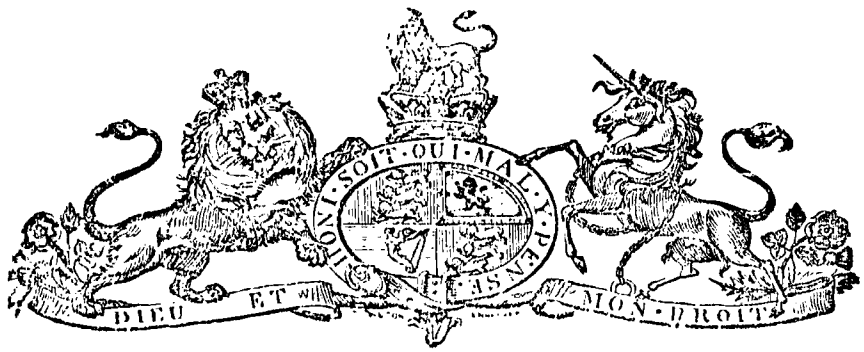


Anno Regni VICTORIÆ, Britanniarum Reginæ, Decimo Octavo.

'AT the Parliament begun and holden at *Westminster*, the Fourth Day of *November*, *Anno Domini* 1852, in the Sixteenth Year of the Reign of our Sovereign Lady *VICTORIA*, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: And from thence continued, by several Prorogations, to the Twelfth Day of *December* 1854; being the Third Session of the Sixteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

[23d *December* 1854.]

'WHEREAS it is important that effectual Measures should be adopted for the vigorous Prosecution of the War, and it is therefore expedient that Her 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 for such extended Service as herein-after mentioned:' Be it therefore enacted by the Queen'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, as follows:

Power to Her Majesty to accept the voluntary Offers of the Militia to serve out of the United Kingdom.

I. It shall be lawful for Her Majesty to accept the Services, and to employ in any Parts or Places out of the United Kingdom, under the Regulations and Restrictions specified in this Act, such Part of the Militia raised or to be raised in any Part of the United Kingdom, not exceeding in any Case Three Fourths of the actual Establishment of any Regiment, Battalion, or Corps of any such Militia, as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty, by any Order signed by One of Her Principal Secretaries 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 such Militia, to propose to such Regiment, Battalion, or Corps, or any Part or Parts thereof, to extend their Services to any Parts or Places out of the United Kingdom to be specified in such Order, under such Rules and Regulations as Her Majesty may think fit to appoint.

Power to allow Bounties to Persons making voluntary Offers.

II. It shall be lawful for Her Majesty to direct that such Bounty as shall from Time to Time be fixed by the Secretary at War 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 Her Majesty Queen Victoria, and that I will faithfully serve in the Militia 'for the Term of Five Years, in [*this Blank to be filled up according to the Name of 'the Place or Places to which the Offer of the extended Service applies*], 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, 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 Her 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; and every Non-commissioned Officer, Drummer, and Private Man so enrolled for extended Service in the Militia under the Provisions of this Act shall be entitled to his Discharge at the Expiration of the Period specified in such Oath, without regard to the Period for which he may have been enrolled to serve in the Militia under any other Act of Parliament.

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

III. No Person serving in the Militia shall be compelled to make such Offer, nor be engaged to serve out of the United Kingdom, except by his own Consent; and no Commanding Officer shall certify, according to this Act, any voluntary Offer, before he has explained to each Person offering to serve that the Offer is to be purely voluntary.

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 Establishment of Regiment.

IV. It shall be lawful for Her 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 any smaller Number not being less than Three Fourths of the Number of Private Men actually serving in such Regiment, Battalion, or Corps, shall so offer to extend their Services; and in the Cases in which such Proportion of Field Officers of any Regiments, Battalions, 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 Her 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 Her 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.

Power to Her Majesty to form the Militia for extended Service into such

V. It shall be lawful for Her 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 Her Majesty's Service; and it shall be lawful for Her Majesty to appoint any such Number of Officers of Her Regular Forces or Militia as Her Majesty

Majesty may think fit to serve during any Period of extended Service of the Militia out of the United Kingdom as Field Officers in such Provisional Regiments or Battalions of Militia, in addition to the Officers of the Militia allowed to volunteer for extended Service, in Proportion to the Number of Men who shall extend their Service; and all Persons so appointed to serve as Field Officers in any such Provisional Regiments or Battalions shall rank as Field Officers therein, in such Manner as Her Majesty shall direct.

Provisional Regiments or Battalions, and to appoint Field Officers to such Provisional Regiments.

VI. Provided always, That in every Case in which a Field Officer of Militia shall have volunteered for extended Service, the Officer having the Chief Command in the Provisional Battalion shall be a Field Officer of Militia: Provided also, that all Officers of Militia appointed by Her Majesty to serve in any Provisional Battalion with higher Rank than that which they previously held in the Militia shall be deemed and taken to be Militia Officers of such higher Rank for the Purposes of this Act, and as such shall be capable of commanding such Provisional Battalion.

Provisions for Cases where Field Officers volunteer and Militia Officers are appointed to higher Ranks.

VII. Provided also, That no Officer of the Militia shall, while out of the United Kingdom upon any such extended Service, rank with the Officers of Her Majesty's Regular Forces higher than as a Lieutenant-Colonel of the Militia.

No Militia Officer to rank higher than Lieutenant Colonel.

VIII. In any Case in which the Number of Officers of each Rank so volunteering to extend their Services, and accepted by Her Majesty, shall not be in due Proportion to the Number of Men so volunteering, it shall be lawful for Her Majesty to appoint any fit Persons to be Officers in such Provisional Battalions of Militia, without regard to the Qualifications required by Law for such Officers in the Militia; but no Person so appointed by Her 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 Her Majesty's Regular Forces or Militia.

In case sufficient Officers do not volunteer, Her Majesty may appointOfficers.

IX. It shall be lawful for Her Majesty from Time to Time to supply any Vacancies which may occur in Provisional Battalions of Militia in consequence of the Death, Resignation, or Dismissal of Officers appointed by Her under this Act; but 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.

Her Majesty may supply Vacancies.

X. All Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia extending their Services under this Act 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 Her Majesty's Regular Forces; and all Officers of Her 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 Her Majesty's Regular Forces.

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

XI. Provided always, That all the Militia enrolled and formed for extended Service 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.

To continue Militia, and remain subject to Militia Regulations, &c.

XII. It shall be lawful for Her Majesty, from Time to Time, to make such Regulations as Her Majesty may deem expedient for retaining, at the Expiration of any extended Service out of the United Kingdom, any Field Officers, Captains, or other Officers of Militia who have actually served upon any such extended Service in any higher Ranks than those in which they volunteered their Services, either as Supernumeraries or otherwise, upon the Establishment of the Militia to which they belonged, with the Rank in which they have so actually served, or upon such other Terms in respect to Rank and Service in the Militia as Her Majesty may think fit.

Regulations may be made for retaining Officers on the Establishment of the Militia after Expiration of extended Service.

XIII. It

Her Majesty may make Regulations for retaining Officers, &c. as Supernumeraries.

XIII. It shall be lawful for Her Majesty from Time to Time to make such Regulations as Her Majesty may deem most expedient for 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 who may not so volunteer to extend their Services, or may not be so employed upon such extended Service.

Subalterns after 5 Years may be Captains without Qualifications.

XIV. 'And whereas it is expedient that the Law respecting the Property Qualification 'of Captains in the Militia should be amended:' Be it enacted, That any Person who shall have served as a Subaltern in the Militia for Five consecutive Years may, without any Property Qualification, be appointed a Captain in the Militia, any Act of Parliament to the contrary notwithstanding; provided that such Five Years of Service of such Person as a Subaltern as aforesaid shall be the Five Years immediately preceding his Appointment to the Rank of Captain.

Notices sent by Post to be good.

XV. 'Whereas by the Fourth Section of the Act of the Seventeenth Year of the Reign 'of Queen *Victoria*, Chapter Thirteen, it is amongst other Things provided, that in the Case 'of drawing out and embodying the Militia in *England*, or any Part thereof, under the 'Authority of that Act, the Notices to the Militia Men to attend at the Time and Place 'mentioned in the Order of Her Majesty for drawing out and embodying the Regiment, 'Battalion or Corps to which they belong, shall be sent by the Colonel or Commanding 'Officer of such Regiment, Battalion, or Corps, by the Post, to the Residences of the 'several Men as stated on their Attestations, or as subsequently certified by them, and 'such Notices shall be sufficient in all respects: And whereas it has been found incon-'venient to name in the Order of Her Majesty the precise Day and Place for the assembling 'of that Part of the Militia to which it refers:' Be it declared and enacted, That the Notices so sent and to be sent by the Post to the several Men, as by the said lastly above-recited Act is directed, are and shall be good and sufficient in all respects, if they specify the Day and Place which have actually been fixed by the Lord Lieutenant of the County or other Person acting in his Stead for the Meeting of the Regiment, Battalion, or Corps to which they refer, whether such Day and Place be mentioned in Her Majesty's Order for drawing out and embodying the same or not.

Act to extend to the Miners of Cornwall and Devon.

XVI. The Provisions of this Act shall be construed to extend to the Regiment of Miners of *Cornwall* and *Devon* in like Manner and as fully and effectually to all Intents and Purposes as to any Regiment of Militia.

CAP. II.

An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces. [23d *December* 1854.]

'WHEREAS it is expedient that Her Majesty, during the Continuance of the War, 'should be enabled to enlist and employ Foreigners in Her Army:' Be it therefore enacted by the Queen'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, as follows:

Foreigners may be enlisted, and Commissions may be granted to Foreigners, to be formed into separate Corps.

I. It shall be lawful for Her Majesty to cause to be enlisted as Soldiers into Her Service Persons not being natural-born Subjects or entitled to the Privileges of natural-born Subjects of Her Majesty, who may voluntarily enter themselves for such Service, and to grant Commissions or Letters of Service to any such Persons to serve as Officers, the Persons so enlisted and commissioned to be formed into separate Regiments, Battalions, and Corps; and such Enlistment, Commission, and the Service thereunder, shall be as lawful as if such Persons were natural-born Subjects of Her Majesty.

II. Pro-