

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. LXXXVII.

An Act for defraying the Charge of the Pay and Clothing of the Militia and Local Militia in *Great Britain* for the Year One thouſand eight hundred and nine. [10th *June* 1809.]

WHEREAS it is neceſſary that Proviſion ſhould be made for defraying the Charge of the Pay and Clothing of the Regular Militia (when diſembodied) and Local Militia in *Great Britain*, for One Year from the Twenty-fifth Day of *December* One thouſand eight hundred and eight; 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 in every County, Riding, or Place in *England*, and in every County, Stewartry, City, or Place in *Scotland*, where the Regular Militia or Local Militia is or ſhall be raiſed, the Secretary at War for the Time being is hereby authorized and empowered, and required to cauſe to be iſſued and paid the whole Sum required for the Regular Militia (when diſembodied) and Local Militia reſpectively, in the Manner and for the ſeveral Uſes herein-after mentioned; (that is to ſay), for the Pay of the ſaid Regular Militia or Local Militia at the Rate of Eight Shillings a Day for each Adjutant, where an Adjutant is appointed; and at the Rate of Five Shillings a Day for each Quarter Maſter, where a Quarter Maſter is appointed; and at the Rate of One Shilling and

The Secretary at War to iſſue the Sum neceſſary for the Pay of the Regular and Local Militia, according to the Rates herein mentioned.

and Sixpence a Day for each Serjeant resident at the Head Quarters of the Regiment, Battalion, or Corps, with the Addition of Two Shillings and Sixpence a Week for each Serjeant Major, where a Serjeant Major is appointed; and at the Rate of One Shilling and Two-pence a Day for each Corporal so resident as aforesaid; and at the Rate of One Shilling a Day for each Drummer so resident as aforesaid, with the Addition of Sixpence a Day for each Drum Major, where a Drum Major is appointed; and also at the Rate of Four-pence *per* Man for each Private Man and Drummer, for defraying the contingent Expences of each Regiment, Battalion, or Corps; and also for the Clothing of the Regular Militia (when disembodied) or Local Militia for such County, Riding, Stewartry, City, or Place, at the Rate of Four Pounds Ten Shillings for each Serjeant Major, Two Pounds for each Corporal, Four Pounds One Shilling and Nine-pence for each Drum Major, Three Pounds One Shilling and Nine-pence for each Drummer, and One Pound Nineteen Shillings and Sixpence for each Private Man; and that such Serjeant Majors, Drum Majors, Corporals, and Drummers, who may be retained on constant Pay, and resident at Head Quarters, shall be clothed Once in Two Years: Provided always, that when any Serjeant, Corporal, or Drummer shall be absent on Furlough or Licence, such Serjeant, Corporal, or Drummer shall, during such Absence, receive Pay at the following Rates instead of those above mentioned; (that is to say), every Serjeant the Sum of One Shilling a Day, every Corporal the Sum of Eight-pence *per* Day, and every Drummer the Sum of Sixpence *per* Day respectively, and no more; and it shall be lawful for the Secretary at War to cause any such Pay to be from Time to Time issued in Advance, for any Period not exceeding Four Months from the Time for which such Advances shall be made.

Rates of Pay to Serjeants, Corporals, and Drummers, when absent on Furlough.

Allowance to Surgeons.

II. And be it further enacted, That there shall be granted to the Surgeon of each Regiment, Battalion, or Corps of Regular Militia when disembodied, and Local Militia, a Sum of Money in Addition to his Pay, after the Rate of One Guinea for every One hundred Men of each such Regiment, Battalion, or Corps, for the Expence of necessary Medicines for the Sick, Non-commissioned Officers, Drummers, and Private Men of such Regiment, Battalion, or Corps, during the Period or Periods of Assembly for annual Exercise or Training; and Sixpence *per* Month for each of the Non-commissioned Officers and Drummers of any such Regiment, Battalion, or Corps on constant Pay at Head Quarters, for the Expence of necessary Medicines and Attendance given to the Non-commissioned Officers and Drummers on constant Pay at Head Quarters, while such Regiment, Battalion, or Corps is not called out for annual Training and Exercise.

Quarter Master or Battalion Clerk to have the Charge of Arms, Clothing, &c. and to account Three Times a Year for the contingent Money issued to him.

III. And be it further enacted, That the Quarter Master or Battalion Clerk to each Regiment, Battalion, or Corps of Militia, or Local Militia, shall have the Charge and Care of the Arms, Accoutrements, Clothing, Necessaries, and other Stores under the Superintendance of the Colonel or Commandant; and shall, out of the Money hereby directed to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue out and pay such Sums of Money as may be necessary for the Repair of Arms, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as shall be drawn upon him by the Colonel or other Commandant as

as aforesaid, he shall Three Times in the Year make up Accounts of all such Money, and the Expenditure thereof, and the Balance remaining in his Hands; which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps, and transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be and are hereby directed to be the proper Vouchers and Acquittal of such Quarter Master or Battalion Clerk, for the Application and Disposal of such Money.

Balance to form a Stock Purse for the Use of the Regiment, &c.

IV. And be it further enacted, That the Officers and Non-commissioned Officers and private Men of the Regular Militia and Local Militia, when not drawn out and embodied, shall be entitled to the same Pay and Allowance as the Regular Militia when drawn out and embodied: Provided always, that the said Pay and Allowances shall only extend to such Period or Periods for which the said Regular Militia or Local Militia shall be called out for the Purpose of annual Exercise or Training, or when called out for suppressing Riots or Tumults, exclusive of the Days of arriving at and Departure from, and marching to and from the Place appointed for Exercise; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

Pay to Militia (when not embodied) to be only during the Period when called out for annual Exercise or Training, &c.

V. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, and contingent Expences for the Regular Militia (when disembodied), and Local Militia as aforesaid, shall be issued and paid under the Direction of the Secretary at War, who is hereby empowered to issue such Regulations as he may deem it expedient to adopt, from Time to Time, in that Behalf.

Money for Pay and Clothing to be issued under the Direction of the Secretary at War.

VI. And whereas in pursuance of an Act passed in the present Session of Parliament, intituled, *An Act for increasing the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers*, certain increased Rates are allowed for the Payment of Innholders and others on whom Non-commissioned Officers and Private Soldiers may, by virtue of an Act passed also in the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, be quartered in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, the Dominion of *Wales*, and the Town of *Berwick-upon-Tweed*: And whereas by an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*; the Officers, Non-commissioned Officers, Drummers, and private Men of the said Militia, when called out to annual Exercise, are required to be quartered and billetted in Inns, Livery Stables, Alehouses, Victualling Houses, and all Houses of Persons selling Brandy, Strong Waters, Cyder, Wine, or Metheglin by Retail; be it enacted, That the Innholders and others on whom the said Non-commissioned Officers, Drummers, and Private Men of the Regular Militia (when disembodied), or Local Militia shall be so quartered and billetted, shall be entitled to and receive the same Rates of Allowance for each Serjeant Major, Drum Major, Serjeant, Corporal, Drummer, and private Man so quartered and billetted upon them, during the Time of their remaining assembled for Exercise as aforesaid, and under the same Rules and Regulations as such

49 G. 3. c. 37.

42 G. 3. c. 90.

Allowance to Innkeepers.

Innholders or others may now, by the above mentioned Act for the Relief of Innkeepers, demand and receive for the Non-commiſſioned Officers, Drummers, and private Soldiers of the Regular Infantry, in the reſpective Caſes of their furniſhing them with Diet and Small Beer, or ſupplying them in lieu thereof with the Articles ſpecified in the ſaid Act for puniſhing Mutiny and Deſertion; and the Secretary at War is hereby authorized and required to ſupply the neceſſary Funds to defray the Charge of the Allowances ſo to be made to the ſaid Innholders and others: Provided always, that each of the Non-commiſſioned Officers, Drummers, and Private Men who ſhall be furniſhed with Diet and Small Beer as aforeſaid, ſhall contribute towards the Expence thereof, the like Proportion of his Pay and Beer Money as is or ſhall be contributed in the like Caſe by the Non-commiſſioned Officers, Drummers, and Soldiers of the Regular Infantry.

Perſons on Half Pay ſerving in the Local Militia may receive the Pay allowed by this Act.

VII. Provided always, and be it further enacted, That any Perſon being on Naval or Military Half Pay, or being entitled to any Allowance as having ſerved in any of His Majeſty's Forces, or Navy or Marines, and ſerving in the Local Militia, ſhall and may, and he is hereby empowered, to receive and take the Subſiſtence Money by this Act directed to be paid to Field Officers, Captains, Lieutenants, Enſigns, Adjutants, Quarter Maſters, Surgeons; and the receiving and taking any ſuch Subſiſtence Money by any ſuch Field Officer, Captain, Lieutenant, Enſign, Quarter Maſter, Surgeon, ſhall not be deemed receiving or taking of Pay ſo as in any Manner to prevent ſuch Perſon on Half Pay, or being entitled to any ſuch Allowance, from receiving his Half Pay or ſuch Allowance; and ſuch Perſon ſhall take the following Oath before ſome Juſtice of the Peace, who is hereby empowered to adminiſter the ſame:

'I *A. B.* do ſwear, that I had not between the and the
'any Place or Employment of Profit, Civil or
'Military, under His Majeſty, beſides my Allowance of Half Pay as a
'Reduced in His Majeſty's Navy, [*or*, in the Marines], [*or*,
'in late Regiment of], [*or*, Allowance as
'in late Troop of Horſe Guards], [*or*, Regiment of
'Horſe Reduced], ſave and except my Subſiſtence [as a Field Officer,
'Captain, Lieutenant, Enſign, Adjutant, or Quarter Maſter, Surgeon, *as the*
'*Caſe may be*], for ſerving in the Local Militia of the County of

And the taking the ſaid Oath ſhall be ſufficient to entitle ſuch Perſon to receive his Half Pay or the ſaid Allowance, without taking any other Oath; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

But when embodied the Half Pay ſhall ceaſe.

VIII. Provided always, and be it further enacted, That if any Regiment, Battalion, or Corps of Regular Militia, or Local Militia, ſhall be drawn out and embodied, then and during ſuch Time only as ſuch Field Officer, Captain, Lieutenant, Enſign, Adjutant, Quarter Maſter, Surgeon, entitled to any ſuch Half Pay or Allowance as aforeſaid, ſhall receive the full annual Pay of their reſpective Commiſſions or Situations in the Regular Militia or Local Militia, ſuch Half Pay and Allowances as aforeſaid ſhall ceaſe and determine.

Receiving Chelſea Penſions not to affect Pay.

IX. Provided always, and be it further enacted, That no Non-commiſſioned Officer or Private Man in the Regular Militia or Local Militia, entitled

entitled to receive any *Chelsea* Pensions or Allowance, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia or Local Militia.

Allowance to Adjutants in the Regular Militia who, from Age and Infirmity, are unfit to serve.

X. And whereas Persons appointed to act as Adjutants in the Regular Militia may by Age or Infirmity be rendered incapable of doing the Duty thereof; and it is expedient that some Provision should be made for them in Consideration of their former Services; be it enacted, That if any Adjutant of Regular Militia, who shall have served faithfully either in His Majesty's Regular Forces or in the Regular Militia, for the full Term of Thirty Years in the Whole, Fifteen of which he shall have served as an Adjutant of Regular Militia, shall by Age or Infirmity be rendered unfit for further Service, he shall, on producing to the Receiver General of the Land Tax for the County, Riding, or Place to which such Regular Militia shall belong if in *England*, or to the Receiver General for *Scotland* if in *Scotland*, a Certificate of such Service of Thirty Years as aforesaid, from the Commanding Officers of the different Corps to which he shall have belonged, be entitled to receive, and the Receivers General aforesaid respectively shall be, and they are hereby authorized and required, to pay to such Person producing such Certificate as aforesaid, an Allowance at the Rate of Six Shillings *per* Day: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall have served for a less Term than Fifteen Years as an Adjutant of Regular Militia, or who shall hold any Office or Employment of Profit, Civil or Military, under His Majesty, except as Regimental or Battalion Clerk of any Regiment, Battalion, or Corps of Regular Militia.

Persons serving as Adjutants in Regiments, &c. whose Establishment is reduced to be allowed 3 s. per Day.

XI. And be it further enacted, That in case any Regiment, Battalion, Corps, or Independant Company shall have already ceased and determined, or been reduced in its Establishment, or shall cease and determine, or be reduced in its Establishment, during the Continuance of this Act, the Sum of Three Shillings *per Diem* shall be paid to such Person as has actually served as Adjutant to such Regiment, Battalion, Corps, or Independant Company, from the Twenty-fifth Day of *March* One thousand eight hundred and nine, or from the Time such Regiment, Battalion, Corps, or Independant Company shall cease and determine, or be reduced in its Establishment, as the Case may be, to the Twenty-fifth Day of *March* One thousand eight hundred and ten.

Surgeons, after 30 Years Service, to receive an Allowance of 3 s. per Day.

XII. And whereas Persons appointed to act as Surgeons in the Regular Militia may by Age or Infirmity be rendered incapable of doing the Duty thereof, and it is expedient that some Provision should be made for them in Consideration of their former Services; be it enacted, That if any Surgeon of Regular Militia, having faithfully served in the Militia for the full Term of Thirty Years, shall by Age or Infirmity be rendered unfit for further Service, he shall, on producing to the Receiver General of the Land Tax for the County, Riding, or Place to which such Regular Militia shall belong if in *England*, or to the Receiver General for *Scotland* if in *Scotland*, a Certificate of such Service of Thirty Years as aforesaid, from the Commanding Officers of the different Corps to which he shall have belonged, be entitled to receive, and the Receivers General aforesaid respectively shall be, and they are hereby authorized and required, to pay to such Person producing such Certificate as aforesaid, an Advance at the

Rate of Three Shillings a Day: Provided always, that no Perſon ſhall be entitled to receive ſuch Allowance as aforeſaid, who ſhall hold any Office or Employment of Profit, Civil or Military, under His Majeſty.

Receivers General of the Land Tax to pay the Money required for the Allowances to the Clerks of the General and Subdiviſion Meetings;

XIII. And be it further enacted, That in every County, Riding, or Place in *England*, where the Regular Militia or Local Militia is or ſhall be raiſed, the Receiver or Receivers General of the Land Tax for ſuch County, Riding, or Place reſpectively, and in every County, Stewartry, City, or Place in *Scotland*, where the Regular Militia or Local Militia is or ſhall be raiſed, the Receiver General for *Scotland* ſhall iſſue and pay the whole Sums required for the reſpective Allowances to the Clerks of the General Meetings, and Clerks of the ſeveral Subdiviſion Meetings in *England*, at the Rates following; that is to ſay, to the Clerk of the General Meetings, at the Rate of Five Pounds Five Shillings for each Meeting; and to the ſeveral Clerks of the Subdiviſion Meetings, at the Rate of One Pound One Shilling for each Meeting; and ſuch further Allowance ſhall be made to ſuch reſpective General and Subdiviſion Clerks, for their Expences and Trouble in amending the Returns of Perſons returned liable to ſerve in the Regular Militia or Local Militia, by taking out the Names of all Perſons who may appeal, and whoſe Appeals or Claims of Exemption have been allowed, and inſerting the Names of any Perſons that ſhall have been omitted to be inſerted; and in numbering the Returns and making out the Tickets for the Ballot, after the Rate of One Pound Fifteen Shillings for every One thouſand Names of Perſons returned liable to ſerve; and alſo for the actual Expences incurred by ſuch reſpective Clerks, and for Printing and Stationary uſed for the Purpoſe of this Act, as to the Lord Lieutenants or Deputy Lieutenants of the reſpective Counties, Ridings, Cities, or Places, ſhall appear reaſonable and proper; and in caſe the Orders made by the Lord Lieutenants or Deputy Lieutenants for the Payment of ſuch further Allowances as aforeſaid, ſhall be confirmed at a General Meeting conſiſting of not leſs than Five Deputy Lieutenants, but not otherwiſe.

who ſhall produce the Order for receiving Payment.

XIV. And be it enacted, That the Receivers General in *England* ſhall pay to the Clerk of the General Meetings his Allowance, at the Rate of Five Pounds and Five Shillings for each Meeting, or ſuch further Allowance as may be made as herein-before directed, upon his producing an Order or Orders for that Purpoſe from His Majeſty's Lieutenant, or from Three Deputy Lieutenants aſſembled at ſome General Meeting or Meetings; and ſhall alſo pay to each and every of the Clerks of the Subdiviſion Meetings, their ſeveral Allowances at the Rate of One Pound and One Shilling for each Meeting, or ſuch further Allowance as may be made as herein-before directed, upon his or their producing an Order or Orders from One or more Deputy Lieutenant or Deputy Lieutenants, aſſembled in the ſeveral Subdiviſion Meetings; which ſaid Order or Orders, ſpecifying the Day or Days of Meeting, at what Place or Places and for what Purpoſe or Purpoſes the ſaid General and Subdiviſion Meeting or Meetings have been aſſembled and held, together with the Clerks Receipt or Receipts for the Sums ſo claimed, ſhall be to the Receivers General in *England* reſpectively, a ſufficient Diſcharge for the Payment of ſuch Allowances, and be allowed in their Accounts; and that the ſeveral Allowances to Clerks of General and Subdiviſion Meetings, for their Trouble and Expences in the Execution of this Act in *Scotland*, ſhall be paid and defrayed

defrayed in the ſame Manner in which Schoolmaſters, Conſtables, and other Perſons employed in the Execution of an Act, paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled, *An Act to raiſe and eſtabliſh a Militia Force in* Scotland, are directed to be paid for their Trouble and Expences. 42 G. 3. c. 91.

Stamp Duty on Commiſſions in the Local Militia to be repaid.

XV. Provided always, and be it further enacted, That it ſhall be lawful for the Agent General of Volunteers and Local Militia, and he is hereby required, to repay any Sum of Money which may have been paid for the Stamp Duty, on any Commiſſion of any Officer in the Local Militia, under ſuch Regulations, and in ſuch Manner, as the Secretary at War ſhall appoint.

Bills, &c. drawn for Pay or Allowances need not be on ſtamped Paper.

XVI. And be it further enacted, That all Bills, Drafts, and Orders drawn for the Pay or Allowance of the Regular Militia (when diſembodied), or Local Militia under this Act, may or ſhall be drawn upon unſtamped Paper; and no ſuch Bill, Draft, or Order ſhall be void, by reaſon of being ſo drawn or written on unſtamped Paper.

No Fees to be taken.

XVII. Provided always, and be it enacted, That no Fee or Gratuity whatſoever ſhall be given or paid for or upon account of any Warrant or Sum of Money which ſhall be iſſued in relation to or in purſuance of this Act.

Where Penalties may be ſued for.

XVIII. Provided always, and be it enacted, That all Penalties and Coſts and Charges of Suit, and all Sums of Money for which any Perſon or Perſons is or are by this Act made anſwerable, may and ſhall be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Exchequer in *Scotland*, according as the Caſe may require, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Wager of Law, or Protection, or more than One Imparlance ſhall be allowed.

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