

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. XXVIII.

An Act to amend an Act of the last Session of Parliament, making Provision for the Families of Militia Men in *Ireland*. [20th *April* 1812.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to make Provision in certain Cases for the Wives and Families of Serjeants, Corporals, Drummers, and Privates serving in the Militia of* Ireland; it is among other Things enacted, that every Serjeant, Corporal, Private, or Drummer in the *Irish* Militia, desirous of obtaining for his Family the Allowances in the said Act mentioned, shall make and subscribe a written Declaration in the Form therein set forth before the Commanding Officer of the Regiment, Battalion, or Corps for the Time being to which he shall belong: And whereas it may happen, that when any Regiment of the said Militia is serving out of *Ireland*, certain Serjeants, Corporals, Drummers, or Private Men of such Regiment may remain in *Ireland*, attached to and serving in some other Regiment of Militia than that to which they belong; 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 such Case it shall and may be lawful to and for the Colonel or other Commanding Officer of the Regiment to which any such Militia Man shall belong, when thereto required, to give and sign a Certificate in Writing, in the Form following; that is to say, 51 G. 3. c. 78.

When any Regiment of Militia is out of Ireland, the Commanding Officer shall give a Certificate, on behalf of Men remaining in Ireland attached to other Regiments, in the Form herein set forth.

'I *A. B.* Colonel or Commanding Officer [*as the Case may be*] of the Militia, do hereby certify, that *C. D.* [a Serjeant, Corporal, Drummer, or Private balloted Man, Substitute, or Volunteer, *as the Case may be*] in the said Militia, and now attached to the Regiment of Militia, was called out into actual Service, and did on the Day of march from the said County, Town, City, or Place [*as the Case may be.*] And I do certify that the said *C. D.* never deserted from the said Regiment of Militia while the same remained in *Ireland*, and that the said *C. D.* was married after his Enrollment with the Consent of his Commanding Officer, according to Law, or before Enrollment [*as the Case may be.*]'

Provided always, That if such Militia Man shall have been married during the Absence from *Ireland* of the Regiment to which he belonged,

the latter Clause relating to his Marriage shall be omitted, and such Certificate shall be forwarded by such Colonel or Commanding Officer to the Colonel or other Commanding Officer of the Regiment, Battalion, or Corps in *Ireland*, to which such Militia Man shall be then attached, and in which he shall be then serving:

Declaration of Militia Men required by 51 G. 3. c. 78. shall be subscribed at the Foot of such Certificate.

II. And be it further enacted, That it shall and may be lawful for any Serjeant, Corporal, Drummer, or Private Man so remaining in *Ireland*, desirous of obtaining any Allowance for his Family under the said recited Act, to make and subscribe the Declaration in the said recited Act mentioned, at the Foot of the Certificate herein-before mentioned before the Commanding Officer of the Regiment, Battalion, or Corps to which such Serjeant, Corporal, Drummer, or Private shall be attached, or in which he shall be serving at the Time of so making and subscribing such Declaration.

Form of Certificate thereon of Commanding Officer of the Regiment in Ireland.

III. And be it further enacted, That the Commanding Officer before whom such Declaration shall be so made and subscribed, shall at the Foot of the said Declaration give and sign a Certificate in Writing in the Form following; that is to say,

'I *A. B.* Colonel or Commanding Officer [*as the Case may be,*] of the Regiment of Militia, do hereby certify that *C. D.* a Serjeant, Corporal, Drummer, or Private, [*as the Case may be,*] in the Regiment of Militia now attached to, and serving in the said Regiment under my Command, hath this Day made and subscribed the above Declaration before me; and that the said *C. D.* never deserted since he first became attached to, and served with the said Regiment so now under my Command.'

And if such Militia Man shall be married after the Regiment to which he belonged had left *Ireland*, then there shall be added to such Certificate, these Words following, to wit, 'And that the said *C. D.* married after he became attached to the Regiment under my Command, with the Consent of the Commanding Officer thereof for the Time being;' or these Words, 'And that the said *C. D.* hath produced to me the Certificate of the Commanding Officer of the Militia, dated the Day of in the Year and certifying that the said *C. D.* was then attached to the said Regiment, and did on that Day marry with the Consent of the said Commanding Officer. Dated this Day of in the Year '

All such Declarations and Certificates shall be counterſigned by Adjutants who shall keep Registers thereof.

IV. And be it further enacted, That every such Declaration, and the Certificate at foot thereof, shall be attested and counterſigned by the Adjutant of the Regiment, Battalion, or Corps of Militia to which the Militia Man making such Declaration shall be so attached, or with which he shall be serving, and such Adjutant shall keep a Book or Register containing the Names of all the Serjeants, Corporals, Drummers, and Privates so attached to, and serving with such Regiment, Battalion, or Corps, who shall have made such a Declaration, alphabetically arranged, and shall from such Declarations and Certificates so delivered to him, enter in such Book opposite to the Name of each Man, whether he is married or a Widower, and hath any and what Child or Children, with the Date of such Declaration, and the Name or Names, Age or Ages of such Child or Children respectively at the Time of making such Declaration,

ration, and the Reſidence of ſuch Wife, Child, or Children, as ſtated in ſuch Declaration.

Adjutant ſhall re-deliver Certificate and Declaration to Militia Man, to be tranſmitted to his Family.

V. And be it further enacted, That every Adjutant to whom ſuch Declaration and Certificate ſhall be ſo delivered, and alſo every Adjutant to whom any Declaration and Certificate ſhall have been delivered as in the ſaid recited Act mentioned, after he ſhall have atteſted and counterſigned the ſame reſpectively, and noted the Contents thereof in ſuch Book as aforeſaid, and as in the ſaid recited Act mentioned reſpectively, ſhall forthwith deliver ſuch Declaration and Certificate reſpectively, to the Man having made ſuch Declaration, in order that he may cauſe the ſame to be tranſmitted to his Family; any Thing in the ſaid recited Act to the contrary in anywiſe notwithſtanding.

Such Declaration and Certificate ſhall be proceeded on as under recited Act.

VI. And be it further enacted, That ſuch Declaration and Certificate ſo made and atteſted in Manner in this Act directed, and the ſeveral Matters and Things therein contained, ſhall be enquired into and proceeded on in the ſame Manner in all Reſpects, and ſhall be of the ſame Force and Effect to all Intents and Purpoſes, to entitle any ſuch Militia Man ſo attached to, or ſerving with any Regiment, Battalion, or Corps, and his Family, to all and every the ſame Benefits, Allowances, Payments, and Advantages, and on all the ſame Terms and Conditions as are by the ſaid recited Act now given and provided to and for any Militia Man and his Family, after a Declaration, Certificate and Atteſtation, according to the Forms and Manner in the ſaid Act directed and ſet forth.

Juſtices may enquire into Circumſtances which might entitle Families to Relief under recited Act.

VII. And whereas it is by the ſaid recited Act provided, that no Wife of any 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 One Month's Allowance to ſuch Wife and Family, under and by virtue of the ſaid Act: And whereas many Militia Men who would have been enabled to make a Declaration, and have been entitled to obtain a Certificate and Atteſtation thereon in Manner herein-before mentioned, immediately after the paſſing of the ſaid recited Act, have been prevented from ſo doing by the want of the Proviſions herein-before contained; be it therefore enacted, That it ſhall and may be lawful to and for the Juſtice of the Peace who ſhall firſt order Payment of the Sums allowed by Law to the Family of any Militia Man obtaining any ſuch Certificate as is herein-before ſet forth, and ſuch Juſtice is hereby required to compare the Time of the Marriage of any ſuch Militia Man, as mentioned in his Declaration ſo made in Form aforeſaid, with the Time of Marching from his County as mentioned in the Certificate of the Commanding Officer of the Regiment to which he belongs; and upon ſuch Compariſon, and alſo by Examination on Oath into the Facts of the Caſe, ſuch Juſtice ſhall proceed to aſcertain when ſuch Family might have entitled themſelves to any and what Allowance under and by virtue of the ſaid recited Act, in caſe the Commanding Officer and Adjutant of ſuch Regiment had then been in *Ireland*, ſo as to grant the neceſſary Certificate and Atteſtation.

On Juſtices certifying the Amount of Allowance on their Order, Families ſhall receive previous Monthly Allowances not exceeding Six Months.

VIII. And be it further enacted, That ſuch Juſtice of the Peace ſhall accordingly certify the Period and Amount of ſuch Allowance at the foot of the firſt Order, to be given by him as in the ſaid recited Act mentioned, and thereupon ſuch Family ſhall be entitled to receive from the Perſons, and out of the Funds in the ſaid Act mentioned, the Amount of all ſuch previous Monthly Allowances as would have been due to ſuch Family, in caſe they could have entitled themſelves to receive the ſame, not

not exceeding in the whole the Amount of Six Months' Allowance in any one Caſe.

Return, &c. ſhall be made by and to Adjutants of the Regiments to which Militia Men are attached.

IX. And be it further enacted, That ſo long as any ſuch Militia Man ſhall be ſo attached to, or ſerve in *Ireland*, in any Regiment, Battalion, or Corps of Militia, other than that in which he was originally enrolled, and which ſhall be ſerving out of *Ireland*, all and every Return or Account directed by the ſaid recited Act to be made by ſuch Militia Man to the Adjutant of his Regiment, or to the Perſon acting as ſuch, ſhall be made to the Adjutant of the Regiment, Battalion, or Corps, to which he ſhall be ſo attached, or with which he ſhall ſerve, or to the Perſon acting as ſuch; and that ſuch Adjutant or Perſon acting as ſuch, ſhall keep ſuch Regiſter for all Men ſo attached or ſerving with ſuch Regiment, and make ſuch Entries therein, and make and ſend all the ſame Returns relative to ſuch Men ſo attached and ſerving, as is by the ſaid Act directed concerning the Adjutant of the Regiment in which ſuch Militia Man ſhall be enrolled; and every Return ſo made to or by any ſuch Adjutant or Perſon acting as ſuch under this Act, ſhall be of ſuch and the ſame Force and Effect reſpectively, to all Intents and Purpoſes whatſoever, as Returns made to or by any Adjutant purſuant to the Proviſions of the ſaid recited Act.

Certain Allowances ſhall continue to be paid to Fathers, &c. of Men in the Militia at the Time of paſſing the Act 49 G. 3. c. 86. with all Arrears due at the paſſing of this Act.

X. And whereas by the ſaid recited Act of the laſt Seſſion of Parliament, it was among other Things enacted, That an Act made in the Forty-ninth Year of His preſent Majeſty, intituled *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, ſhould be repealed, ſave ſo far as the ſame repealed any former Act of Parliament, or any Clauſe, Matter, or Thing therein: And whereas by the ſaid recited Act of the Forty-ninth Year, it was among other Things enacted, that certain former Acts for making Proviſion for the Wives and Families of Militia Men in *Ireland* ſhould be repealed, ſave as to any Allowance to any Father, Mother, Brothers or Siſters of any Militia Man, who ſhould be ſerving in the ſaid Militia at the Time of the paſſing of the ſaid Act: For the obviating of any Doubts with reſpect to the ſaid laſt-mentioned Allowance, be it declared and enacted, That all and every Allowance and Allowances to any Father, Mother, Brothers, or Siſters of any Militia Man who was ſerving in the ſaid Militia at the Time of the paſſing of the ſaid recited Act of the Forty-ninth Year, ſhall be paid under the Proviſions of the ſeveral Acts recited in the ſaid Act of the Forty-ninth Year, any Thing in the ſaid recited Act of the laſt Seſſion of Parliament, or in any other Act or Acts to the contrary notwithſtanding; and that all Arrears of ſuch Allowances due at the Time of the paſſing of this Act, ſhall be paid within One Month after the paſſing of this Act, by the Collector of the Baronial Ceſs, or by the Collectors of Exciſe within their reſpective Diſtricts, upon the Receipts of the Parties entitled to ſuch Allowances, and ſuch Sums ſhall be allowed in the Accounts of the ſeveral and reſpective Collectors accordingly.

Act may be repealed this Seſſion.

XI. And be it further enacted, That this Act may be altered, amended, or repealed, during the preſent Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.