ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. LXXXVI.

An Act to make Provision, in certain Cases, for the Wives and Families of ballotted Men, Substitutes, and Volunteers, serving in the Militia of *Ireland*.

[10th *June* 1809.]

WHEREAS it is expedient to make some Provision for the Families of Serjeants, Corporals, Drummers, and Privates serving in the Militia of *Ireland*, when called out into actual Service; and the Laws at present in force are insufficient for the Purpose; 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 from and after the Commencement of this present Act, an Act made in the Forty-third Year of His present Majesty's Reign, intituled, *An Act to make Provision in certain Cases for the Wives and Families of Militia Men, Substitutes, and Volunteers, serving in the Militia of* Ireland; and also an Act made in the Forty-fourth Year of His present Majesty's Reign, to amend the said recited Act of the Forty-third Year, shall be and the same are hereby repealed, save so far as the same or either of them repeal or repeals any former Act of Parliament, or any Charge, Matter, or Thing therein; and also save as to the Payment and Allowance on account of any Sum or Sums of Money which shall have become due before the said Time under or by virtue of the said Acts or either of them, and the obtaining the proper and necessary Voucher for receiving or vouching any such Payment;

43 G. 3. c. 142.

44 G. 3. c. 34. repealed, except as herein mentioned.

ment; and alſo ſave as to any Offence which ſhall or may before that Time have been committed againſt the ſaid Acts or either of them, and any Proceeding to be taken for the Puniſhment of the Offender or Offenders, or the recovering or levying any Penalty for or by reaſon of any ſuch Offence; and alſo ſave as to any Allowance to any Father, Mother, Brothers, or Siſters of any Militia Man who ſhall be ſerving in the ſaid Militia at the Time of the paſſing of this Act, and which Allowance ſhall continue to be paid under the Proviſions of the ſaid recited Acts; and alſo ſave as herein-after mentioned.

Allowances to the Families of Militia Men marched out of their Counties, on Certificate of Commanding Officer.

II. And be it further enacted, That whenever the Militia of any County, City, or Place in *Ireland*, ſhall be embodied and called out into actual Service, and any Man ſerving or enrolled therein as a Serjeant, Corporal, or Drummer, or as a ballotted Man, Subſtitute, or Volunteer, ſhall have left a Family leſs able in conſequence of his Abſence to ſupport themſelves, and the Colonel or other Commanding Officer ſhall give a Certificate in Writing in the Manner and Form herein-after contained and ſet forth, which ſhall be counterſigned by the Adjutant of ſuch Regiment or Battalion, then and in ſuch Caſe every ſuch Militia Man's Family, the Requiſites herein-after mentioned being firſt duly performed, ſhall be entitled to and ſhall receive during his Abſence on actual Service the weekly Allowance following, (that is to ſay), after the Rate of One Shilling for every Child born in Wedlock, and under the Age of Ten Years, not exceeding the Numbers herein-after mentioned reſpectively; and of Two Shillings for the Wife of ſuch Man, if he ſhall be a ballotted Man; and of One Shilling for the Wife of any ſuch Man who ſhall not be a ballotted Man; the ſaid Allowance to the Wife in either of the ſaid Caſes to be paid whether ſuch Man ſhall or ſhall not have any Child or Children, provided ſhe does not follow the Regiment; and the Form of the aforeſaid Certificate ſhall be as follows:

'I Colonel [*or* Commanding Officer, *as the Caſe may be*] of the Militia, do hereby certify, That 'A. B. a Serjeant [Corporal, Drummer, *or* Private, ballotted Man, 'Subſtitute, *or* Volunteer, *as the Caſe may be*] in the ſaid Militia, was 'called out into actual Service, and did, on the Day of 'march from and is now abſent on Service from 'the ſaid County [Town, City, *or* Place, *as the Caſe may be*] and that he 'hath declared to me that his Family reſides at 'and conſiſts of and that by his Abſence they 'are rendered leſs able to ſupport themſelves; and I do certify that the 'ſaid A. B. never deſerted from the ſaid Militia.'

Allowance payable only for Wife and Two Children, or 4 s. in the Whole.

III. Provided always, and be it enacted, That the Wife of any Militia Man ſo ordered on actual Service ſhall not be entitled to the aforeſaid Weekly Allowance of One Shilling for each Child, for more than Two Children; and in caſe there ſhall be no Wife of ſuch Militia Man living, the Weekly Allowance to the Children of ſuch Militia Man ſhall not exceed the Sum of Four Shillings in the Whole.

Families of Subſtitutes marrying without

IV. Provided alſo, and be it further enacted, That no Allowance under this Act ſhall be given or ordered to be given to the Family of any Subſtitute or Volunteer who ſhall have married after the Time of his being called

called out into actual Service, unleſs ſuch Marriage ſhall have taken place with the Conſent of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps to which ſuch Man ſhall belong, and that ſuch Conſent ſhall have been certified under the Hand of ſuch Colonel or other Commanding Officer, and no ſuch Certificate as aforeſaid ſhall be granted to any ſuch Subſtitute or Volunteer who ſhall have ſo married while on actual Service without ſuch Conſent firſt had and obtained as aforeſaid.

Conſent of Officers not entitled to Relief.

V. And be it further enacted, That it ſhall and may be lawful for any Two Juſtices of the Peace acting in and for the Barony or Half Barony, Town, City, or Place in which the ſaid Family ſhall reſide, on the Production of any ſuch Certificate, to inquire into the Circumſtances of the Family of the Militia Man to whom ſuch Certificate ſhall have been granted, whether they reſide in the Pariſh or Place mentioned in the Declaration of ſuch Militia Man; and if on ſuch Inquiry they ſhall find that ſuch Family do ſo reſide, and if ſuch Juſtices ſhall be of Opinion that ſuch Family is leſs able to ſupport itſelf in conſequence of the Abſence of ſuch Militia Man, they ſhall then indorſe ſuch their Opinion in Writing under their Hands, on the Back of the ſaid Certificate, with the Date of the Month and Year, and ſhall ſubjoin thereto an Order, requiring that the ſeveral Allowances herein mentioned, after the Rate aforeſaid, ſhall be paid to ſuch Family, ſpecifying in ſuch Order the Names and Ages of each Perſon of the ſaid Family entitled to receive the ſame; and ſuch Certificates, with the Opinions and Orders of ſuch Juſtices thereon, ſhall be forthwith depoſited by the Perſon or Perſons ſeeking Benefit thereby, or ſome of them, or ſome Perſon or Perſons on their, his, or her Behalf, with the Collector of the Public Ceſs in ſuch Barony or Half Barony, or the Treaſurer of ſuch City or Town.

Two Juſtices, on Production of Certificate, may order Allowance to be paid.

VI. And be it further enacted, That at the Expiration of Three Calendar Months next after the Date of any ſuch Order of ſuch Juſtices, Application ſhall be made by ſuch Baronial Collector or Treaſurer to the Juſtices who ſhall have made ſuch Order, or to any other Two Juſtices of the Peace acting in and for ſuch Barony or Half Barony; and on Production of the original Certificate aforeſaid, and of the Order ſo firſt made thereon, it ſhall be lawful for ſuch Juſtices to make a freſh Inquiry into the Circumſtances of ſuch Family; and if ſuch Circumſtances are not altered, ſuch Juſtices ſhall on the Back of ſuch original Certificate, and at the Foot of ſuch Firſt Order, ſign their Names in Affirmance and Renewal of the ſame, with the Date of the Month and Year; or if it ſhall be made appear to ſuch Juſtices that the Circumſtances of ſuch Family are any Way altered, ſuch Juſtices ſhall make a new Order for ſuch Allowance as aforeſaid, ſpecifying the Names and Ages of each Perſon of ſuch Family entitled to the ſame at the Time of ſuch Order; and ſo after the Expiration of every Three Calendar Months a like Inquiry and Order ſhall, from Time to Time, be made and renewed or altered by Two Juſtices of ſuch Barony or Half Barony, ſo long as any ſuch Allowance ſhall be made on Behalf of ſuch Family.

Such Orders of Juſtices ſhall be renewed every Three Months.

VII. And be it further enacted, That every ſuch Baronial Collector or Treaſurer ſhall, from Time to Time, within Three Days after any ſuch Order or Orders ſhall be made by ſuch Juſtices, prepare and ſign an Abſtract of every ſuch Order, and ſhall forthwith deliver or ſend ſuch

Baronial Collector, &c. ſhall ſend Order and Abſtract thereof to

Collector of Excise, who shall countersign the Order, and file the Abstract.

Abstract duly dated by him to the Collector of His Majesty's Excise for the District in which such Barony, Half Barony, Town, or City shall be situate, together with every such Certificate and Order thereupon; and such Collector of Excise having compared such Abstract with such Order shall, if the same shall agree therewith, countersign every such Order, and forthwith restore the same to such Baronial Collector or Treasurer, or to the Person by whom the same was sent, and shall then countersign and file such Abstract, and shall keep the same as a Voucher for his future Payments in Manner herein-after mentioned.

Baronial Collector shall pay Allowances accordingly.

VIII. And be it enacted, That every such Baronial Collector or Treasurer, on obtaining any such Order so countersigned by such Collector of Excise, shall from Time to Time pay the several Allowances mentioned in such Order to such Family, save as herein-after mentioned, until the Expiration of Three Calendar Months next after the Date of such Order, except in the Cases herein-after mentioned.

Allowances shall be paid Weekly.

IX. Provided always, and be it enacted, That the Allowances under and by virtue of this Act shall be claimed and paid weekly; and that no Wife of any such Militia Man, nor any other Person on Behalf of such Wife, or of the Family of any such Militia Man, shall be entitled to receive at any one Time more than Two Weeks Arrears of any Allowance to such Wife and Family under or by virtue of this Act.

Allowances shall be repaid Quarterly by Collectors of Excise.

X. And be it further enacted, That every such Weekly Allowance to be paid under this Act by such Baronial Collector or Treasurer respectively to the Family of any Militia Man, shall be repaid Quarterly to such Baronial Collector and Treasurer respectively by the Collector of His Majesty's Excise for the District in which such Barony, Town, or City shall be situate out of any public Money in his Hands; and the Sums so paid by such Collector of Excise shall be allowed to him in his Accounts, on such Collector of Excise producing the Receipts of such Baronial Collector or Treasurer respectively for the same, and also producing the several other Documents by this Act required to be kept by him.

If Baronial Collector, &c. has not Money in Hand, he shall certify that to Collector of Excise, who shall thereupon pay Allowances.

XI. Provided always, and be it enacted, That if such Baronial Collector or Treasurer shall not at the Time when any Application shall be made to him to pay any Allowances under this Act, have in his Hands sufficient Money for Payment of the same, such Collector or Treasurer shall and may and is hereby required, from Time to Time as Occasion shall require, to certify the same to the Collector of the Excise for the District, and it shall thereupon be lawful for the said Collector of the Excise and he is hereby authorized and required to remit or pay out of such publick Monies as may be in his Hands, to the said Baronial Collector or Treasurer respectively, at least Once in every Month, a Sum sufficient to satisfy and pay the Monthly Amount of the Sums which shall then be payable under and by virtue of the several Abstracts which shall then be in his Possession under the Provisions of this Act.

Abstract of all Orders shall be transmitted by Collector to

XII. And be it further enacted, That every such Baronial Collector shall transmit to the Clerk of the Peace of the County, Town, or City within which the Barony for which he is Collector shall be situate, and the Treasurer of any Town or City shall transmit to the Clerk of the

Peace there, Three Days previous to each Quarter Seſſions, an Abſtract of all Orders which he ſhall have received as aforeſaid ſince the laſt preceding Quarter Seſſions, to be by the ſaid Clerk of the Peace laid before the Juſtices at ſuch Seſſions, and it ſhall be lawful for the Juſtices there to ſet aſide or alter any ſuch Order of any ſuch Juſtices, which upon due Inquiry in open Court upon Oath ſhall appear to have been fraudulently obtained, or not to be warranted by this Act; and in any ſuch Caſe, ſuch Juſtices at ſuch Seſſions ſhall make an Order that ſuch Baronial Collector or Treaſurer ſhall bring in or cauſe to be brought in the Order of ſuch Juſtices, and deliver the ſame to the Clerk of the Peace for ſuch County, City, Town, or Place; and ſuch Collector or Treaſurer ſhall, within Seven Days after the Service of ſuch Order on him, bring in and deliver, or cauſe to be brought in and delivered, the ſaid Order of ſuch Juſtices accordingly, to ſuch Clerk of the Peace, who ſhall then cancel the ſaid Order, if the ſame ſhall be wholly ſet aſide, or if the ſame ſhall be altered, he ſhall write under the ſame a Copy of the Order for altering the ſame, and ſhall in that Caſe reſtore the ſame to ſuch Baronial Collector or Treaſurer, who ſhall proceed thereupon, and the ſame ſhall be counterſigned in the ſame Manner in all Reſpects as is herein-before directed with reſpect to any ſuch Order.

the Clerk of the Peace, and Orders may be cancelled or varied by the Seſſions.

XIII. Provided always, and be it enacted, That if ſuch Baronial Collector or Treaſurer reſpectively ſhall have Reaſon to believe or ſhall receive Notice from the Collector of Exciſe of the Diſtrict, that he has Reaſon to believe that by the Death of any of the Family of any Militia Man, or by any other Circumſtance, the Allowance to ſuch Family ought to be ſtopped or leſſened in Amount, then and in either of ſuch Caſes it ſhall be lawful for ſuch Baronial Collector or Treaſurer, and he is hereby required to ſtop or leſſen ſuch Allowance accordingly, until Two Juſtices of the Peace ſhall direct him otherwiſe by Writing under their Hands and Seals.

Baronial Collector ſhall ſtop Allowance in caſe of Death, &c.

XIV. Provided alſo, and be it further enacted, That no Allowance ſhall be ordered or paid under this Act to the Wife or Family of any Perſon ſerving in the Militia for any longer Period than ſuch Perſon ſhall continue to ſerve and remain embodied in actual Service; nor in any Caſe in which the Wife, in reſpect of or by whom any ſuch Relief is demanded, ſhall follow the Regiment, Battalion, or Corps in which her Huſband ſhall ſerve.

Allowance ſhall continue only during Service of Militia Man.

XV. And, in order to prevent Frauds in any of the Matters aforeſaid, be it enacted, That the Adjutant of every Regiment or Battalion of Militia ſhall keep a Regiſter of all Certificates which ſhall from Time to Time be granted by the Colonel or other Commanding Officer as aforeſaid.

Adjutant ſhall regiſter Certificates.

XVI. And be it further enacted, That every Serjeant, Corporal, Drummer, and Private, to whom ſuch Certificate ſhall have been given, ſhall on ſome Day between the Seventeenth and Twenty-fourth Day of every Month, deliver or cauſe to be delivered to the Adjutant of his Regiment, or to the Perſon acting as ſuch, a Return in Writing ſubſcribed by himſelf either with his Name or Mark, and ſtating whether, ſince the obtaining ſuch Certificate or ſince his laſt Return, any, and if any, then how many, and which of his Family, and of what Ages reſpectively, have or hath died, or

Militia Men ſhall make Monthly Returns to Adjutants as to the State of their Families.

have or hath received or become entitled to any and what Maintenance, Provision, or Property, and to what Amount, and whether his Wife, if he be married, follows the Regiment; and every Change that shall take place in any of the said respects in the Family of any such Militia Man shall be noted by such Adjutant in his Register aforesaid, according to such Return, or according to the Truth, if the same shall have come to his Knowledge by any other Means.

Adjutant shall make Monthly Returns to Collector of Excise, of Promotions, Vacancies, &c.

XVII. And be it further enacted, That the Adjutant of every Regiment, Battalion, or Corps of the said Militia, shall within Seven Days after the Twenty-fourth Day of every Month during the Time the Militia to which he shall belong shall remain embodied or in actual Service, make a Return to each and every Collector of Excise within whose District the Family of any Militia Man in his Regiment entitled to any of the said Allowances shall reside, and shall in every such Return set forth a particular List of such Promotions and Vacancies, and of such Deaths, Desertions, and other Casualties, if any, as may have occurred among such of the Militia Men of the said Regiment as shall have declared their Families to be resident within the District of the Collector to whom such Return is so made, and of all such Alterations as may have taken place in the Family of any of them in Manner herein-before mentioned; and if no such Promotion, Vacancy, Death, Desertion, Casualty, or Alteration shall have happened, then such Adjutant shall by such Return certify to that Effect.

Collector of Excise shall acknowledge and note the Adjutant's Returns, and transmit them to the Baronial Collector, &c.

XVIII. And be it enacted, That every such Collector of Excise shall immediately on the Receipt of any such Return, transmit to every such Adjutant a written Acknowledgement of the Receipt thereof, specifying the Date thereof, and shall forthwith enter at the Foot of each Abstract so filed by him as aforesaid all new Matters respectively which shall be noted in such Return as aforesaid, and shall thereupon sign the said Return, and send or deliver the same to the proper Baronial Collector or Treasurer as aforesaid, who shall also enter the said Matters at the Foot of the Orders made by Justices of Peace so kept by him respectively, and shall then sign the said Return, and return the same to the said Collector of Excise, who shall file the same together with the Abstracts aforesaid.

In Default of receiving Monthly Returns and Quarterly Orders of Justices, the Allowances shall be stopped.

XIX. And be it enacted, That from and after the First Day of every Month no Payment shall be made by any such Baronial Collector or Treasurer to the Family of any Militia Man until such Return as aforesaid for the preceding Month shall have been so received from the Adjutant of the Regiment to which such Militia Man shall belong, or the Person acting as such, and so sent or delivered to such Baronial Collector or Treasurer as aforesaid; and that from and after the End of every Three Calendar Months from the Date of any Order of Two Justices as aforesaid, no Payment shall be made by any such Baronial Collector or Treasurer to the Family of any Militia Man until a new Order of Two Justices of the Peace shall have been received by such Baronial Collector or Treasurer in Manner aforesaid.

Allowance shall be paid according to Returns.

XX. And be it further enacted, That when any such Entry shall be duly made at the Foot of any such Order or Abstract, or any Alteration shall be made in any such Order, then and from thenceforth such weekly Sum, and no other, shall be paid and payable to the Family therein mentioned, as would

would have been payable to the ſaid Family by the Proviſions of this Act if an Order for Payment had been made and given by Two Juſtices, according to the Circumſtances of ſuch Family at the Time of making ſuch Entry or Alteration.

Certificates and Orders under former Acts, ſhall be proceeded on as if made under this Act.

XXI. Provided always, and be it enacted, That all Certificates granted under the ſaid recited Acts of the Forty-third and Forty-fourth Years of His Majeſty's Reign, and all Orders made by any Juſtices thereon in Manner provided by the ſaid Acts or either of them, ſhall ſtand and be good, valid, and effectual as if made under this Act; and that the ſeveral Baronial Collectors and Treaſurers with whom the ſaid Certificates and Orders ſhall have been depoſited, or who now have the Cuſtody thereof reſpectively, ſhall immediately after the Commencement of this Act ſend the ſame, together with Abſtracts thereof, to the Collectors of Exciſe of their reſpective Diſtricts in Manner herein-before mentioned, and as if the ſame had been granted and made under this Act; and all further and ſubſequent Proceedings ſhall be taken thereon, and all Sums which ſhall afterwards become due thereunder ſhall be paid in the ſame Manner in all Reſpects, and ſubject to all the ſame Reſtrictions, Conditions, Rules, Regulations, and Proviſions as are herein contained, in the ſame Manner in all Reſpects as if the ſame had been granted and made reſpectively under this Act and not otherwiſe.

Grand Juries ſhall preſent for Collectors Trouble.

XXII. And be it further enacted, That in order to recompenſe the ſaid Baronial Collectors, Treaſurers of Counties or Cities, for the Trouble and Expence which they may ſeverally incur by virtue of this Act, it ſhall be lawful for the Grand Jury of each County, Town, or City, at each Aſſizes, and for the Grand Juries of the County of *Dublin*, and County of the City of *Dublin*, at each Preſenting Term, to preſent any Sums they ſhall think reaſonable to be raiſed off the County at large, to be applied and paid as ſuch Grand Juries ſhall direct, to the ſaid reſpective Collectors and Treaſurers, over and above all Sums or Allowances to which they or any of them are or may be entitled by virtue of any other Law or Laws then in force, as a Reward for their Trouble and Expence in carrying the Proviſions of this Act into Execution: Provided always, that ſuch Grand Jury ſhall be ſatisfied by the Oaths of ſuch Collectors and Treaſurers reſpectively, or otherwiſe, that ſuch Collectors and Treaſurers have duly paid the ſeveral Allowances to the Families of Militia Men, in Manner directed by this Act.

Penalty on Officers for Neglect.

XXIII. And be it further enacted, That if any Collector of a Baronial Ceſs, Treaſurer, Clerk of the Peace, Officer of the Peace, or Collector of Exciſe, ſhall wilfully neglect or refuſe to carry the Proviſions of this Act or any of them into Execution, and ſhall be thereof convicted by Preſentment or Indictment at the Aſſizes, or, if in the County or City of *Dublin*, in the Court of King's Bench, every ſuch Perſon ſo offending ſhall be fined, at the Diſcretion of the Court, any Sum not exceeding Fifty Pounds.

Penalty on Baronial Collector, &c. not paying Allowances.

XXIV. And be it further enacted, That if any Collector of the Baronial Ceſs, or Treaſurer of a County or City, ſhall on Demand duly made refuſe or neglect to pay and ſatisfy any Sum or Sums of Money then payable

payable to the Family of any Militia Man by virtue of this Act, every such Collector or Treasurer so refusing or neglecting to make such Payment, shall for every such Neglect forfeit the Sum of Five Pounds, to be recovered upon Conviction of the said Offender before any Justice of the Peace for the County, City, or Place, where the Offence shall be committed; which said Justice is hereby authorized and required, upon Information exhibited, or Complaint made by the Party aggrieved in that Behalf, to summon the Party accused, and to examine into the Matter of Fact, and upon Proof thereof, on the Oath of one Witness, not being the Party entitled to receive such Sum or Sums of Money, to give Judgement for such Penalty, to be levied by Distress and Sale of the Offender's Goods and Chattels, in case the same shall not be forthwith paid, by Warrant under the Hand and Seal of such Justice, causing the Overplus (if any), after deducting the Charges of such Distress and Sale, to be rendered to the Party, and the Penalty so adjudged shall be paid to the Use of the Party so aggrieved as aforesaid.

Form of Conviction for such Offence.

XXV. And be it enacted, That every such Conviction shall be in the Form here following, or in some other Form of Words of the same Import; (that is to say);

'BE it remembered, That *A. B.* Collector of Cess in the Barony of in the County of [*or* Treasurer of the County of the Town of *or* County of the City of *as the Case may be*] is convicted before me *C. D.* one of the Justices of the Peace for the said County, of not having paid the Weekly Allowance due on the Day of last past, to the Family of a Serjeant, [Corporal, Drummer, *or* Private, *as the Case may be*] actually serving in the Regiment of Militia, although the same was duly demanded of him on the Day of last past. Witness my Hand and Seal this Day of in the Year

And every such Conviction in the said or any other Form of the same Import shall be good and sufficient in Law.

XXVI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Commencement of Act.

XXVII. And be it further enacted, That this Act, and all and every Clause, Matter, and Thing therein contained, shall commence and take Effect and be in Force from and after the Expiration of One Calendar Month after the Day of the passing thereof, and not sooner.

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