ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

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CAP. CVII.

An Act to enable the Secretary at War to enforce the making of Returns from Clerks of Subdivisions, and others, in relation to Fines, Half Bounties, and Residues of Sums due under certain Acts relating to the Defence of the Realm, for the Purpose of directing the Distribution thereof to the Persons entitled thereto. [25th *June* 1808.]

WHEREAS large Sums of Money have from Time to Time, under the Authority of the Acts relating to the Militia, and of a certain other Act, passed in the Forty-third Year of His present Majesty, intituled, *An Act to enable His Majesty more effectually to raise and assemble in* England *an additional Military Force for the better Defence and Security of the United Kingdom, and for the more vigorous Prosecution of the War*, and of another Act, passed in the Forty-fourth Year of His present Majesty, intituled, *An Act for establishing and maintaining a permanent additional Force for the Defence of the Realm, and to provide for augmenting His Majesty's Regular Forces, and for the gradual Reduction of the Militia of* England, been paid into and now remain in the Hands of Clerks of Subdivision Meetings, and other Persons; which Sums ought to be paid and distributed to the Persons entitled thereto; But by reason of the want of proper Returns, and of the Insufficiency of

43 G. 3. c. 82.

43 G. 3. c. 56.

the Returns made, and the want of adequate Powers for enforcing Returns relating to such Sums of Money, such Sums cannot be distributed; be it therefore 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 the Secretary at War to require all or any Clerks of General or Subdivision Meetings, or Persons who shall have acted as Clerks of General or Subdivision Meetings in the Execution of any of the said recited Acts, or their Representatives, and also all and any Persons in whose Hands any Fines or Moieties of Fines paid under any of the said recited Acts, or any Monies arising from any Half Parts or Residues of any Sums of Money paid by or on Account of any Persons ballotted to serve in the Militia or additional Force, for the engaging of any Substitutes or Volunteers to be enrolled in their stead, shall have been deposited, or to whom any such Fines, Moieties of Fines, Half Parts or Residues as aforesaid, shall have been transferred or paid, to make such Return or Returns of all Monies arising from such Fines, Half Parts or Residues of any such Sums of Money as aforesaid, received by or paid to or deposited in the Hands of any such Clerks or other Persons, and of all Matters and Particulars relating thereto, or the Payment of any Part thereof to any Persons entitled thereto, as the Secretary at War shall deem from Time to Time necessary for enabling him to make order for the Distribution thereof, and Payment of the same, to the Persons entitled thereto; and all such Returns shall be made out in such Form, and shall contain such Particulars as shall be directed by the Secretary at War, or the Deputy Secretary at War, for that Purpose.

Secretary at War empowered to call for Returns of Sums received by Clerks of General or Subdivision Meetings, and other Persons, with such Particulars as he shall direct.

II. And be it further enacted, That every such Clerk or other Person, called upon to make such Returns as aforesaid, who shall wilfully refuse or neglect to make such Return for Ten Days after receiving any Requisition for that Purpose from the Secretary at War, or Deputy Secretary at War, or shall wilfully insert in any such Return any false Statement of any Matter required by the Secretary at War, under the Authority of this Act, to be stated therein, shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty on Clerks, &c. neglecting to make Returns, or making false Returns.

III. And be it further enacted, That if it shall appear to the said Secretary at War, by any such Return, or otherwise, that any Monies are remaining in the Hands of any such Clerk or other Person as aforesaid, which ought to be distributed or paid over to any other Persons under any of the said recited Acts, it shall be lawful for the said Secretary at War, or the Deputy Secretary at War, to make an order upon such Clerk or other Person as aforesaid to pay over the same; and every such Clerk or other Person as aforesaid, having any such Money as aforesaid in his Hands, who shall wilfully neglect or refuse to pay over any such Money according to any such Order of the Secretary at War, or the Deputy Secretary at War, within Ten Days after receiving the same, shall forfeit, for every such Neglect or Refusal, the Sum of One hundred Pounds and double the Amount of the Money so remaining in his Hands.

Secretary at War to make Order for Payment over of any Monies appearing by the Returns to be in the Hands of the said Clerks, &c.

IV. And be it further enacted, That all Fines, Penalties, and Forfeitures, imposed by this Act, may be recovered either in the Manner herein-after directed, or by Action of Debt, Bill, Plaint, or Information,

For Recovery and Application of Penalties.

at the Suit of His Majesty's Attorney General, in any of His Majesty's Courts of Record at *Westminster*, or the Court of Great Session in the Principality of *Wales*, or the Courts of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, as the Case may require, wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Imparlance shall be allowed; and such Fine, Penalty, and Forfeiture, when recovered, shall go and be applied to the Use of His Majesty.

Penalties and Fines may be recovered summarily in the Exchequer.

V. Provided always, and be it further enacted, That in every Case in which any such Clerks of Subdivision Meetings, or other Persons whatsoever, having in their Hands any such Fines, Moieties of Fines, Half Parts, or Residues of such Sums of Money as aforesaid, shall refuse or neglect to make any such Return as is prescribed by this Act within Ten Days after such Requisition as aforesaid, or shall make an untrue Return as aforesaid, or shall not, within Ten Days after receiving any Order for the Payment over of any Money as aforesaid, pay the same according to such Order, it shall be lawful for His Majesty's Court of Exchequer, and such Court is hereby authorized, on the Application of His Majesty's Attorney General by Motion to the said Court, in a summary Way to hear and determine the Matter of such Application; and if upon Notice of such Application to the Clerk of the Subdivision Meetings or other Person aforesaid, in respect of whom such Application shall have been made, no sufficient Cause shall be shewn for such Default, Neglect, or Omission as aforesaid, it shall be lawful for the said Court of Exchequer to assess such Penalties and Fine respectively as are herein-before imposed, and to cause the same respectively to be levied by Distringas, or other Process applicable to the Nature of the Case, according to the Rules and Practice of such Court.

Persons making Returns and paying Money to Order of Secretary at War, indemnified from Penalties for Neglect under former Acts.

VI. Provided always, and be it further enacted, That every such Clerk or other Person, duly making all such Returns as shall be required of him under the Authority of this Act, and duly and faithfully paying over all Money according to any such Order as aforesaid, shall be and is hereby indemnified against and released and discharged from all Penalties, Forfeitures, and Suits to which he might have been liable by any former Acts, for any Neglect in making Returns, or in not paying over any such Money as aforesaid; any Thing in any Act or Acts to the contrary notwithstanding.

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