ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. XXV.

An Act to amend several Acts, relating to the Local Militia of *Great Britain*. [18th *April* 1810.]

WHEREAS an Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled, *An Act for enabling His Majesty to establish a permanent Local Militia Force, under certain Restrictions, for the Defence of the Realm*: And whereas an Act passed in the last Session of Parliament, intituled, *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, under certain Restrictions, for the Defence of the Realm*: And whereas an Act passed in the Forty-eighth Year of the Reign of His present Majesty, 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 an Act passed in the last Session of Parliament, intituled, *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*: And whereas another Act passed in the last Session of Parliament, intituled, *An Act to amend several Acts passed in the last and present Sessions of Parliament relating to the Local Militia*: And whereas it is expedient that further Provisions should be made in relation to the Local Militia established by the said recited Acts; 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 Case in which His Majesty, by His Secretary of State or otherwise, shall have ordered and directed, or shall hereafter order and direct, that the Serjeants, Corporals, and Drummers of the Local Militia allowed to remain on permanent Pay, shall be reduced in

48 G. 3. c. 111.
49 G. 3. c. 40.
48 G. 3. c. 150.
49 G. 3. c. 48.
49 G. 3. c. 82.

If the Numbers allowed of Non-commissioned Officers and Drummers of Local

Militia on permanent Pay be ordered to be reduced, the Commandant of any Corps may agree with Non-commissioned Officers, &c. to serve on reduced Pay, who shall take the following

in any Proportion below the Number allowed by the several Acts relating to the Local Militia of *England* and *Scotland* respectively, it shall be lawful for the Commanding Officer of any Regiment, Battalion, or Corps, with the Approbation of the Lieutenant or Vice Lieutenant, or Deputy Lieutenant acting for the Lieutenant, in case the Lieutenant shall be absent, and of His Majesty's Secretary of State, to agree with the Serjeants, Corporals or Drummers of his Regiment, Battalion or Corps, or any of them, or with any other Persons willing to engage to serve as such, to serve as Serjeants, Corporals, and Drummers upon any reduced Pay, during the Periods of the Regiment, Battalion, or Corps not being embodied or assembled for Exercise, in such Manner as to the Number of Days' Pay to be allowed, or the Reduction of any Proportion of the Pay *per Diem*, as shall be authorized by the Secretary of State in that Behalf; and every Serjeant, Corporal, and Drummer, agreeing to serve as such upon any such reduced Pay as aforesaid, shall take the following Oath before some Deputy Lieutenant or Justice of the Peace of the County, or Magistrate of the Place to the Local Militia of which he shall belong; which Oath every such Deputy Lieutenant, Justice of the Peace, or Magistrate, is hereby authorized to administer; (that is to say),

Oath.

'I *A. B.* do engage to serve as a [*Serjeant*, *Corporal*, or *Drummer*, *as the Case may be*] in the Local Militia of until I shall be duly discharged, upon the Terms of receiving during such Periods as such Local Militia shall not be embodied or assembled for Exercise.'

And every such Oath shall be reduced to Writing, and signed and attested by the Deputy Lieutenant, Justice of the Peace, or Magistrate administering the same, and delivered to the Commanding Officer of the Regiment, Battalion, or Corps, to which the Serjeant, Corporal, or Drummer shall belong, and a Duplicate thereof shall, if required, be given to the said Serjeant, Corporal, or Drummer; and every Serjeant, Corporal, and Drummer so engaging to serve on such reduced Pay as aforesaid, shall be compellable to serve in the Local Militia for the full Period of his Services under the Acts relating to the Local Militia, in the same Manner as if he had received the full Pay of his Rank therein, and shall be subject to the Provisions contained in any Act of Parliament which shall be then in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War made in pursuance thereof; and it shall be lawful for any Commanding Officer of Local Militia who shall engage any Serjeants, Corporals, and Drummers to serve upon such reduced Pay, to retain such Number of Serjeants, Corporals, or Drummers as shall be allowed by His Majesty's Secretary of State in that Behalf, so as that the whole Amount of such reduced Pay shall not exceed the Amount of the full Pay of the Number allowed in any such Order of Reduction as aforesaid; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

Offences may be tried by a Court Martial after the Disembodying of the Regiment,

II. And whereas Doubts have arisen whether any Officer or Non-commissioned Officer, or Private, in the Local Militia, can be tried or punished after the disembodying of the Regiment, Battalion, or Corps of Local Militia to which he shall belong, or the Period of training and exercising of such Regiment shall have expired, or the same shall have been dismissed after the Suppression of any Riot or Tumult, for any Offence committed against

againſt any Act in force for the Puniſhment of Mutiny and Deſertion or Articles of War made in purſuance thereof, during the Period of ſuch Regiment being embodied or aſſembled for Training and Exerciſe or the Suppreſſion of Riots; and it is expedient that ſuch Doubt ſhould be removed: Be it therefore enacted, That every Officer, Non-commiſſioned Officer, and Private Man of the Local Militia, who ſhall during the Period of the Regiment, Battalion or Corps to which he ſhall belong being embodied or aſſembled for Training and Exerciſe, or for the Suppreſſion of Riots and Tumults, have been guilty of any Offence againſt any Act of Parliament in force for the Puniſhment of Mutiny and Deſertion, or any Articles of War made in purſuance of any ſuch Act, and ſhall have been put under Arreſt for, or ſhall have been reported to any Officer of his Regiment, Battalion or Corps, to have committed ſuch Offence before the Diſembodying or Diſmiſſal of the Regiment, Battalion or Corps, may be tried by any General or Regimental Court Martial conſiſting of Officers of the Militia, and if found guilty may be puniſhed for ſuch Offence, although the Regiment, Battalion or Corps to which ſuch Officer, Non-commiſſioned Officer or Private Man ſhall belong, ſhall not then be embodied or aſſembled, in like Manner as any Officer, Serjeant, Corporal, or Drummer, or Private Man of the Regular Militia may be tried during the Period of the Regular Militia being embodied.

&c. if committed prior thereto.

III. And be it further enacted, That from and after the paſſing of this Act, the Number of Days of Attendance at Muſter and Exerciſe of Volunteer Corps, to entitle any Perſon ſerving in Volunteer Corps to Exemption from Service in the Regular Militia and the Local Militia, ſhall be Eighteen Days, or any ſuch Number of Days not exceeding Eighteen, as ſhall from Time to Time be fixed by His Majeſty by any Order of his Principal Secretary of State, inſtead of Twenty-four Days, any Thing in an Act paſſed in the Forty-fourth Year of the Reign of His preſent Majeſty relating to Volunteer Corps, or in any other Act or Acts of Parliament to the contrary notwithſtanding; and the ſaid Act, and all Acts and Proviſions in any Acts of Parliament relating to the Muſtering and Exerciſing and Exemptions of Volunteer Corps, ſhall be conſtrued, as to all Returns and Certificates of Commanding Officers of ſuch Corps or others, as if the Number of Days ſpecified had been Eighteen, or ſuch Number as ſhall be ſo fixed as aforeſaid inſtead of Twenty-four; and ſuch Number of Eighteen Days or ſuch other Number as aforeſaid, ſhall in like Manner be divided into Six Days, or Three equal Parts in each Four Months, inſtead of Eight Days as is in the ſaid Act provided, with ſuch Proviſions as to making good any Number of Days at different Periods, as is provided in relation to the Days of Exerciſe ſpecified in the ſaid Acts, and every Certificate ſhall ſpecify the Number of Days of Exerciſe of the Perſon claiming the Benefit thereof.

Days of Muſter and Exerciſe.

IV. And be it further enacted, That for providing proper Depôts for the Arms, Cloathing, and Accoutrements of the Regiments, Battalions, and Corps or Companies of Local Militia in *Scotland*, it ſhall be lawful for the Clerks of General Meetings of the Lieutenancy, at the Requeſt of the Officer commanding any ſuch Regiment, Battalion, or Corps or Company, to draw upon the Collector of the Ceſs in each County reſpectively, for any Sum on account of each Regiment, Battalion, or Corps, or Company, not exceeding the Proportion of Ten Pounds Sterling for every Six hundred

Depôts for Arms, &c. to be provided in Scotland; Collectors of the Ceſs to pay the Expence.

hundred Men, in any One Year, and which Sum ſhall be paid to the Commanding Officer requiring the Clerk to draw for the ſame, and ſhall be by him applied in providing ſuch Depôt, and ſhall be regularly accounted for by the Production of Receipts for the Money expended in providing the ſaid Depôts, which Receipts ſhall be delivered to the Collector of the Ceſs, and ſhall be a Diſcharge to him in his Accounts, and ſhall be delivered by him as Caſh to the Receiver General of the Ceſs or Land Tax in *Scotland*.

Suſpenſion of Fines for Deficiencies.

V. And whereas ſufficient Proviſion is not made in the ſaid recited Act of the Forty-eighth Year aforeſaid, for procuring Returns of Deficiencies for the Purpoſe of having the ſame ſupplied before the Fourteenth Day of *February*, as in the ſaid Act mentioned; and it is therefore expedient that the Proviſion in the ſaid Act contained in relation to the Fines by the ſaid Act impoſed for not ſupplying Deficiencies ſhall be ſuſpended; be it therefore further enacted, That as much of the ſaid laſt recited Act as enacts, that a Fine of Fifteen Pounds ſhall be raiſed and paid in reſpect of every Man deficient on the Fourteenth Day of *February*, ſhall be and the ſame is hereby ſuſpended: Provided always, that every County, Hundred, and Pariſh, ſhall be ſubject to the full Penalties by the ſaid Act impoſed and hereby ſuſpended, in reſpect of every Man of any Regiment aſſembled for Training and Exerciſe not joining during ſuch Training and Exerciſe, and whoſe Vacancy ſhall not be ſupplied within Three Months after the Day of aſſembling of the Local Militia to which ſuch Man ſhall have belonged; and ſuch Proportion of ſuch Fine ſhall be returned within the Periods of One and Two Months reſpectively after the Expiration of ſuch Three Months, as are in the ſaid Act ſpecified in relation to Deficiencies ſupplied within certain Periods after the Fourteenth Day of *February*.

Conſtables to make Returns, and aſcertain Deficiencies to be ſupplied.

VI. Provided always, and be it further enacted, That the Conſtables and other Officers of all Pariſhes and Places for which any Local Militia Man ſhall be ſerving, ſhall make diligent Enquiry as to all Men enrolled in the Local Militia, for the Pariſhes or Places for which they ſhall reſpectively be Conſtables, and ſhall, before the Fourteenth Day of *November* in each Year, return to the Clerk of the Subdiviſion within which ſuch Pariſhes or Places ſhall be, a true Account of all Perſons ſerving for ſuch Pariſh or Place in the Local Militia, ſpecifying ſuch as ſhall have died or left their Reſidence, and whether the Perſons not then reſiding in ſuch Pariſh or Place ſhall have wholly left ſuch Pariſh or Place, or ſhall ſtill retain any Houſe, Reſidence, or Lodging, in ſuch Pariſh or Place, and alſo the Place to which ſuch Perſons ſhall have gone as have changed their Reſidences, if the ſame can be aſcertained; and every Conſtable who ſhall neglect or refuſe to make any ſuch Return, or ſhall wilfully make any falſe Return, ſhall forfeit for every ſuch Offence the Sum of Five Pounds, to be recovered and applied as any like Penalty may be recovered under any Act relating to the Militia; and all Deficiencies which ſhall by any ſuch Returns be aſcertained to have taken place, and ſhall have been returned to the Clerk of Subdiviſion Meetings of the Diviſion or Place in which the ſame ſhall have ariſen, before the Fourteenth Day of *November* in any Year, ſhall be ſupplied before the Fourteenth Day of *February* next ſucceeding, under ſuch Penalty for any Default therein as is ſpecified in the ſaid recited Act.

VII. And be it further enacted, That every Perſon who ſhall have received any Bounty in reſpect of being enrolled in the Local Militia who ſhall afterwards enliſt, and who ſhall not declare his true Name and the Pariſh for which he is ſerving, ſo as to enable a Deduction and Return and Repayment to be made in reſpect of ſuch Bounty, and every Serjeant or Non-commiſſioned Officer who ſhall knowingly enliſt any ſuch Perſon and not deduct ſuch Bounty, ſhall forfeit double the Amount of the Bounty ſo to be deducted, to be ſtopt out of the Pay of the Man ſo enliſting, or of ſuch Serjeant or Non-commiſſioned Officer, in ſuch Manner and in ſuch Proportion as the Commanding Officer of the Regiment into which ſuch Man ſhall enliſt, and ſuch Serjeant or Non-commiſſioned Officer ſhall belong reſpectively, ſhall direct, ſo as that the ſame ſhall be ſtopt, and the whole of ſuch Fine remitted and paid to the Agent General for the Local Militia, or to his Order, for the Uſe of the Pariſh entitled to the Return of Bounty.

Penalty on Perſons receiving Bounty who ſhall afterwards enliſt, and ſhall not declare his Name and the Pariſh for which they are ſerving, &c.

VIII. And be it further enacted, That every Local Militia Man enliſting or entering into the Army, Navy, or Marines, or being enrolled as a Volunteer or Subſtitute in the embodied Militia, ſhall declare to the Perſon from whom he ſhall receive the Bounty upon ſuch Enliſting, Entering, or Enrolment, the Regiment of Local Militia to which he belonged, and the Period at which he was enrolled therein, and for what Pariſh and in what County he was ſerving, and the Amount of the Bounty (if any) which he received on being ſo enrolled in the Local Militia; and the Sum which ſhall have been paid to ſuch Local Militia Man upon his being enrolled in the Local Militia, ſhall be deducted from the Bounty to which ſuch Man ſhall be entitled upon enliſting into His Majeſty's Regular Forces or into the Regular Militia (as the Caſe may be) and ſhall be paid, if ſuch Perſon ſhall enliſt into the Line, to the Paymaſter of the Diſtrict into which ſuch Man ſhall enliſt, and accounted for to the Pariſh for which ſuch Man was ſerving, and ſhall be repaid to ſuch Pariſh under the Proviſions of this Act; and the Name of the Perſon ſo enliſting, and the Regiment and County to which he belonged, and the Pariſh for which he was ſerving, and the Amount of the Bounty paid to the Paymaſter of the Diſtrict, ſhall be returned by the Officer commanding the Party with which ſuch Man ſhall have enliſted to the Agent General of the Local Militia, and ſhall be repaid to the Pariſh entitled thereto, in ſuch Manner and under ſuch Order as ſhall be made by ſuch Agent General in that Behalf.

Local Militia Men enliſting into the Army or Navy, &c. to declare the Regiment, Period, Pariſh, and Bounty for which ſerving.

IX. And whereas certain Perſons have been enrolled for the Local Militia by Juſtices of the Peace, without any Deputy Lieutenant being preſent at ſuch Enrolment, and it is expedient that ſuch Enrolment ſhould be made valid; be it therefore enacted, That the Enrolment of all ſuch Perſons who ſhall have been ſo enrolled before the paſſing of this Act, and ſhall have taken the Oaths, ſhall be deemed good, valid, and effectual as if the ſame had been made before any Deputy Lieutenant at any Meeting of Lieutenancy; and the ſaid Juſtices are hereby indemnified for and on account of the ſame, and releaſed and diſcharged from all Actions, Suits, Penalties, and Forfeitures whatever, incurred by reaſon of having made any ſuch Enrolments.

Indemnifying Juſtices of the Peace, who have enrolled Men for Local Militia without Deputy Lieutenant being preſent.

X. And be it further enacted, That the Qualification of Captains, Lieutenants, and Enſigns ſhall be of the ſame yearly Value, if Real

Qualification of Captains,

Lieutenants, and Enſigns in the Local Militia.

Eſtate, or of the ſame Amount in Value, if Perſonal Eſtate, as the Qualification of Captains, Lieutenants, and Enſigns reſpectively in the Regular Militia, for Cities and Towns being Counties of themſelves; that is to ſay, For a Captain, an Eſtate of the yearly Value of One hundred and fifty Pounds, or Perſonal Property to the Amount in the Whole of Two thouſand five hundred Pounds; and for a Lieutenant, an Eſtate of the yearly Value of Thirty Pounds, or Perſonal Property to the Amount in the Whole of Seven hundred and fifty Pounds; and for an Enſign, an Eſtate of the yearly Value of Twenty Pounds, or Perſonal Property to the Amount in the Whole of Four hundred Pounds.

Officers who have held Commiſſions in Fencible Regiments to require no other Qualification.

XI. And be it further enacted, That every Officer who ſhall have held any Commiſſion in any Fencible Regiment, Battalion, or Corps, ſhall be eligible and qualified to hold any Commiſſion of the ſame Rank in the Local Militia, without any other Qualification; any Thing in any Act or Acts of Parliament relating to the Militia to the contrary notwithſtanding.

Apportionments and Enrolments in Pariſhes in which the Volunteers have not been taken as Part of the Number required, declared valid.

Future Apportionments ſhall have regard to the Volunteers actually ſerving.

XII. And whereas Doubts have ariſen as to the Apportionments and Enrolments of Men for the Local Militia, which have been made for Pariſhes in which the Volunteers actually ſerving have not been taken as Part of the Number required by the ſaid recited Act of the Forty-eighth Year aforeſaid for ſuch Pariſhes for the Local Militia; and it is expedient that ſuch Doubts ſhould be removed; be it therefore declared and enacted, That all ſuch Apportionments and Enrolments, and all Acts, Matters, and Things done and made in purſuance thereof, ſhall be deemed good, valid, and effectual in Law, to all Intents and Purpoſes whatever; provided always, that in every ſuch Caſe all future Apportionments for the ſupplying of any Deficiencies or Vacancies which may thereafter ariſe in any County or Diviſion, or Part of any County or Pariſhes, in or for which any ſuch Apportionments have been made, or Enrolments have taken place, ſhall have regard to the Volunteers actually ſerving in the ſeveral Diviſions or Parts of the County, or in or for the ſeveral Pariſhes thereof, or Part of the Quota or Proportions of Local Militia of ſuch Diviſions, Parts, or Pariſhes.

Friendly Societies not to fine their Members while ſerving in the Militia, for Non-attendance.

XIII. And be it further enacted, That no Member of any Friendly Society, ſerving or entering to ſerve in the Local Militia, ſhall by ſuch Service be ſubject to any Fine or Penalty impoſed by ſuch Society for Non-attendance during the Time of ſuch Service; any Thing in any Rule or Bye Law of ſuch Society notwithſtanding.

Apprentices reſtricted from tranſferring their Services.

XIV. And be it further enacted, That it ſhall not be lawful for any Apprentice, being a Member of any Volunteer Corps, to transfer himſelf into the Local Militia without the Conſent of his Maſter.

Fine for Non-enrolment to exempt from the Regular Militia for Two Years.

XV. And be it further enacted, That every Perſon who ſhall have been ballotted, and alſo ſhall have paid any Fine for not appearing to be enrolled in the Local Militia, ſhall be exempt from being ballotted to ſerve in the Regular Militia for the Period of Two Years from the Period of his having been ballotted to ſerve in the Local Militia.

XVI. And

XVI. 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. Act may be altered or repealed this Session.

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