

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CV.

An Act to continue, amend and extend the Provisions of an Act passed in the Forty-eighth Year of His present Majesty, for enabling the Secretary at War to enforce Returns from Clerks of Subdivisions and others, in relation to Fines, Bounties, and Sums due under any Acts relating to the Defence of the Realm or Militia, for the Purpose of directing the Distribution and securing the due Application thereof. [9th *July* 1812.]

WHEREAS an Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act to enable the Secretary at War to enforce the making of Returns from Clerks of Subdivisions and others, in relation to Fines, Half Bounties, and Residues of Sums, due under certain Acts relating to the Defence of the Realm, for the Purpose of directing the Distribution thereof to Persons entitled thereto:* And whereas it is expedient that the Provisions of the said Act should be continued and amended and extended: And whereas an Act passed in the Thirty-seventh Year of His present Majesty, intituled *An Act for raising a certain Number of Men in the several Counties in* England, *for the Service of His Majesty's Army and Navy:* And whereas an Act passed in the Forty-second Year of His present Majesty, intituled *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia:* And whereas an Act passed in the Forty-second Year of His present Majesty, intituled, *An Act to raise and establish a Militia Force in* Scotland: And whereas an Act passed in the Forty-third Year of His present Majesty, intituled *An Act for the more speedily completing the Militia of* Great Britain, *raised under Two Acts passed in the Forty-second Year of the Reign of His present Majesty,* 48 G. 3. c. 107. 37 G. 3. c. 4. 42 G. 3. c. 90. 42 G. 3. c. 91. 43 G. 3. c. 50.

Majeſty, for amending the ſaid Acts; And whereas an Act paſſed in the
43 G. 3 c. 82. Forty-third Year of His preſent Majeſty, intituled *An Act to enable His Majeſty more effectually to raiſe and aſſemble in* England *an additional Military Force, for the better Defence and Security of the United Kingdom, and for the more vigorous Proſecution of the War;* and of another Act paſſed in the Forty-third Year of His preſent Majeſty, intituled *An Act to enable His Majeſty more effectually to raiſe and aſſemble an additional Military Force in* Scotland, *for the better Defence and Security of the United Kingdom, and for the more vigorous Proſecution of the War:* And whereas an Act
44 G. 3. c. 56. paſſed in the Forty-fourth Year of His preſent Majeſty, intituled *An Act for eſtabliſhing and maintaining a permanent additional Force for the Defence of the Realm, and to provide for augmenting His Majeſty's Regular Forces, and for the gradual Reduction of the Militia of* England: And whereas an Act paſſed in the Forty-fourth Year of His preſent Majeſty, intituled *An Act for eſtabliſhing and maintaining a permanent additional Force for the Defence of the Realm, and to provide for augmenting His Majeſty's Regular Forces, and for the gradual Reduction of the Militia of* Scotland: And whereas an Act paſſed in the Forty-ſeventh Year of His preſent
47 G. 3. Seſſ. 2. c. 71. Majeſty, intituled, *An Act for the ſpeedy completing the Militia of* Great Britain, *and increaſing the ſame, under certain Limitations and Reſtrictions:* And whereas an Act paſſed in the Forty-ninth Year of His preſent Ma-
49 G. 3. c. 53. jeſty, intituled *An Act for completing the Militia of* Great Britain: And
50 G. 3. c. 24. whereas an Act paſſed in the Fiftieth Year of His preſent Majeſty, intituled *An Act to amend an Act, paſſed in the laſt Seſſion of Parliament, for completing the Militia of* Great Britain, *and to make further Proviſion for completing the ſaid Militia:* And whereas an Act paſſed in the Fifty-firſt Year
51 G. 3. c. 20. of His preſent Majeſty, 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 whereas large Sums of Money have from Time to Time been paid, under the Proviſions of the ſaid recited Acts and other Acts, and have otherwiſe come into, and now remain in the Hands of Clerks of Subdiviſion Meetings and other Perſons; which Sums ought to be ſpeedily recovered from the ſaid Clerks of Subdiviſions and other Perſons, and paid and diſtributed to the Perſons entitled thereto, ſo far as the ſame may be practicable, and the Remainder, if any, be applied to the Public Service: But by reaſon of the Want of proper Returns, and of adequate Powers for enforcing Returns relating to ſuch Sums of Money, ſuch Sums cannot be aſcertained, diſtributed, and applied; and it is therefore expedient and neceſſary that further and additional and more effectual Powers ſhould be given for enforcing Returns and Payment of all ſuch Sums of Money, and for enabling the Secretary at War to aſcertain and enforce the due Return and Application of all Fines, Bounties, and Sums of Money under the ſaid recited Acts, and all other Acts relating to the Defence of the Realm and Volunteer and Yeomanry Corps, and ſuch additional Forces as aforeſaid, and to the Regular and Local Militia, and enliſting and volunteering into either of ſuch Forces; 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 it ſhall be lawful for the Secretary at War to require from any Clerk of General or Subdiviſion Meetings, or from any Perſon who ſhall have acted or may hereafter act as Clerk of General or Subdiviſion Meetings, in the Execution of

The Secretary at War or any Perſon ſpecially authorized by

any of the said recited Acts, or any other Act or Acts relating to the Defence of the Realm, or the Regular or Local Militia, or from their Representatives, and also from any Person or Persons who may have had or shall now have, or shall hereafter have in his or their Hands any Fines or Moieties of Fines paid under any of the said recited Acts, or any Monies arising from any Half Parts or Residues of any Sums of Money paid by or on account of any Persons balloted to serve in the Militia or additional Force for the engaging of any Substitutes or Volunteers to be enrolled in their Stead, or from any Parishes or Places as Penalties for not having contributed their Quotas of Men as prescribed by the said recited Acts or any other Acts as aforesaid, or from any Person or Persons to whom any such Fines, Moieties of Fines or Penalties, Half Parts or Residues shall have been or may hereafter be transferred or paid, or any other Fines, Bounties, or Sums of Money under any Act or Acts of Parliament relating to the Regular or Local Militia, such Returns of all Monies arising from such Fines, Penalties, Half Parts, or Residues of any such Sums of Money received by any such Clerks or other Persons, of Fines, Bounties, and Sums of Money aforesaid, and all Matters and Particulars relating thereto; and that all such Returns shall be made out in such Form, and shall contain such Particulars, as shall be directed by the Secretary at War in that respect.

him, empowered to call for Returns of Sums received by Clerks of General or Subdivision Meetings, and other Persons, with such Particulars as he shall direct.

II. And be it further enacted, That every such Clerk or other Person who shall be called upon to make such Return, and shall wilfully refuse or neglect so to do for Ten Days after receiving any Requisition for that Purpose from the Secretary at War, or shall wilfully insert in any such Return any false Statement of any Matter required by the Secretary at War, under the Authority of this Act, to be stated therein, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on Clerks, &c. neglecting to make Returns, or making false Returns.

III. And be it further enacted, That it shall be lawful for the Secretary at War to make an Order upon such Clerk or other Person as aforesaid, to pay over any such Sum of Money as aforesaid to the Agent General of the Militia and Defence Acts, or to his separate Account, at the Bank of *England*; and every such Clerk or other Person as aforesaid, having any such Money in his Hands, who shall wilfully neglect or refuse to pay over the same according to any such Order, within Ten Days after the Receipt thereof, shall forfeit for every such Neglect or Refusal the Sum of One hundred Pounds, and Double the Amount of the Money remaining in his Hands at the Time of such Order being made as aforesaid.

Secretary at War to make Order for Payment over of any Monies appearing by the Returns to be in the Hands of the said Clerks, &c.

IV. And be it further enacted, That it shall be lawful for the Secretary at War for the Time being, to cause all Accounts which may be rendered in pursuance of the said recited Acts and of this Act, to be duly examined; and he is hereby authorized to pass and allow the same; and out of such Monies as may be recovered in pursuance of the Provisions of this Act, to satisfy, as far as may appear to him to be just and proper, all Demands which may be made by any Persons claiming the Return of any such Fines, Penalties, Moities of Fines, Half Parts or Residues of Bounties, or other Sums as aforesaid, or any Payment in respect thereof.

Secretary at War to cause the Accounts to be duly examined, and to allow the same, and empowered to satisfy the Demands of Claimants.

V. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, may be recovered in the Manner herein-after directed, or

Recovery and Application of Penalties.

or by Action of Debt, Bill, Plaint, or Information, at the Suit of His Majesty's Attorney General for *England*, or Advocate for *Scotland*, in any of His Majesty's Courts of Record at *Westminster*, or the Court of Great Session in the Principality of *Wales*, or the Courts of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, in *England*, and in the Court of Exchequer in *Scotland*; wherein no Essoign, Privilege or Protection, Wager of Law, or more than one Imparlance shall be allowed; and such Fine, Penalty, and Forfeiture, when recovered, shall go and be applied to the Use of His Majesty.

Persons making Returns and paying Money to Order of Secretary at War indemnified from Penalties for neglect under former Acts.

VI. Provided always, and be it further enacted, That every such Clerk or other Person, duly making all such Returns as shall be required of him under the Authority of this Act, and duly and faithfully paying over all Money in the Manner prescribed by this Act, shall be and is hereby indemnified against and discharged from all Penalties, Forfeitures, and Suits, to which he might have been liable by any former Acts, for any Neglect in making Returns, or in not paying over any such Money; any Thing in any Act or Acts to the contrary notwithstanding.

Penalties may be recovered summarily in the Exchequer.

VII. Provided always, and be it further enacted, That in every Case in which any such Clerks of Subdivision Meetings or other Persons whatsoever, having in their Hands any such Fines, Moieties of Fines, Half Parts, or Residues of such Sums of Money, or any other Fines, Bounties, or Sums of Money as aforesaid, and which shall not have been duly applied, shall refuse or neglect to make any such Return as is prescribed by this Act within Ten Days after being required so to do by the Secretary at War, or shall make an untrue Return, or shall not within Ten Days after receiving such Order for the Payment of any Money as aforesaid pay the same accordingly, it shall be lawful for His Majesty's Court of Exchequer, and such Court is hereby authorized, on the Application of His Majesty's Attorney General for *England*, or of the Advocate for *Scotland* (as the Case may be), by Motion to the said Court, in a summary Way to hear and determine the Matter of such Application; and if upon Notice of such Application to the Clerk of the Subdivision Meetings or other Person as aforesaid, in respect of whom such Application shall have been made, no sufficient Cause shall be shewn for such Default, Neglect, or Omission, it shall be lawful for the said Court of Exchequer to assess such Penalties and Fine respectively as are herein-before imposed, and to cause the same to be levied by *Distringas* or other Process applicable to the Nature of the Case, according to the Rules and Practice of such Court.

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