

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. I.

An Act to enable His Majesty to accept the Services of a Proportion of the Militia out of the United Kingdom, for the vigorous Prosecution of the War. [24th *November* 1813.]

WHEREAS it is highly important that the most effectual Measures should be adopted for the vigorous Prosecution of the War upon the Continent of *Europe*; and it is therefore expedient that His Majesty should be empowered to accept any Offers of a Proportion of the Officers, Non-commissioned Officers, Drummers, and Private Men, of the Militia of the United Kingdom, to serve in any Part of *Europe*, or to transfer their Services to Regiments of the Line, 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 it shall be lawful for His Majesty to accept the Services, and to employ in any Part of *Europe*, under the Regulations and Restrictions specified in this Act, such Part of the present Regular Militia of *Great Britain*, and of the Militia of *Ireland*, not exceeding in any Case Three-fourths of the Number actually serving in any Regiment, Battalion, or Corps of any such Militia, as may make a voluntary Offer, duly certified by their respective Commanding Officers, of extending their Services to all Parts of *Europe*, and as His Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for His Majesty, by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the Militia of *Great Britain* or *Ireland*, to propose to such Regiment, Battalion, or Corps, or any Part or Parts thereof, not exceeding such Proportion as aforesaid, to extend their Services to all Parts of *Europe*, under such Rules and Regulations as His Majesty may think fit to appoint.

His Majesty empowered to accept the voluntary Offers of a Proportion of the Militia to serve in any Part of Europe.

 II. Provided

Bounty of Eight Guineas to Persons making voluntary Offer.

II. Provided always, and be it further enacted, That it shall be lawful for His Majesty to direct that a Bounty not exceeding Eight Guineas shall be allowed to every Non-commissioned Officer, Drummer, and Private Man, who shall make such voluntary Offer as aforesaid; and every Non-commissioned Officer, Drummer, and Private Man, making such voluntary Offer as aforesaid, shall take the following Oath; *videlicet*,

Oath.

'I *A. B.* do sincerely promise and swear, That I will be faithful and 'bear true Allegiance to His Majesty King *George*, His Heirs and 'Successors, and that I will faithfully serve in the Militia in any Part of '*Europe*, during the Remainder of the War, and until the Expiration 'of Six Months after the Termination thereof, to be reckoned from the 'Ratification of any Definitive Treaty of Peace, unless I shall be sooner 'discharged.'

Enrolment.

And every Non-commissioned Officer, Drummer, and Private Man, making such voluntary Offer as aforesaid, and taking such Oath, shall be enrolled to serve in the Militia in any Part of *Europe*, according to the Terms of such Oath; and such several Enrolments shall take place, and such Oaths shall be administered, by the Officer commanding any Regiment, Battalion, or Corps of Militia, or by any Deputy Lieutenant or Justice of the Peace, at such Times, and under such Regulations, as His Majesty, by any Order to be signed by the Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Secretary, shall in that Behalf direct or appoint; and every Non-commissioned Officer, Drummer, and Private Man, so enrolled to serve in the Militia in any Part of *Europe*, under the Provisions of this Act, shall be entitled to his Discharge at the Expiration of the Period specified in such Oath, without any regard to the Period for which he shall have been enrolled to serve in the Militia under any former Act or Acts of Parliament relating to the Militia, in any Part of the United Kingdom.

Commanding Officers shall explain that the Offer is to be voluntary.

III. And be it further enacted, That no Person serving in the Militia of any Part of the United Kingdom shall be compelled to make such Offer, or be engaged to serve out of the United Kingdom for which he is enrolled and serving, except by his own Consent; and no Commanding Officer shall certify according to this Act any voluntary Offer, before he shall have explained to every Person offering to serve, that the Offer is to be purely voluntary on his Part.

The Services of Three Field Officers may be accepted with 900 Men; Two Field Officers with 600 Men; and One with 300, &c.; and Proportion of other Officers according to the Establishment.

IV. And be it further enacted, That it shall be lawful for His Majesty to accept the Services of Three Field Officers of any Regiment of Militia, in which Nine hundred Private Men shall offer to extend their Services under this Act; and of Two Field Officers of any Regiment, Battalion, or Corps of Militia, in which Six hundred Private Men shall so offer to extend their Services; and of One Field Officer of any Regiment, Battalion, or Corps of Militia, in which Three hundred Private Men, or Three Fourths of the Number of Private Men actually serving in any such Regiment, Battalion, or Corps of Militia, shall so offer to extend their Services; and in every Case in which such Proportion of Field Officers of any Regiment, Battalion, or Corps of Militia, from which such Numbers of Men respectively shall so volunteer as aforesaid, shall not offer to extend their Services with such Men, it shall be lawful for His Majesty to give the Rank of Field Officers to any Captains in such

Regiments, Battalions, or Corps of Militia reſpectively, who may offer to extend their Services with ſuch Men; and it ſhall alſo be lawful for His Majeſty to accept the Services of ſuch Proportion of other Officers, Non-commiſſioned Officers, and Drummers, with any ſuch Numbers of Private Men as ſhall be allowed to ſuch Numbers of Men reſpectively in the Eſtabliſhment of the Regiment, Battalion, or Corps to which they reſpectively belong.

His Majeſty may form the Militia for extended Service into ſuch Proviſional Regiments or Battalions as He may think fit.

V. And be it further enacted, That it ſhall be lawful for His Majeſty, from Time to Time, to form the Officers, Non-commiſſioned Officers, Drummers, and Private Men, who ſhall ſo extend their Services from the Regiments, Battalions, or Corps of Militia, into ſuch proviſional Regiments or Battalions as may be deemed moſt expedient for His Majeſty's Service: Provided always, that in all Caſes in which a Field Officer of Militia ſhall have volunteered for Extended Service in any Part of *Europe*, the Officer having the chief Command in ſuch proviſional Battalions ſhall be a Field Officer of Militia.

Officer of Militia not to take any higher Rank than Lieutenant Colonel.

VI. Provided always, and be it enacted, That no Officer of the Militia ſhall, while out of the United Kingdom upon any ſuch Extended Service, rank with the Officers of His Majeſty's Regular Forces higher than as a Lieutenant-Colonel of the Militia.

In caſe ſufficient Officers do not volunteer, His Majeſty may appoint Officers.

VII. Provided always, and be it further enacted, That in any Caſe in which the Number of Officers of each Rank ſo volunteering to extend their Services to any Part of *Europe*, and accepted by His Majeſty, ſhall not be in due Proportion to the Number of Men ſo volunteering, it ſhall be lawful for His Majeſty to appoint any fit and proper Perſons to be Officers in ſuch proviſional Battalions of Militia, without regard to the Qualifications now required by Law for ſuch Officers in the Militia, and from Time to Time to ſupply any Vacancies which may occur in ſuch proviſional Battalions of Militia in conſequence of the Death, Reſignation, or Diſmiſſal of any ſuch Officer who ſhall have been ſo appointed by His Majeſty: Provided always, that no Perſon ſo appointed by His Majeſty ſhall hold a Commiſſion in any ſuch proviſional Battalion of higher Rank than that of a Subaltern, unleſs he ſhall at the Time of ſuch Appointment have been an Officer in His Majeſty's Regular Forces or Militia: Provided always, that nothing herein contained ſhall be conſtrued to affect the Appointment of Officers, as by Law eſtabliſhed, in any Caſe of Vacancy which may occur in conſequence of the Death, Reſignation, or Diſmiſſal of any Militia Officer who may have volunteered for Extended Service in *Europe*.

Officers, whoſe Offers of Extended Service are accepted, entitled to Half Pay; but not if they do not join and ſerve upon being required to ſupply Vacancies; Penſions to Widows of Officers killed on Service.

VIII. And be it further enacted, That all Commiſſioned Officers of the Militia, whoſe Offers of extending their Services to all Parts of *Europe* under the Proviſions of this Act, ſhall be accepted by His Majeſty, ſhall be entitled to Half Pay according to the Ranks in which their Services ſhall be accepted to ſerve out of the United Kingdom, in like Manner and under ſuch and the like Circumſtances as Officers of His Majeſty's Regular Forces; and the Widows of all ſuch Commiſſioned Officers killed in ſuch Extended Service ſhall be entitled to receive ſuch Penſions for Life as are given to Widows of His Majeſty's Regular Forces: Provided always, that no Officer who ſhall be appointed to ſupply any Vacancy which may ariſe in the Militia on ſuch Extended Service, ſhall be entitled to ſuch Half Pay, unleſs he ſhall actually join the Militia upon ſuch Extended Service.

Militia on Extended Service subject to Mutiny Act as Regulars and Militia Officers and Officers of Regular Forces to sit indiscriminately on Courts Martial.

IX. And be it further enacted, That all Officers, Non-commissioned Officers, Drummers, and Private Men, of the Militia extending their Services as Militia to any Part of *Europe*, shall, upon leaving the United Kingdom upon such Extended Service, and during such Service until their Return to the United Kingdom, be subject to all the Laws in force for the Punishment of Mutiny and Desertion, in like Manner in every respect as His Majesty's Regular Forces; and all Officers of His Majesty's Regular Forces shall be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia, while so serving out of the United Kingdom under this Act; and all Officers of the Militia shall, during such Extended Service, be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, or Soldier of His Majesty's Regular Forces; any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

To continue Militia, and remain subject to Militia Regulations, except as particularly provided by this Act.

X. Provided always, and be it further enacted, That all the Militia enrolled and formed for Extended Service as Militia to any Part of *Europe* under this Act shall, notwithstanding such Extension of Service, remain subject to all the Provisions and Regulations in force, in relation to the Militia to which they shall respectively belong (except in such Cases as are in this Act particularly specified), and shall be entitled to all such Privileges and Immunities, and to such Provisions for their Wives and Families, as if they had continued serving as Militia in the United Kingdom.

His Majesty may make Regulations for retaining Officers, Non-commissioned Officers, and Drummers, as Supernumeraries.

XI. And be it further enacted, That it shall be lawful for His Majesty from Time to Time to make such Regulations as His Majesty may deem most expedient in relation to the retaining upon the Establishment of the Militia to which they belong, as Supernumeraries or otherwise, any Officers, Non-commissioned Officers, and Drummers, of any Regiment, Battalion, or Corps of Militia, as may not so volunteer to extend their Services to any Part of *Europe*, or as may not be so employed upon such Extended Service; any Thing in any Act or Acts of Parliament relating to the Militia, and the officering of the Militia, to the contrary notwithstanding.

Militia Men may enlist together as a Company of not less than 100; and His Majesty may appoint Officers from the Militia, and make Battalions of such Companies, &c.

XII. And be it further enacted, That where any Number of Private Militia Men shall be desirous of enlisting into any Regiment of the Line of His Majesty's Regular Forces which may be appointed by His Majesty for that Purpose, as a Company or Companies of not less than One hundred Men to each Company, and His Majesty shall have signified His Intention of granting Commissions in His Majesty's Regular Forces to any Officer or Officers actually serving in the Regiment, Battalion, or Corps of Militia, from which any such Company or Men shall volunteer to serve as aforesaid in His Majesty's Regular Forces, as Captain, Lieutenant, and Ensign of any such Company, that in every such Case it shall be lawful for such Men to enlist as such Company or Companies as aforesaid; and in every such Case it shall be lawful for any Number of Non-commissioned Officers, Corporals, and Drummers of such Regiment, Battalion, or Corps of Militia, not exceeding Five Serjeants and Six Corporals to every Hundred Men, to enlist with any such Company of Men as aforesaid; and every Colonel and Commanding Officer of such Regiment, Battalion, or Corps, is hereby required to discharge such Non-commissioned Officers, Corporals, and Drummers, as shall be desirous of enlisting as aforesaid, not exceeding such Number as aforesaid; and it shall be lawful for His Majesty to attach

ſuch Company or Companies of Men to any Regiment of the Line of His Majeſty's Regular Forces ſo appointed by His Majeſty, or to join together any Number of ſuch Companies, and form the ſame into an additional Battalion or additional Battalions of any ſuch Regiment as aforeſaid, and in ſuch Caſe to appoint ſuch and ſuch Number of Field and Staff Officers to any ſuch Battalion or Battalions as His Majeſty ſhall think neceſſary: Provided always, that nothing herein contained ſhall be conſtrued to prevent any Number of Men leſs than One Hundred, from enliſting as Part of a Company into any Regiment ſo appointed by His Majeſty, under ſuch Regulations with reſpect to the Proportion of Officers and Non-commiſſioned Officers, as His Majeſty may think fit to appoint.

Certain Perſons not to enliſt without the Conſent of the Commanding Officer.

XIII. Provided alſo, and be it further enacted, That no Perſon ſerving in the Militia, who ſhall be uſually employed as Adjutant's Clerk or Regimental Clerk, or as a Drummer, or as a Muſician in the Band of the Regiment of the Militia to which he ſhall belong, or ſhall be uſually employed as an Armourer in any ſuch Regiment, or who ſhall have been trained as an Artillery Man or Matroſs, and as ſuch ſhall be attached to any Artillery belonging to any Regiment of Militia, not exceeding Twenty Men in each Battalion, ſhall be entitled to his Diſcharge, or to enliſt into the Regular Forces as aforeſaid under this Act, unleſs he ſhall obtain the Conſent for that Purpoſe of the Commanding Officer of the Regiment of Militia in which he ſhall be then ſerving.

Commanding Officers may refuſe to diſcharge Men upon ſufficient Cauſe.

XIV. And be it further enacted, That it ſhall be lawful for the Commanding Officer of any Regiment of Militia to refuſe to diſcharge any Private Militia Man, who ſhall deſire his Diſcharge for the Purpoſe of being enliſted into the Regular Forces under this Act, upon aſſigning in Writing to the General Officer commanding in the Diſtrict within which ſuch Regiment of Militia ſhall be quartered, or to the Adjutant General of His Majeſty's Forces where there ſhall not be ſuch General Officer as aforeſaid, ſuch Cauſe for his Refuſal as ſhall be deemed ſufficient by ſuch General Officer or Adjutant General, as the Caſe may be.

Perſons diſcharged refuſing to enliſt, or not approved of, they ſhall continue to belong to the Regiment from which diſcharged.

XV. Provided always, and be it further enacted, That if any Perſon diſcharged from the Militia for the Purpoſe of being enliſted into His Majeſty's Regular Forces under this Act, ſhall notwithſtanding refuſe to enliſt purſuant to any Declaration of being deſirous to enliſt, ſo made by him as aforeſaid, or ſhall not be approved of by the Officer appointed by His Majeſty for that Purpoſe, then and in every ſuch Caſe, ſuch Perſon ſhall continue to belong to the Regiment of Militia from which he ſhall have been ſo diſcharged for the Purpoſe of enliſting as aforeſaid, notwithſtanding any ſuch Diſcharge.

No Perſon ſhall be drafted from the Regiment in which he enliſted.

XVI. And be it further enacted, That every Perſon who ſhall be enliſted to ſerve in any Regiment ſo named and appointed as aforeſaid ſhall ſerve in the Regiment in which he ſhall have originally enliſted to ſerve, and in no other Regiment whatever; and no Perſon enliſting in any ſuch Regiment ſhall, on any Account or Pretence whatſoever, be drafted into or ſerve in any other Regiment without his Conſent, except in ſome Garriſon or Veteran Battalion, in caſe it ſhall be neceſſary or expedient to transfer ſuch Perſon into any Garriſon or Veteran Battalion on account of his being diſabled, or for any other ſufficient Cauſe.

XVII. Provided

Militia Officers volunteering to serve in the Regular Forces to have Half Pay.

XVII. Provided always, and be it further enacted, That every Officer so volunteering to serve in His Majesty's Regular Forces with any such Company of Men as aforesaid shall, upon his Reduction, be entitled to and receive the Half Pay of the Rank in which he shall have been serving at the Time of his Reduction.

Number of Men taken from the Militia not to exceed 30,000.

XVIII. Provided always, and be it further enacted, That the total Numbers of Officers, Non-commissioned Officers, Drummers and Private Men, to be raised under this Act, either by extending their Services to *Europe* as Militia, or by Enlistment by Companies into such Regiments of the Line as may be appointed by His Majesty for that Purpose, shall not exceed Thirty Thousand; and that the Number of Men to be raised under this Act in any Regiment, Battalion or Corps of Militia, either by extending their Services to *Europe* as Militia, or by Enlistment by Companies into such Regiments of the Line as may be appointed by His Majesty for that Purpose, shall in no Case exceed Three-fourths of the Number of Private Men actually serving in any such Regiment, Battalion or Corps.

51 G. 3. c. 20 & 30. relating to Militia enlisting into the Line, to continue in force, except in the particular Case specified in this Act.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall affect, or be construed to affect, any of the Provisions, Clauses or Regulations contained in the several Acts passed in the Fifty-first Year of the Reign of His present Majesty, the one intituled *An Act to allow a certain Proportion of the Militia of* Great Britain *to enlist annually into the Regular Forces, and to provide for the gradual Reduction of the said Militia;* and the other, intituled *An Act to amend the several Acts for enabling His Majesty to accept the Services of Volunteers from the Militia of* Ireland, or any of the Provisions or Regulations now in force, for allowing the Militia of any Part of the United Kingdom to enlist into His Majesty's Regular Forces, except in such Cases as are in this Act particularly and especially specified and provided: Provided always, that in any Volunteering from the Militia, which may be ordered by His Majesty, for the Year One thousand eight hundred and fourteen, or for any succeeding Year, under the Provisions of the aforesaid Acts of the Fifty-first Year of His present Majesty, it shall be lawful for His Majesty, if He shall think fit, to order and direct that the Number so permitted to enlist into the Regular Forces, may transfer their Services into that Part of the Militia serving in *Europe*, or may enlist as Companies, or Parts of Companies, into the Regular Forces, under the Provisions of this Act, in the Manner herein prescribed, without regard to the specific Quota which each Regiment, Battalion or Corps is by the aforesaid Acts required to furnish.

Act not to extend to the London Militia.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the *London* Militia.

Act may be altered or repealed this Session.

XXI. 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.

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