

ANNO QUADRAGESIMO NONO

GEORGII III REGIS.

CAP. LXXXVIII.

An Act for making Allowances in certain Cases to Subaltern Officers of the Militia in *Great Britain*, while disembodied. [10th *June* 1809.]

WHEREAS it is expedient to make some Addition to the Pay of certain Subaltern Officers of the Militia Forces in *Great Britain* while disembodied, under certain Regulations; 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, from and after the passing of this Act, the following annual Allowances, over and above the Pay to which they are now by Law entitled, during the Time of annual Exercise, shall be made and paid to the Amount, under the Restrictions,

The annual Allowances herein mentioned, beside the Pay to which they are entitled

during annual Exercise, shall be made to Lieutenants, Surgeons, and Ensigns.

tions, and in the Manner herein-after expressed, to every Subaltern Officer now bearing a Commission and serving in the Militia of *Great Britain*, who shall continue faithfully to serve in the same Corps, or who, previously to the Expiration of Three Months from the passing of this Act, shall be duly appointed to a Commission, and shall continue faithfully to serve in the embodied Militia, and in the same Corps until the disembodying thereof; (that is to say), to a Lieutenant or a Surgeon Twenty-five Pounds Eighteen Shillings and Sixpence, being at the Rate of One Shilling and Five-pence *per Diem* for Three hundred and sixty-six Days; and to an Ensign Twenty-one Pounds Seven Shillings, being at the Rate of One Shilling and Two-pence *per Diem* for Three hundred and sixty-six Days: Provided always, that all such Officers of the Militia as are now serving with the Rank of Captain Lieutenant, shall be deemed to be Lieutenants for the Purposes of this Act.

Exceptions.

II. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act, become possessed of such an Estate or Income, as would by Law qualify him to hold the Commission of Captain of a Company in the Militia, or who is or shall be appointed Adjutant or Battalion Clerk in any Regiment, Battalion, or Corps of Militia, nor any Person deriving in any Way whatsoever, otherwise than as a Subaltern Officer or Surgeon of the Militia, any Income, Stipend, or Allowance whatever from the Publick, nor any Officer on the Full or Half Pay of the Navy, Army, or Marines, who shall also hold a Subaltern's or Surgeon's Commission, and have served as aforesaid in the Militia, shall have or be in anywise entitled to the said annual Allowances, or any Part or Share thereof; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Subalterns and Surgeons to take the following

III. And be it further enacted, That the Subaltern Officers and Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said annual Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe an Oath before some One of His Majesty's Justices of the Peace for the County, Riding, Stewartry, City, or Place, to which the Regiment, Battalion, Corps, or Independent Company in which they serve shall belong, in the Words or to the Effect following; (*videlicet*),

Oath.

'I *A. B.* do swear, That I belonged to the of Militia when the same was disembodied, and that I have continued to serve therein from 'that Time until the Day of inclusive, as a [Captain 'Lieutenant, Lieutenant, Ensign, *or* Surgeon, *as the Case may be*], and 'that I was not, in my own Right or in Right of my Wife, during the said 'Period, in the actual Possession and Enjoyment or Receipt of the Rents 'and Profits of Lands, Tenements, or Hereditaments of such an annual 'Value above Reprises, as would qualify me to hold a Commission of 'Captain of a Company in the Militia; that I have not, during the 'above Period, held the Appointment of Adjutant or Battalion Clerk in 'any Regiment, Battalion, or Corps of Militia; that I did not hold or 'enjoy, nor did or has any Person for me hold or enjoy, or held or en-

'joyed, during the ſaid Period, any Office or Income whatſoever from 'the Publick, except my Pay as for the Period of the Corps 'having aſſembled to be trained and exerciſed; and that I was not en- 'titled during the ſaid Period, either to the Full or Half Pay of the 'Navy, Army, or Marines.

'So help me GOD.'

Which Oath, ſo taken and ſubſcribed, ſhall be by the ſaid Juſtice forthwith certified and tranſmitted, and he is hereby required to certify and tranſmit the ſame to the Receiver General of the Land Tax, of the County, Riding, or Place, to which the Regiment, Battalion, Corps, or Independent Company of Militia, in which ſuch Subaltern Officer or Surgeon ſhall be then ſerving, ſhall belong, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*, to be by him filed and preſerved for the Purpoſes herein-after mentioned. Juſtices to tranſmit Oaths to the Receiver General of the Land Tax for the County.

IV. And be it further enacted, That every Subaltern Officer and Surgeon of the Militia who ſhall be entitled, or claim to be entitled to the Benefits of this Act, ſhall regularly attend the annual Exerciſe and Training of the Regiment, Battalion, Corps, or Independent Company to which he belongs, during the Whole of the Time by Law appointed for that Purpoſe, and ſhall, during the ſaid Time punctually do and perform his Duty as a Subaltern Officer or Surgeon of ſuch Regiment, Battalion, Corps, or Independent Company, on Pain of forfeiting the ſaid annual Allowance, as well as the Reſt of his Pay, and every Part thereof which may be due for the current Year, in which he ſhall neglect or refuſe to attend; and Certificates of his having ſo attended and performed his Duty, ſigned by the Commanding Officer of the Regiment, Battalion, Corps, or Independent Company to which he may belong, ſhall be tranſmitted by the ſaid Commanding Officer to the Lieutenant of the County, Riding, Stewartry, City, or Place, to which the ſaid Regiment, Battalion, Corps, or Independent Company of Militia ſhall belong, and alſo to the Receiver General of ſuch County, Riding, or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*: Provided always, that in caſe any ſuch Subaltern Officer or Surgeon claiming to be entitled to ſuch annual Allowance, ſhall by his Commanding Officer be permitted or ſuffered, for any ſpecial Cauſe or unavoidable Neceſſity, to be abſent during the Whole or any Part of ſuch annual Exerciſe, (in which Caſe it ſhall be lawful for ſuch Commanding Officer to grant ſuch Leave of Abſence, and for ſuch Subaltern Officer or Surgeon who may be ſo permitted to be abſent, to demand and receive the ſaid annual Allowance and every Part thereof, in like Manner as if he had attended during the Whole of the ſaid annual Exerciſe), the Reaſons for ſuch Abſence, as well as the Duration thereof, ſhall be carefully and truly ſpecified in Certificates (in lieu of thoſe before mentioned) to be ſigned by the Commanding Officer, and to be tranſmitted as ſoon as conveniently may be to the Lieutenant of the County, Riding, Stewartry, City, or Place, to which the Regiment, Battalion, Corps, or Independent Company wherein ſuch Subaltern or Surgeon ſhall be ſerving, ſhall belong, and alſo to the Receiver General of the ſame County, Riding, or Subalterns and Surgeons to attend the annual Exerciſe, on Pain of forfeiting the Allowance and their Pay. Certificates of ſuch Attendance to be tranſmitted by the Commanding Officer to the Lieutenant and Receiver General of the County. In caſe of Leave of Abſence, the Reaſon for granting it to be inſerted in the Certificate.

or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*.

If Militia be not called out to annual Exercise the Subalterns and Surgeons still to be entitled to Allowance.

V. Provided always, and be it further enacted, That in case any Regiment, Battalion, Corps, or Independent Company of Militia, after the disembodying thereof, and before the respective Days herein-after fixed for the Half-yearly Payment of the said annual Allowances, shall not be called out for the annual Exercise and Training thereof, every Subaltern Officer and Surgeon belonging to any such Regiment, Battalion, Corps, or Independent Company, and coming within the Descriptions of this Act, who shall have taken and subscribed the Oath herein-before mentioned, before any such Justice of the Peace as aforesaid, shall be entitled to the said annual Allowance, as if such Subaltern Officer or Surgeon had regularly attended the annual Exercise and Training of such Regiment, Battalion, Corps, or Independent Company, during the Whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the said Regiment, Battalion, Corps, or Independent Company, had been transmitted to the Lieutenant of the County, Riding, Stewartry, City, or Place to which such Regiment, Battalion, Corps, or Independent Company shall belong, and also to the Receiver General of the same County, Riding, or Place, if in *England*, or to the Receiver General for *Scotland*, if in *Scotland*, according to the Directions of this Act; any Thing contained in this Act to the contrary hereof notwithstanding.

Allowances to be paid without Deductions.

VI. And be it further enacted, That upon such Certificates as aforesaid of such Justice of the Peace and Commanding Officer as aforesaid, or (where any Regiment, Battalion, Corps, or Independent Company of Militia shall not have been called out to their annual Exercise as aforesaid), upon a Certificate of any such Justice of the Peace only being produced to or received by the respective Receivers General, it shall and may be lawful for such Receivers General, and they are hereby authorized and required to pay to the said Subaltern Officers and Surgeons, according to their respective Commissions of Lieutenant, Ensign, or Surgeon, in Addition to their Pay, for the Time of Training and Exercise, One Moiety of the annual Allowance above mentioned on the Twenty-fourth Day of *September* next, and the other Moiety of the same on the Twenty-fourth Day of *March* One thousand eight hundred and ten, without any Deduction whatsoever, out of any publick Monies in their Hands, and to charge the same in their respective annual Accounts of Money disbursed for the Use of the Publick; the Certificates before mentioned to be by them preserved and produced among the Vouchers for the Payments from Time to Time made by them in pursuance of this Act.

Subalterns and Surgeons not attending when called upon, to forfeit their Claims,

VII. And be it further enacted, That the Subaltern Officers and Surgeons of the Militia, entitled or claiming to be entitled to the Benefits of this Act, shall, at all Times be liable to serve in the respective Regiments, Battalions, Corps, or Independent Companies to which they belong, whenever the same shall be embodied, and called out upon actual Service;

and in case of Neglect or Refusal to attend when called upon, or in case any such Subaltern Officer or Surgeon shall at any Time wilfully neglect or refuse to attend, and perform his Duty at the annual Exercise as before directed, and at such other Times, or for such other Occasions, as may be required of him in pursuance of the Laws now in force respecting the Militia when disembodied, each and every such Subaltern Officer and Surgeon shall, upon such Neglect or Refusal being certified to the Lord Lieutenant by the Colonel or other Commandant of the Regiment, Battalion, Corps, or Independent Company to which such Subaltern or Surgeon shall belong, forfeit his Claim to the said annual Allowance, and every Part thereof, and shall also be considered as having resigned and vacated his Commission, to all Intents and Purposes whatsoever.

Allowances to be paid by Receiver General on Production of Certificates;

but not to be paid while the Militia is embodied.

Allowances to extend only to a certain Number.

VIII. And be it further enacted, That the said several annual Allowances shall be paid to the Persons respectively entitled thereto, by the Receivers General of the Land Tax in *England*, and the Receiver General for *Scotland* respectively, upon the Production of the before mentioned several Certificates, on or as soon after the Twenty-fourth Day of *September* next, and the Twenty-fourth Day of *March* One thousand eight hundred and ten, respectively, as may be convenient and practicable: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to entitle any Subaltern Officer or Surgeon as aforesaid to the said annual Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or ordered out on actual Service: Provided also, that this Act, and the Benefits and Allowances therein contained, shall not extend, or be construed to extend to more than Ten Lieutenants in any Regiment consisting of more than Ten Companies; to more than Nine Lieutenants in any Regiment consisting of more than Eight and less than Eleven Companies; to more than Eight Lieutenants in any Regiment consisting of more than Six and less than Nine Companies; or to more than Five Lieutenants in any Regiment, Battalion, or Corps, consisting of Six or of a less Number of Companies, except where the Companies consist of Ninety Private Men each or upwards; in which Case this Act and the Benefits and Allowances therein contained, may be extended to Eighteen Lieutenants in any Regiment consisting of more than Ten Companies; to Sixteen Lieutenants in any Regiment consisting of more than Eight and less than Eleven Companies; to Fourteen Lieutenants in any Regiment consisting of more than Six and less than Nine Companies; and to Nine Lieutenants in any Regiment, Battalion, or Corps, consisting of Six or of a less Number of Companies.

Senior Lieutenants to have the Preference, and the Junior to succeed on Vacancies.

IX. And be it further enacted, That in case in any Regiment, Battalion, or Corps of the Militia, at the Time of disembodying thereof, there shall happen to be a greater Number of Lieutenants, coming within the Descriptions of this Act, than can be entitled to claim the Benefits thereof, within the true Intent and Meaning of the foregoing Proviso, the Senior Lieutenants of such Number shall always be preferred, and shall be alone entitled to demand and receive the above mentioned Allowances; and that the Junior Lieutenants shall succeed to such Allowances in

Rotation as Vacancies may happen among the said Senior Lieutenants from Time to Time.

Continuance of Act.

X. And be it further enacted, That this Act shall continue in force until the Twenty-fifth Day of *March* One thousand eight hundred and ten, and no longer.

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