law, and ſhall, as ſoon as conveniently may be, be transferred to ſome Officer of ſuch Regiment or Corps, or ſuch other Officer as His Majeſty may have appointed to receive Men enliſted under this Act, and ſhall have and be entitled to ſuch Bounty, and in ſuch Manner as His Majeſty may in that Behalf direct, 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 the Regiments or Corps of His Majeſty's Regular Forces or Royal Marines into which ſuch Private Militia Man ſhall have enliſted for General Service as aforeſaid, any Act or Acts in force in *Ireland* to the contrary thereof in anywiſe notwithſtanding.

In caſe the whole Number allowed to be diſcharged ſhall not declare their Intention within 10 Days after the Terms ſhall have been known, other 10 Days allowed.

III. Provided always, and be it enacted, That in caſe the whole Number of Men allowed to be diſcharged at any one Time in purſuance of ſuch Directions under the Proviſions of this Act, from any Regiment, Battalion, or Corps of Militia, ſhall not voluntarily declare their Intention of enliſting into His Majeſty's Regular Forces or Royal Marines, for General Service, within the Space of Ten Days after the Terms of ſuch enliſting have been made known to them as aforeſaid, it ſhall and may be lawful for any ſuch Men to declare ſuch Intention within Ten Days next ſucceeding ſuch firſt mentioned Ten Days, and ſuch Men ſhall be allowed to be diſcharged and to enliſt, and ſhall be diſcharged and enliſted accordingly under the Proviſions of this Act.

Men diſcharged, afterwards refuſing to enliſt, or rejected, ſhall

IV. Provided always, and be it enacted, That if any Perſon ſo diſcharged from the ſaid Militia for the Purpoſe of being enliſted into His Majeſty's Regular Forces or Royal Marines under this Act, ſhall refuſe to enliſt, purſuant to any Declaration of being deſirous to enliſt ſo made by

by him as aforesaid, or shall be rejected by any Officer to be appointed for inspecting Men so offering to enlist, or shall by any Means not be actually enlisted into the Regular Forces or Royal Marines under this Act, then and in every such Case, such Person shall continue to belong to the Regiment, Battalion, or Corps of Militia from which he shall have been so discharged for the Purpose of being enlisted as aforesaid, notwithstanding any such Discharge. continue to belong to the Militia.

V. Provided also, and be it further enacted, That no Private Militia-man shall be entitled to enlist under this Act who shall be in Confinement under any Sentence of any Court Martial, or who shall be under Confinement with a View to being tried by any Court Martial, until he shall have suffered the Sentence of such Court Martial; and that no Private 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 within the Space of Two Calendar Months previous to the Time of his so offering to enlist, unless he shall obtain the Consent of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps of Militia in which he shall be serving at the Time of his being desirous of enlisting as aforesaid. No Militia-man entitled to enlist who is in Confinement, or shall have been sentenced to any Punishment by a Court Martial within Two Months, &c.

VI. Provided also, and be it further enacted, That no Serjeant or Drummer, nor any Person serving in the Militia who shall be usually employed as a Musician in the Band of the Regiment, Battalion, or Corps of Militia to which he shall belong, or shall be usually employed as an Armourer, Paymaster's or Adjutant's Clerk, or Regimental Clerk in any such Regiment, Battalion, or Corps, shall be entitled to his Discharge, or to enlist into His Majesty's Regular Forces or Royal Marines under this Act, unless he shall obtain the Consent for that Purpose of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps of Militia in which he shall be then serving. No Serjeant or Drummer, &c. entitled to enlist without Consent of the Commanding Officer.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize any Colonel or Commanding Officer of any Regiment, Battalion, or Corps of the said Militia, to discharge or cause to be discharged under the Provisions of this Act, any greater Number of private Militia-men of the Regiment, Battalion, or Corps of which he is Colonel or Commanding Officer, than in the Proportion of Fifteen Men for every Company in such Regiment, Battalion, or Corps, in any one Year, reckoning from the Twenty-fourth Day of *July* One thousand eight hundred and six. Commanding Officer to discharge only in the Proportion of 15 Men for every Company.

VIII. Provided also, and be it further enacted, That it shall be lawful for the Colonel or Commanding Officer of any Regiment, Battalion, or Corps of Militia to refuse to discharge any Private Man who shall desire his Discharge for the Purpose of being enlisted into His Majesty's Regular Forces or Royal Marines for General Service under this Act, upon assigning in Writing to the General Officer commanding in the District within which such Regiment, Battalion, or Corps 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: Provided always, that no such Colonel or Commanding Officer shall be authorized to refuse, or shall refuse any such Discharge, unless the full Number of Men allowed by this Act to enlist from Time to Time shall enlist into His Majesty's Regular Forces or Royal Marines Commanding Officer may refuse to discharge any Private on assigning a sufficient Cause, &c.

from such Regiment, Battalion, or Corps, except only in such Cases where it is by this Act expressly provided, that certain Men shall not be entitled to be discharged or to enlist under this Act.

In case the Men offering to enlist shall exceed the Proportion, the Commanding Officer may select the Number.

IX. Provided always, and be it enacted, That in case the Number of Men in any one Regiment, Battalion, or Corps of the said Militia offering to enlist under this Act, shall at any Time exceed the Proportion herein-before mentioned, it shall and may be lawful for the Colonel or other Commanding Officer of such Regiment, Battalion, or Corps to select out of the whole Number of Men so offering to enlist such Men, to the full Amount of the Proportion herein-before mentioned, as such Colonel or Commanding Officer shall think fit, and such Men so selected, if approved by the General or Field Officer authorized to inspect Men enlisting under this Act, shall be enlisted accordingly under the Provisions of this Act.

His Majesty may appoint General or Field Officers, &c. to approve or reject the Men desirous of enlisting

X. And be it further enacted, That it shall be lawful for His Majesty from Time to Time 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 and to approve or reject the Men who shall be desirous of enlisting under this Act, and such Officers may approve of or reject such Men accordingly; and in case any Man or Men shall be rejected by any such General or Field Officer, as being unfit for His Majesty's Service, on Account of his or their not being of the Height of Five Feet Four Inches or upwards, or of his or their being more than Thirty-five Years old, or of his or their being disabled by Lameness or other bodily Infirmity; it shall be lawful for such General or Field Officer to select out of all the Men who shall have offered to enlist under this Act, from the Regiment, Battalion, or Corps of Militia, to which such Man or Men so rejected shall belong, a Man or Men in the Room of such Man or Men so rejected, and such Man or Men so selected by such General or Field Officer shall be enlisted accordingly, under the Provisions of this Act.

Commanding Officer of every Regiment of Militia shall transmit to the Inspecting Officers an Account of the Men who have declared their Intention of enlisting, &c.

XI. And be it further enacted, That the Colonel or Commanding Officer of every Regiment, Battalion, or Corps of the said Militia, shall from Time to Time transmit to the General or Field Officer to be appointed under this Act to inspect the Men desirous of enlisting under this Act from such Regiment, Battalion, or Corps, an accurate Account in Writing of the Number, Names, and Descriptions of the Men in such Regiment, Battalion, or Corps, who shall have voluntarily declared their Intention of enlisting under the Provisions of this Act; and that the several Colonels or Commanding Officers of the several Regiments, Battalions, or Corps of the said Militia, shall within Ten Days after the receiving any Order for that Purpose from His Majesty, signified by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Time being, or his or their Chief Secretary, transmit to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary for the Time being, an accurate Account in Writing of the Number of Persons who shall be at any Time discharged from the Militia, of their respective Regiments, Battalions, or Corps, under the Provisions of this Act.

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