ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. XL.

An Act to amend and render more effectual an Act, passed in the last Session of Parliament, for enabling His Majesty to establish a permanent Local Militia Force, under certain Restrictions, for the Defence of the Realm. [12th *May* 1809.]

WHEREAS an Act passed in the last Session of Parliament, intituled, *An Act for enabling His Majesty to establish a permanent Local Militia Force, under certain Restrictions, for the Defence of the Realm:* And whereas it is expedient that the said Act should be amended and rendered more effectual, and that further Provision should be made for carrying into Execution the Purposes thereof; 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 in every Case in which His Majesty shall by any Warrant under His Royal Sign Manual have ordered and directed, or shall hereafter order or direct, that the Local Militia of any County shall be balloted or enrolled under the said recited Act, it shall be lawful for His Majesty at any Time thereafter, by any Order of His Principal Secretary of State, to direct the supplying any Deficiencies or filling up of any Vacancies, or the balloting or enrolling Men in such County from Time to Time, without any further or other Warrant or Order of His Majesty for that Purpose, and notwithstanding any Suspension of Ballot for the regular Militia. 48 G. 3. c. 111.

Deficiencies and Vacancies may be directed to be supplied by Order of Secretary of State without His Majesty's Warrant.

II. Provided

Volunteers allowed to enter whether any Order be given for supplying Deficiencies or not, until Local Militia be completed.

II. Provided always, and be it further enacted, That it shall be lawful at any Time before the Local Militia of any County shall be completed to the full Amount of Six Times the Quota of the original Militia, and also at any Time thereafter when any Vacancies shall arise in such Local Militia, whether any such Order or Direction shall by Warrant or otherwise have been made or given for the supplying the Deficiencies or Vacancies in such Local Militia or not, for any Persons (as well Members of Volunteer Corps as others), voluntarily to enrol themselves in the Local Militia of such County, according to the Provisions of the said recited Act and this Act, until the full Number of Men required by virtue of the said recited Act in such County shall be completed.

Vacancies to be filled up notwithstanding the Number of Local Militia and Volunteers exceed Six Times the Quota of the Regular Militia.

III. And be it further enacted, That when and so soon as any Members of any Volunteer Corps shall have transferred themselves into the Local Militia of any County, or any Persons shall have voluntarily enrolled themselves in such Local Militia, all Vacancies or Deficiencies thereafter arising in the full Number of Persons who shall have been so enrolled in such Local Militia, by any such Persons enlisting or entering into His Majesty's Army, Navy, or Marines, or engaging as Substitutes, or enlisting as Volunteers in the Regular Militia, or by Discharge, Absence, Desertion, Death, or Expiration of Service, or Promotion of Private Men to be Serjeants and Corporals, or otherwise, shall be filled up without any Order or Direction of His Majesty, or His Principal Secretary of State for that Purpose, and notwithstanding any Suspension of Ballot for the Regular Militia, and notwithstanding the whole Number of such Local Militia shall, together with the Volunteers serving in and for the County, Division, or Parish, in which such Deficiencies may exist, or Vacancies shall have arisen or may arise, be more than equal to Six Times the Amount of the Quota of Regular Militia of such County; any Thing in the said recited Act to the contrary notwithstanding.

Where Local Militia shall exceed such Quota no Deficiencies shall be supplied until Number be reduced below the Proportion of the County.

IV. Provided always, and be it further enacted, That no such Deficiencies or Vacancies in any County in which the Number of Persons who have transferred themselves into the Local Militia, shall be more than equal to Six Times such Quota as aforesaid, shall be supplied or required to be supplied until the Number of such Local Militia shall be reduced below the Proportion of Men required for such County.

Local Militia Men may enlist into the Regular Militia, except during the Period of annual Training:

V. And be it further enacted, That it shall be lawful for any Person balloted or enrolled to serve or serving in the Local Militia to enlist or enter into the Regular Militia under any Act of this Session of Parliament for completing the Militia, at any Time except during such Portion of the Period of being assembled for the Purpose of annual Training and Exercise, as His Majesty shall by any Order made in that Behalf prescribe, and the Enlisting or Entry of every such Man shall be immediately certified by the Officer with whom such Man shall have enlisted or entered, to the Officer commanding the Regiment, Battalion, or Corps of Local Militia from which such Man shall have enlisted or entered; and all Vacancies arising by any such enlisting or entering as aforesaid shall be supplied in such Manner as any other Vacancies in the Local Militia.

No Officer, &c. or other Person shall

VI. Provided always, and be it further enacted, That no Officer or Non-commissioned Officer, or Corporal, or Private Man of any of His Majesty's Forces

Forces or Marines, or of the Regular Militia, or Overſeer, or Churchwarden of any Pariſh, or any other Perſon ſhall enliſt or perſuade to enliſt any Man ſerving in any Regiment of the Local Militia during any ſuch Part of the Period of ſuch Regiment being aſſembled for Training or Exerciſe, as ſhall be preſcribed by His Majeſty as the Period of Aſſembly, during which Perſons ſerving in the Local Militia ſhall not enliſt on Pain of forfeiting, for every ſuch Offence, the Sum of Twenty Pounds, to be recovered as the like Penalty for enliſting a Militia Man may be recovered under any Act relating to the Militia.

enliſt a Local Militia Man during the Period of ſuch Training, on Penalty of 20l.

VII. And be it further enacted, That all Deficiencies and Vacancies which ſhall have ariſen in the Local Militia, or which ſhall hereafter ariſe by reaſon of any Private Men being made Corporals or Serjeants, or by reaſon of any enlifting into the Regular Militia under any Act of this Seſſion of Parliament, ſhall be filled up and ſupplied according to the Proviſions of the ſaid recited Act and this Act, and the ſeveral Acts relating to the Militia, as far as the ſame are applicable.

Vacancies by Men being made Corporals and Serjeants and enlifting in Regular Militia, to be filled up.

VIII. And be it further enacted, That it ſhall be lawful for the Deputy Lieutenants of any County, in any Caſe in which it ſhall appear to them to be neceſſary or proper, by reaſon of any Quotas of Local Militia of any Diviſions of any County, or of any Pariſhes, of any Diviſion which ſhall have been fixed according to the original Quotas of the Regular Militia under the ſaid Act of the Forty-ſecond Year aforeſaid, being found by any Returns now made or which may hereafter be made, not to be in proportion to the relative Numbers of Men liable to ſerve in the Local Militia in ſuch reſpective Hundreds or Pariſhes, to make any new Apportionment and aſcertain and ſettle any Quotas of Local Militia as to any Diviſions of any County, or as to any Pariſhes in any Diviſion, either by any Alteration of the Proportions of any ſuch Quotas of the Regular Militia under the Proviſions of the ſaid Act of the Forty-ſecond Year aforeſaid, or by any new Apportionment as to ſuch Diviſions, or as to the Pariſhes in any Diviſion according to the relative Numbers of Men liable to ſerve in the Local Militia: Provided always, that all Quotas of Local Militia which ſhall have been ſettled and aſcertained for any Diviſions, or for any Pariſhes of any Diviſion, ſhall remain and be deemed to be the proper Quotas of ſuch Diviſions and Pariſhes reſpectively, unleſs and until the Deputy Lieutenants ſhall deem it neceſſary to alter and ſhall have altered the ſame, and ſettled any new Quotas under the ſaid Act of the ſaid Forty-ſecond Year aforeſaid and this Act.

Deputy Lieutenants may make new Apportionments in caſe from the Returns made it be found the Quotas are not in proportion to the relative Numbers liable to ſerve, &c.

IX. Provided always, and be it further enacted, That it ſhall be lawful for the Lieutenant and Deputy Lieutenants at any General Meeting, and they are hereby required to aſcertain and fix by Ballot the Order in which the reſpective Subdiviſions, Hundreds, and Pariſhes in their reſpective Counties ſhall ſtand as to the ſupplying any Deficiencies or Vacancies that may exiſt or ariſe therein by reaſon of the Appointment of any Perſons ſerving in the Local Militia of any ſuch County to be Serjeants or Corporals, and ſhall immediately after the ſame ſhall be ſo aſcertained and fixed, cauſe ſuch Subdiviſions, Hundreds, and Pariſhes reſpectively, to be entered in ſuch Order, in a Liſt to be prepared for that Purpoſe; and ſuch Vacancies ſhall be ſupplied by ſuch Subdiviſions, Hundreds, and Pariſhes, in the Order

General Meetings of Lieutenancy to fix by Ballot the Order in which Subdiviſions, &c. ſhall ſtand as to the ſupplying Deficiencies on Account of the Appointment of Perſons to be Serjeants or Corporals.

Order in which they ſhall have been entered in ſuch Liſt as aforeſaid, and not by the Pariſhes to which the Men ſo promoted ſhall have ſerved.

Deputy Lieutenants to regulate any Inequalities of Numbers that may ariſe in Diviſions.

X. And be it further enacted, That in every Caſe in which the Number of Men enrolled in any Diviſion, Hundred, or Pariſh of any County, ſhall be more than the relative Proportion of ſuch Diviſion, Hundred, or Pariſh, it ſhall be lawful for the Deputy Lieutenants at any General or Subdiviſion Meetings for any County where any ſuch Inequality ſhall ariſe, to aſcertain and fix by Ballot or otherwiſe, in what Manner the Surplus of Numbers of Men ſo enrolled in any ſuch Diviſion, Hundred, or Pariſh, ſhall be applied and apportioned among the other Diviſions, Hundreds, or Pariſhes of ſuch County, and how and in what Proportions, and in what Order any future Deficiencies and Vacancies are to be filled up and ſupplied by ſuch other Diviſions, Hundreds, or Pariſhes as aforeſaid.

Recited Act as to Bounties to Perſons voluntarily enrolling themſelves (except Members of Volunteer Corps) repealed. Pariſhes may agree to give Two Guineas Bounty.

XI. Provided always, and be it further enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and ten, ſo much of the ſaid recited Act as enacts that any Perſon who ſhall voluntarily enrol himſelf to ſerve in the Local Militia under the ſaid recited Act (except Members of Volunteer Corps transferring themſelves) ſhall be entitled to receive the Sum of Two Guineas, to be paid upon his Enrolment, over and above any Sum to which he may be entitled for Neceſſaries, ſhall be and the ſame is hereby repealed: Provided always, that it ſhall be lawful for the Churchwardens or Overſeers of the Poor of any Pariſh, with the Conſent of the Inhabitants taken at a Veſtry or any other Meeting to be called and holden for that Purpoſe, of which Five Days publick Notice ſhall be given, to agree to give a Bounty to any Perſons voluntarily enrolling themſelves in the Local Militia for ſuch Pariſh; provided that ſuch Bounty or Sum of Money ſhall in no Caſe exceed the Sum of Two Guineas for each Perſon, to be paid upon Enrolment, excluſive of Neceſſaries; and ſuch Sum for Bounties may and ſhall be raiſed, and levied and collected in ſuch Manner, and under ſuch and the like Rules, Regulations, and Penalties, as any Sums allowed to be given to Volunteers for the Militia under an Act paſſed in the Forty-ſecond Year of His preſent Majeſty.

Bounty paid to Perſons enrolling in Local Militia ſhall be deducted, and repaid if they enliſt into the Line within certain Periods.

XII. Provided always, and be it further enacted, That the Whole of the Bounty which ſhall have been paid to any Perſon enrolled in the Local Militia, whether the ſame ſhall have been paid by His Majeſty, or by any Pariſh under the Proviſions of the ſaid Act or this Act, ſhall, if ſuch Perſon ſhall thereafter at any Period within One Year enliſt into the Army, Navy, or Marines, be deducted from the Bounty payable to ſuch Perſon upon ſo enliſting; and if ſuch Perſon ſhall enliſt at any Time after the Expiration of One Year, and before the Expiration of Two Years, then One Half of ſuch Bounty ſhall be deducted as aforeſaid, and the Amount ſo deducted ſhall be accounted for, and be repaid to the Perſons by whom, or to the Account from which the Bounty ſo deducted and repaid, ſhall have been advanced.

Recited Act, as to advance of Bounties to Perſons from Volun-

XIII. And be it further enacted, That ſo much of the ſaid recited Act as enacts or requires that any Sums of Money advanced or paid for the Bounties of Two Guineas allowed by the ſaid recited Act, to Perſons voluntarily

tarily enrolling themſelves in the Local Militia, or transferring themſelves from Volunteer Corps into the Local Militia, ſhall be paid or repaid out of any County Rate, or aſſeſſed upon any Pariſhes in any County, ſhall be and the ſame is hereby repealed.

teer Corps being repaid, repealed.

XIV. Provided always, and be it further enacted, That no Perſon transferring himſelf from any Volunteer Corps into the Local Militia under the Proviſions of the ſaid recited Act or this Act, ſhall be entitled to any Bounty upon being enrolled in the Local Militia, unleſs he ſhall have been a Member of a Volunteer Corps before the paſſing of this Act, and ſhall have continued a Member of a Volunteer Corps up to the Period of his transferring himſelf as aforeſaid.

Members of Volunteer Corps transferring themſelves ſhall not be entitled to Bounty unleſs ſerving before the paſſing of the Act.

XV. And be it further enacted, That no Perſon who ſhall transfer himſelf as a Member of a Volunteer Corps into the Local Militia, and ſhall be thereupon inrolled in the Local Militia, ſhall be liable to be called upon to be enrolled or ſerve in the Regular Militia by reaſon of his having been ballotted and entered for the Regular Militia, during the Period of his having been a Member of a Volunteer Corps; any Thing in any Act or Acts to the contrary notwithſtanding.

Volunteers transferring themſelves into Local Militia, not liable to ſerve in Regular Militia in conſequence of any former Ballot.

XVI. And be it further enacted, That it ſhall be lawful for the Lord Lieutenant of any County, or for any Colonel or Commanding Officer of any Regiment or Regiments, Battalion or Battalions, or Corps of Volunteers, who ſhall transfer himſelf into the Local Militia with his Regiment or Regiments, Battalion or Battalions, or Corps, or with Part thereof, under the Proviſions of the ſaid recited Act or this Act, to retain ſuch Command, and continue to act as Colonel or Commanding Officer of any Regiment, Battalion or Corps, or Regiments, Battalions or Corps, ſo transferred and become Local Militia, and together with any Regiment of Regular Militia, if he ſhall have commanded any Regiment of Regular Militia at the Time of ſuch Transfer as aforeſaid; any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

Officers commanding Volunteers transferring them into the Local Militia to retain their Command, &c.

XVII. And be it further enacted, That all Officers of Local Militia holding the Rank of Lieutenant Colonel Commandant, ſhall take Rank of and command all other Lieutenant Colonels ſerving in the ſaid Local Militia, notwithſtanding the Commiſſions of the ſaid Lieutenant Colonels ſhould be of a prior Date to the Commiſſions of ſuch Lieutenant Colonels Commandant.

Lieutenant Colonels Commandant to command Lieutenant Colonels.

XVIII. And be it further enacted, That all Officers of Yeomanry Corps ſhall rank with the Officers of the Local Militia according to the Dates of their reſpective Commiſſions.

Officers of Yeomanry Corps,

XIX. Provided always, and be it further enacted, That every Officer of Local Militia, who ſhall have held any Commiſſion in any Volunteer Corps at the Time of his becoming an Officer of the Local Militia, ſhall be entitled to rank with the Officers of Yeomanry Corps, according to the Date of his Commiſſion of the ſame Rank in the Volunteers.

and Officers of Local Militia who held Commiſſions in Volunteers, how they ſhall rank.

XX. And be it further enacted, That it ſhall be lawful for any Vice-Lieutenant, who ſhall be authoriſed by the Lieutenant for that Purpoſe, to grant Commiſſions

Vice Lieutenant, if authorized by the

Lieutenant, may grant Commiſſions.

Commiſſions to Officers to ſerve in the Local Militia, in ſuch and the like Manner as the Lieutenant giving ſuch Authority may grant ſuch Commiſſions.

No Stamp Duty on Commiſſions in Local Militia.

XXI. And be it further enacted, That no Commiſſion granted before the paſſing of this Act, or which ſhall be granted after the paſſing of this Act, to any Officer in the Local Militia, ſhall be ſubject to any Stamp Duty.

Bills for Pay and Allowance to and for remitting Money on Account of Local Militia, &c. to be drawn on unſtamped Paper.

XXII. And be it further enacted, That all Bills, Drafts, and Orders, drawn for the Pay or Allowance of the Local Militia, or of any Yeomanry or Volunteer Corps, and alſo all Bills, Drafts, and Orders, by which any Sums of Money or Fines are remitted to the Bank of *England*, or the Paymaſter General, or any Perſon or Perſons authorized by the Secretary at War to receive Money on Account of the Local Militia or Yeomanry or Volunteer Corps, may and ſhall be drawn upon unſtamped Paper; and no ſuch Bill, Draft, or Order, ſhall be void by reaſon of not being ſo drawn or written on ſtamped Paper, any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

Where Towns in the County do not afford Accommodation for quartering Local Militia, they may be marched into an adjoining County.

XXIII. And be it further enacted, That it ſhall be lawful for His Majeſty, by any Order notified by His Secretary of State, upon the Application of the Lieutenant of any County in which the principal Town or Towns of ſuch County ſhall not afford ſufficient Accommodation for the Quartering of the Local Militia of the County, during the training and exerciſing of ſuch Local Militia, or in any Caſe in which it may be more convenient with reſpect to the Reſidence of the Perſons enrolled in ſuch Local Militia, and to the Diſtance which ſuch Perſons may have to march for the Purpoſe of being trained and exerciſed, to authorize and allow, and to order the Local Militia of ſuch County, or any Regiments or Regiment thereof, to be marched into any adjoining County for the Purpoſe of training and exerciſing; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Adjutants and Non-commiſſioned Officers may train Regular Militia Men until they can be marched to their Regiment.

XXIV. And be it further enacted, That it ſhall be lawful for the Adjutants, Quarter Maſters, and alſo for the Non-commiſſioned Officers of the Local Militia, being on permanent Pay as ſuch, to receive and command, and train and exerciſe any Men enrolled for the Regular Militia of their reſpective Counties at any Time after their Enrolment, and for any Period, until they can conveniently be marched and ſhall be ordered to march to their reſpective Regiments; and all ſuch Adjutants, Quarter Maſters, and Non-commiſſioned Officers, ſhall for ſuch Purpoſe have the like Command over ſuch Men as any Officer of the Regular Militia of the County to which they belong, and ſhall for that Purpoſe, and as to all the Proviſions of any Act for Puniſhment of Mutiny and Deſertion, be deemed and conſtrued to be Officers for the Time being of ſuch Regular Militia having the Command of ſuch Men.

Commanding Officer may appoint a Quarter Maſter for his Regiment.

XXV. And be it further enacted, That it ſhall be lawful for the Colonel or Commanding Officer of any Regiment of Militia to appoint any fit and proper Perſon, with the Approbation of His Majeſty, to be Quarter Maſter of His Regiment of Local Militia, although ſuch Perſon ſhall not have ſerved in His Majeſty's other Forces, or in the embodied Militia, as

required by the Provisions of the said Act passed in the Forty-second Year aforesaid, and such Person may be appointed to serve with such Rank as is in the said Act mentioned.

Qualification for Officers of Militia may be in any Part of Great Britain.

XXVI. And be it further enacted, That every Estate of the Value or to the Amount or of the Description specified in the several Acts relating to the Militia as a Qualification for any Officer in the Militia, situate, lying, or being in any Part of *Great Britain*, shall, from and after the passing of this Act, be, and be deemed and construed to be a good and valid Qualification, although the same shall not be situate in the County to which the Officer having such Estate shall belong; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

Local Militia Officers shall not be exempt from serving the Office of Sheriff.

XXVII. And be it further enacted, That no Person shall be entitled to claim any Exemption, or to be exempt from serving the Office of Sheriff, by reason of holding any Commission in the Local Militia; any Thing in any Act relating to the Militia to the contrary notwithstanding.

Certain Persons shall not be allowed to enlist.

XXVIII. And be it further enacted, That no Serjeant, Corporal, or Drummer, of any Regiment of Local Militia, on permanent Pay as such, or as a Musician in the Band of the Regiment of Local Militia to which he shall belong, shall be entitled to his Discharge, or be allowed to enlist into the Army, Navy, or Marines, or Regular Militia, or to engage himself as a Substitute or Volunteer in the Regular Militia at any Time, whether the Regiment to which such Non-commissioned Officer or Drummer or Musician shall belong, shall be assembled for the Purpose of annual Training and Exercise or not, unless with the Consent in Writing of the Commanding Officer of his Regiment given for that Purpose.

Men shall not change their Regiments in consequence of removing from one Part of a County to another.

XXIX. And be it further enacted, That no Person who shall be enrolled in any Regiment of Local Militia shall be removed or transferred from the Regiment in which he shall have been placed upon his Enrolment, by reason of his removing from any one Division or Part of his County to any other Division or Part of his County, but any such Person shall, notwithstanding such Removal, be obliged to join his Regiment wherever the same shall be assembled or called out under the Provisions of the said recited Act or this Act; any Thing in the said recited Act to the contrary notwithstanding.

Men not to remove from one County to another, &c. while the Regiment is assembled.

XXX. Provided always, and be it further enacted, That it shall not be lawful for any Person enrolled to serve as a Local Militia Man to remove from one County to another County, or from one Division to another Division of the same County, during the Time that the Regiment to which he belongs shall be assembled, without having first obtained the Consent of his Commanding Officer expressed in Writing.

Not to be subject to Mutiny Act, unless when receiving Pay.

XXXI. And be it further enacted, That no Commissioned or Non-commissioned Officer or Private Man in the Local Militia, shall be subject to any of the Provisions contained in any Act of Parliament which shall be in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or any Articles of War made in pursuance thereof, except during such Time as he shall be receiving the Pay of his Rank in the Local Militia, or shall be called out or assembled or embodied under any of the Provisions of the said recited Act

XXXII. And

Provisions of this Act and the recited Act to be construed as one Act.

XXXII. And be it further enacted, That all and every the Provisions of this Act shall, in Execution of the said recited Act, be used and applied and construed in like Manner as if the same Provisions were specially enacted in the said Act; and all and every the Provisions of the said Act shall, in the Execution of this Act, except where the same are thereby expressly varied, be used and applied, extended and construed, in like Manner as if the same Provisions (except as aforesaid) were specially enacted in this Act.

Act may be altered this Session.

XXXIII. 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.

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