ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

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C A P. XLVIII.

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 in *Scotland*, under certain Reſtrictions, for the Defence of the Realm. [20th *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 in* Scotland, *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 and direct, that the Local Militia of any County or Stewartry ſhall be ballotted 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

[Margin: 48 G.3.c.150.]

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

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balloting or enrolling Men in such County or Stewartry 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.

Volunteers to be allowed to enter whether any Ballot directed or not, until Local Militia is complete and Vacancies filled up.

II. Provided always, and be it further enacted, That it shall be lawful at any Time before the Local Militia of any County or Stewartry 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 or Stewartry, 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 or Stewartry shall be completed.

Vacancies arising in the Number of Local Militia to be filled up notwithstanding the Number of such Militia and Volunteers exceed Six times the Quota of the Regular Militia.

III. And be it further enacted, That when and as soon as any Members of any Volunteer Corps shall have transferred themselves into the Local Militia of any County or Stewartry, 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 or Stewartry, 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 or Stewartry; any Thing in the said recited Act to the contrary notwithstanding.

Where Number volunteering into Local Militia shall exceed such Quota, no Deficiencies shall be supplied until Number be reduced below the Proportion required for the County.

IV. Provided always, and be it further enacted, That no such Deficiencies or Vacancies in any County or Stewartry 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 or Stewartry.

Local Militia Men may enlist into the Regular Militia;

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.

but not during the Time of their being assembled for Exercise.

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

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

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 enlisting 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.

Where it shall be necessary new Apportionments and Quotas of Local Militia may be made.

VIII. And be it further enacted, That it shall be lawful for the Deputy Lieutenants of any County or Stewartry, 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 Stewartry, or of any Parishes of any Division which shall have been fixed according to the original Quotas of the Regular Militia, under an Act passed in the Forty-second Year of the Reign of His present Majesty, for raising and establishing a Militia Force in *Scotland*, 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 Divisions or Parishes, to make any new Apportionments, and ascertain and settle any Quotas of Local Militia as to any Divisions of any County or Stewartry, 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 Forty-second Year aforesaid and this Act.

Lieutenancy to ascertain the Order in which Divisions shall

IX. Provided always, and be it further enacted, That it shall be lawful for the Lieutenants and Deputy Lieutenants at any General Meeting, and they are hereby required to ascertain and fix, by Ballot, the Order in which the respective Divisions and Parishes in their respective Counties or Stewartries

ſtand as to the ſupplying Vacancies.

artries ſhall ſtand, as to the ſupplying any Deficiencies or Vacancies that may exiſt or ariſe therein by Reaſon of the Appointment of any Perſon ſerving in the Local Militia of any ſuch County or Stewartry to be Serjeants or Corporals, and ſhall, immediately after the ſame ſhall be ſo aſcertained and fixed, cauſe ſuch Diviſions 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 Diviſions and Pariſhes in the Order in which they ſhall have been entered in ſuch Liſt as aforeſaid, and not by the Pariſhes for which the Men ſo promoted ſhall have ſerved.

Lieutenants to regulate Inequalities of Numbers in Diviſions in conſequence of Volunteer Corps tranſferring their Services.

X. And be it further enacted, That in every Caſe in which the Number of Men enrolled in any Diviſion or Pariſh of any County or Stewartry, ſhall be more than the relative Proportion of ſuch Diviſion or Pariſh, it ſhall be lawful for the Deputy Lieutenants at any General or Subdiviſion Meetings for any County or Stewartry 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 or Pariſh ſhall be applied and apportioned among the other Diviſions or Pariſhes of ſuch County or Stewartry, 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 or Pariſhes as aforeſaid.

Recited Act as to Bounties to Perſons voluntarily enrolling themſelves (except Members of Volunteer Corps) repealed.

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 enroll himſelf to ſerve in the Local Militia under the ſaid recited Act of the laſt Seſſion of Parliament (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 and may be lawful for the Heritors of any Pariſh, being Proprietors of Lands within the Pariſh to the Extent of at leaſt One hundred Pounds *Scots* of valued Rent appearing in the Land Tax Books of the County within which ſuch Pariſh is ſituated, at any Meeting to be holden for that Purpoſe, to be called by any Two or more ſuch Heritors, upon Notice to that Effect given from the Pulpit on any *Sunday* at leaſt Five Days previous to ſuch Meeting, 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 it ſhall and may be lawful for ſuch Heritors to aſſeſs Sums equal to all ſuch Bounties upon the Heritors within ſuch Pariſh, in Proportion to the valued Rent of every ſuch Heritor within the Pariſh; and One Half of every Sum ſo aſſeſſed ſhall be paid by the Tenant or Tenants of the Land upon which the ſame ſhall be aſſeſſed.

But the Heritors may give a Bounty of Two Guineas to Volunteers.

Bounty to Local Militia Men to be deducted from the Bounty payable to ſuch as enliſt, &c.

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.

So much of recited Act as requires Bounties to be assessed on Parishes, &c. repealed.

XIII. And be it further enacted, That so much of the said recited Act of the last Session of Parliament 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 enrolling themselves in the Local Militia, or transferring themselves from Volunteer Corps into the Local Militia, shall be assessed upon any Parishes in any County or Stewartry, shall be and the same is hereby repealed.

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

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.

Persons transferring themselves into the Local Militia, shall not be liable to serve in the Regular Militia, &c.

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 enrolled in the Local Militia, shall be liable to be called upon to be enrolled to serve in the Regular Militia, by reason of his having been balloted 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.

Lieutenants and Officers of Regiments transferring themselves into the Local Militia to retain Commands.

XVI. And be it further enacted, That it shall be lawful for the Lord Lieutenant of any County or Stewartry, 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, Battalion 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.

Lieutenant Colonels Commandant of Local Militia to command Lieutenant Colonels in that Service.

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.

Yeomanry Officers, and Officers of Local Militia

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.

who held Commissions in Volunteers, how they shall rank.

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.

Vice Lieutenants if authorized by the Lieutenant, may grant Commissions.

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 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, &c. 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 or Stewartry in which the principal Town or Towns of such County or Stewartry shall not afford sufficient Accommodation for the Quartering of the Local Militia of the County or Stewartry 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 Stewartry, or any Regiments or Regiment thereof, to be marched into any adjoining County or Stewartry 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 ant I 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 or Stewartries 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 or Stewartry to which they belong, and shall for that Purpose, and

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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 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 or Stewartry to which the Officer having such Estate shall belong; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

Certain Persons shall not be allowed to enlist.

XXVII. 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 any 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 the County to another:

XXVIII. And be it further enacted, That no Persons 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 or Stewartry to any other Division or Part of his County or Stewartry, 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.

Nor remove from One County to another, &c. while the Regiment is assembled.

XXIX. 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 or Stewartry to another County or Stewartry, or from one Division to another Division of the same County or Stewartry, 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.

XXX. And

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

XXX. 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.

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

XXXI. 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 hereby 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.

XXXII. 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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