ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. V.

An Act to allow a certain Proportion of the Militia in *Ireland* voluntarily to enliſt into His Majeſty's Regular Forces. [13th *March* 1809.]

WHEREAS it is neceſſary that the moſt effectual Meaſures ſhould be taken for augmenting His Majeſty's Regular Forces; and it is therefore expedient to allow a certain Proportion of the Militia in *Ireland* to enliſt into His Majeſty's Regular Forces, under certain Proviſions and Reſtrictions; and to enable His Majeſty to accept the Services of the Men ſo voluntarily enliſting: 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 or Orders ſignified by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, to name and appoint ſuch and ſo many Regiments of His Majeſty's Regular Forces as His Majeſty ſhall think fit, to receive Volunteers from the Militia in *Ireland*, under this Act, out of any Regiment or Regiments of the ſaid Militia named in any ſuch Order; and it ſhall be lawful for any Number of Private Men of any ſuch Regiment of Militia, not exceeding the Proportion herein-after mentioned, to enliſt in the Manner and under the Regulations herein mentioned, into any Regiment as aforeſaid, which, in any ſuch Order of His Majeſty, ſhall be named to receive Volunteers from ſuch Regiment of Militia.

His Majeſty, by Order, ſignified by the Lord Lieutenant, &c. may appoint Regiments of the Regular Forces in which Militia Men may enliſt.

II. And

Proportion of Men to be enliſted.

II. And be it further enacted, That the Number of Private Men to be enliſted out of any Regiment of the ſaid Militia, ſhall not in any Caſe exceed ſuch Number of the Private Men of ſuch Militia as will leave ſerving, including Corporals, Three-fifths of the Number of the Eſtabliſhment in Rank and File of ſuch Regiment, according to the Eſtabliſhment thereof at the Time of ſuch Enliſtment, whether ſuch Eſtabliſhment ſhall have been augmented or not, under or by virtue of any Act in Force in *Ireland* for that Purpoſe; and in caſe the Militia of any County ſhall conſiſt of more than One Battalion, the Chief Secretary to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, ſhall aſcertain the Number of Private Men that may be allowed to enliſt out of each ſuch Battalion, by the Proportion which the Number of Private Men ſerving in each Battalion bears to the whole Number of Private Men actually ſerving in the Militia of ſuch County, and ſhall ſignify to the Commanding Officers of each of ſuch Battalions, the Number of Private Men that may be allowed to enliſt out of their reſpective Battalions.

Commanding Officers to aſcertain the Numbers willing to enliſt.

III. And be it further enacted, That it ſhall be lawful for the Commanding Officer of any Regiment of Militia, on the Receipt of any Order or Orders of His Majeſty ſignified as aforeſaid, ſpecifying the Regiment or Regiments as aforeſaid into which his Men may enliſt, and the Number of Men to be allowed to enliſt out of his Regiment, to aſcertain the Number of Private Men willing to enliſt into any Regiment of His Majeſty's Regular Forces ſo ſpecified, or into any of His Majeſty's Regular Forces as aforeſaid, out of his Regiment; and if the Number of ſuch Private Men who ſhall upon Inſpection be approved, ſhall amount to Five-ſixths of the Number allowed to enliſt as aforeſaid, forthwith to deliver them to the Officer appointed to receive ſuch Volunteers; and in caſe ſuch a Proportion of Private Men ſo approved as aforeſaid, ſhall be ſo delivered as aforeſaid within Thirty Days after the Receipt of the Order of His Majeſty, ſignified as aforeſaid, no further Number of Private Men ſhall be allowed to enliſt out of ſuch Regiment unleſs with the Conſent of the Commanding Officer, and in ſuch Caſe the Number allowed to enliſt out of ſuch Regiment ſhall not be greater than the Exceſs above Three-fifths of the Eſtabliſhment of ſuch Regiment.

His Majeſty may appoint Officers to approve or reject the Men.

IV. And be it further enacted, That it ſhall be lawful for His Majeſty to appoint ſuch General or Field Officers, ſpecially authorized by His Majeſty or the Commander in Chief of His Majeſty's Forces, or the Commander of the Forces in *Ireland* for that Purpoſe, to inſpect, approve, or reject the Private Men who ſhall be deſirous of enliſting under this Act, and ſuch Officers may approve of, or reject ſuch Private Men accordingly: Provided always, that nothing in this Act contained ſhall extend to authorize any ſuch Officers to reject any Private Men deſirous of enliſting as aforeſaid, who ſhall be of the Height of Five Feet and Four Inches or upwards, unleſs His Majeſty ſhall authorize the enliſting of any Men under this Act into His Marine Forces, and under the Age of Thirty-five Years, and not diſabled by Lameneſs or other Bodily Infirmity.

Men enliſted into the Regulars may be transferred to the Marines.

V. And be it further enacted, That it ſhall be lawful for His Majeſty to authorize any Men having enliſted into His Regular Forces, under this Act, to transfer their Service into His Marine Forces; and any ſuch Per-

ſon ſo agreeing to transfer his Service, in caſe he ſhall refuſe to be atteſted for the Marine Forces, ſhall belong to His Majeſty's Regulars under his Enliſtment, under the Proviſions of this Act.

Commanding Officer of every Regiment out of which the Proportion limited ſhall not enliſt, ſhall read His Majeſty's Order, and explain the Terms of Enrolment.

VI. And be it further enacted, That the Commanding Officer of every Regiment of Militia, out of which ſuch Proportion of Five-ſixths ſhall not have enliſted within ſuch Thirty Days, and been delivered to ſuch Officer as aforeſaid, ſhall within Two Days after the Expiration of ſuch Thirty Days, cauſe ſuch Regiment to be drawn out, and ſuch Commanding Officer, or ſome Commiſſioned Officer by his Direction, ſhall read to the Regiment or Men ſo drawn out, His Majeſty's Orders in relation to enliſting under this Act, and ſhall cauſe the ſame to be given out in Orders, and ſhall, in ſuch Manner as His Majeſty ſhall direct, explain to the Men the Terms upon which any Man ſerving in the Militia may enliſt into His Majeſty's Regular Forces under this Act, and ſhall on the Day next ſucceeding cauſe his Regiment to be drawn out in ſuch Manner as the Commanding Officer ſhall direct, and ſuch Commanding Officer ſhall cauſe the Names of the Men who ſhall then voluntarily declare their Intention of enliſting to be written down; and if the Number of ſuch Men ſhall exceed the Proportion allowed to enliſt, that is to ſay, ſuch Number of Men as ſhall be then ſerving at the Time of the paſſing of this Act, beyond Three-fifths of the reſpective Eſtabliſhments as aforeſaid, ſuch Exceſs ſhall be reduced by Ballot to the Number authorized to enliſt under this Act.

If the Number who ſhall enliſt ſhall not be the due Proportion, a further Enliſtment may take place.

VII. Provided always, and be it further enacted, That if the Number of Private Men in any Regiment of Militia who ſhall (when ſo drawn out as aforeſaid) voluntarily declare their Intention to enliſt, ſhall not amount to the Proportion authorized to enliſt as aforeſaid, then and in ſuch Caſe a Book ſhall be opened by the Commanding Officer, and it ſhall be lawful for any other of ſuch Men, at any Time within Seven Days after the laſt Day of ſuch Two Days on which ſuch Regiment of Militia ſhall have been drawn out, to enliſt as aforeſaid; and the Name of every ſuch Man ſhall be entered in the ſaid Book, and be tranſmitted by ſuch Commanding Officer to the Lieutenant or Vice Lieutenant of the County.

Appointing further Periods for enlifting the full Proportion.

VIII. And be it further enacted, That from and after the Expiration of ſuch Seven Days as aforeſaid, no Private Militia Man ſhall be allowed to enliſt (unleſs with the Leave and Conſent in Writing of the Commanding Officer of the Regiment of Militia to which he ſhall belong, which Leave and Conſent every ſuch Commanding Officer is hereby authorized and empowered to give) for One Calendar Month ſucceeding ſuch Seven Days as aforeſaid; and at the End of ſuch Month the Commanding Officer of every Regiment of Militia, in which the full Number of Men ſhall not have enliſted, ſhall again cauſe ſuch Regiment to de drawn out, and again read to the Men ſo drawn out, His Majeſty's Orders aforeſaid, in relation to the enliſting of Men from the Militia under this Act, or ſuch other or further Orders as he may have received in that Behalf, and ſhall, in like Manner as before, cauſe the Names of all the Men who ſhall voluntarily declare their Intention of enliſting, to be written down, and ſhall cauſe a Book to be opened, and to be kept open for that Purpoſe, for Three Days ſucceeding the drawing out ſuch Regiment as aforeſaid; and if any greater Number of Men ſhall offer than ſhall remain to be enliſted, the

Exceſs

Excefs ſhall be reduced by Ballot; and it ſhall be lawful for any Private Man during ſuch Three Days to enliſt under the Terms and Conditions of this Act, until the full Proportion of Men allowed to enliſt from ſuch Regiment ſhall have enliſted; and at the Expiration of ſuch Three Days no further enliſting ſhall be allowed, unleſs with the Conſent of the Commanding Officer as aforeſaid, until the Expiration of a further Period of One Calendar Month, at the Expiration whereof, ſuch further and like Proceedings ſhall again be had, and enliſting again be allowed as aforeſaid, for a like Period of Three Days, and ſo on for Three other Periods of Three Days each reſpectively, at Intervals of Three Calendar Months between each of ſuch laſt mentioned Three Periods of Three Days each reſpectively as aforeſaid, making on the whole Six Periods of enliſting, the Firſt thereof of Seven Days, and the remaining Five of Three Days each reſpectively, with Intervals between each of the Two Firſt Periods of One Month as aforeſaid, and between each of the Three laſt Periods of Three Calendar Months as aforeſaid, until the full Number of Men allowed to enliſt from ſuch Regiments ſhall have enliſted: Provided always, that until the full Proportion allowed to enliſt from any Militia, ſhall have enliſted, it ſhall be lawful for any Private Militia Men now ſerving, or who may hereafter be ballotted to ſerve, or engage to ſerve as Subſtitutes or Volunteers in the Militia, to enliſt at the Periods, and in the Manner in this Act mentioned: Provided always, that no enliſting under this Act ſhall take place after the Expiration of the laſt Period allowed for enliſting as aforeſaid; any Thing in this Act contained to the contrary notwithſtanding.

Commanding Officer to diſcharge the Men permitted to enliſt, who, if approved, ſhall be immediately atteſted.

IX. And be it further enacted, That the Commanding Officer of every Regiment of the ſaid Militia ſhall, from Time to Time, and he is hereby required to diſcharge from ſuch Militia all ſuch Private Men, who, under the Proviſions of this Act, ſhall be allowed to enliſt, and who, at any Time under the Proviſions of this Act, ſhall voluntarily declare their Intention of enliſting purſuant to this Act; and every Private Man ſo diſcharged as aforeſaid, ſhall, if approved by the Officer to be appointed for that Purpoſe, immediately thereupon belong to the Regiment into which he ſhall declare his Intention to enliſt, if he ſhall have enliſted into any Regiment of His Majeſty's Regular Forces ſpecified by His Majeſty, in which he may have been allowed by His Majeſty's Orders to enliſt, or ſhall belong as an enliſted Soldier to His Majeſty's Forces, and ſhall be immediately atteſted for Service in ſuch Regiment, or in His Majeſty's Regular Forces, as the Caſe may be, and ſhall (as ſoon as conveniently may be) be transferred to ſome Officer of ſuch Regiment, or ſuch Officer of His Majeſty's Regular Forces, as His Majeſty may have appointed to receive Men enliſted under this Act.

No Perſon in Confinement ſhall be entitled to enliſt until he ſhall have ſuffered the Sentence of a Court-Martial.

X. Provided always, 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 with a View to being tried by any Court Martial, until he ſhall have ſuffered the Sentence of ſuch Court Martial; or ſhall have been acquitted, or until ſuch Sentence ſhall have been remitted; and that no Private Militia Man ſhall be entitled to his Diſcharge, or to enliſt under this Act, who ſhall have been ſentenced to any Puniſhment by any Court Martial, for any Offence committed within the Space of Three Calendar Months before the Time of his ſo offering

to enlist, unless he shall obtain the Consent of the Commanding Officer of the Regiment of Militia in which he shall be serving at the Time of his being desirous of enlisting as aforesaid.

Certain Persons not to enlist without the Consent of the Commanding Officer.

XI. Provided also, and be it further enacted, That no Person serving in the said Militia, who shall be usually employed as Adjutants Clerk, or Regimental Clerk, or as a Drummer, or as a Musician in the Band of the Regiment of Militia to which he shall belong, or shall be usually employed as an Armourer in any such Regiment, shall be entitled to his Discharge, or to enlist as aforesaid under this Act, unless he shall obtain the Consent for that Purpose of the Commanding Officer of the Regiment of Militia in which he shall be then serving.

Serjeants and Corporals may enlist in a certain Proportion.

XII. Provided always, and be it further enacted, That it shall be lawful for any Number of Serjeants and Corporals, with the Consent of the Officer commanding any Regiment of Militia, not exceeding the Proportion of One Serjeant and One Corporal for every Twenty Men enlisting from any Regiment of Militia, to enlist in like Manner, and at such Periods as a Part of said Quota into His Majesty's Regular Forces, and if any greater Number of Serjeants and Corporals than such Proportion as aforesaid shall be desirous of enlisting as aforesaid, such Number shall be reduced by Ballot to the Number authorized to enlist.

Commanding Officers may refuse to discharge Men upon sufficient Cause.

XIII. And be it further enacted, That it shall be lawful for the Commanding Officer of any Regiment of Militia to refuse to discharge any Private Militia Man, who shall desire his Discharge for the Purpose of being enlisted, under this Act, upon assigning in Writing to the General Officer commanding in the District within which such Regiment of Militia 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.

Persons discharged refusing to enlist, or not approved of, shall continue to belong to the Regiment from which discharged.

XIV. Provided always, and be it further enacted, That if any Person discharged from the Militia for the Purpose of being enlisted into any Regiment as aforesaid, or into His Majesty's Regular Forces, under this Act, shall notwithstanding refuse to enlist pursuant to any Declaration of being desirous to enlist so made by him as aforesaid, or shall not be approved by the Officer appointed by His Majesty for that Purpose, then and in every such Case such Person shall continue to belong to the Regiment of Militia from which he shall have been so discharged for the Purpose of enlisting as aforesaid, notwithstanding any such Discharge.

Officers not authorised to enlist, or persuade to enlist, any Militia Men other than such as shall have been duly discharged.

XV. Provided also, and be it further enacted, That nothing contained in this Act shall authorize any Officers appointed by His Majesty to enlist and receive Militia Men under this Act, or any Commanding Officer or other Officer, or Non-Commissioned Officer of any Regiment as aforesaid, or other Person, to enlist, or persuade to enlist or receive, any Militia Men, other than such as shall have been duly discharged by the Colonel or Commanding Officer of the Regiment of Militia to which the Person desirous of enlisting shall belong.

No Perſon ſhall be drafted from the Regiment in which he enliſted, &c.

XVI. And be it further enacted, That every Perſon who ſhall be enliſted to ſerve in any Regiment, ſo named and appointed as aforeſaid, ſhall ſerve in the Regiment in which he ſhall originally have enliſted to ſerve, and in no other Regiment whatever; and no Perſon enliſting in any ſuch Regiment ſhall, on any Account or Pretence whatſoever, be drafted into, or ſerve in any other Regiment, without his Conſent, except into ſome Garriſon or Veteran Battalion, in caſe it ſhall be neceſſary or expedient to transfer ſuch Perſon into any Garriſon or Veteran Battalion, on account of his being diſabled, or for any other ſufficient Cauſe; and every ſuch Perſon may be alſo transferred from one Battalion to another, of any Regiment in which he may be ſerving.

His Majeſty may iſſue ſuch Orders to Governors, &c. of Counties, and to Commanding Officers as He may think neceſſary for executing this Act.

XVII. And be it further enacted, That it ſhall be lawful for His Majeſty, by any Order to be ſignified at any Time 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, during the Execution of this Act, or any Part thereof, to give ſuch Orders and Directions to the Governors or Deputy Governors of Counties, or to the reſpective Colonels or Commanding Officers of any Regiment of Militia, as His Majeſty ſhall from Time to Time think expedient and neceſſary for the Execution of this Act; and the ſeveral Governors and Deputy Governors, and Colonels and Commanding Officers as aforeſaid, ſhall proceed forthwith in purſuance of His Majeſty's Orders to do all ſuch Acts as ſhall be neceſſary for the Purpoſe of carrying ſuch Order into Execution, and for the due Execution of the Proviſions of this Act.

An Account of the Number of Men diſcharged from the Militia to be tranſmitted to the Lord Lieutenant,

XVIII. And be it further enacted, That the ſeveral Colonels or Commanding Officers of the ſeveral Regiments of Militia ſhall, within Ten Days after the receiving of any Order for that Purpoſe from His Majeſty, ſignified as herein before is mentioned, tranſmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, an accurate Account in Writing of the Number of Perſons that ſhall have been diſcharged from the Militia under the Proviſions of this Act.

Extending Proviſions of Act.

XIX. And be it further enacted, That all Proviſions, Directions, Clauſes, Matters and Things in this Act contained, relating to Counties, and to Regiments reſpectively, ſhall extend to all Counties of Cities, Counties of Towns, Diviſions, Cities, and Places in *Ireland*, and to all Battalions, Corps, and Companies, as fully and amply as if they were ſeverally and reſpectively repeated in every ſuch Proviſion, Direction, and Clauſe, relating to any ſuch Matter or Thing.

Act may be altered or repealed this Seſſion.

XX. 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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