if such patient were not in such district lunatic asylum, shall be liable to pay or to contribute to such charges according to his ability, and it shall be lawful for a court of summary jurisdiction, on the application of the resident medical superintendent of such district lunatic asylum, and after seven days notice of such application to the person so liable, to make an order for the payment from time to time of such charges, or such part thereof as to such court shall seem just, and in case of non-payment of such charges, or such part thereof according to the terms of such order, payment of the same shall be recoverable by the resident medical superintendent in like manner as penalties are recoverable under the Acts for the relief of the destitute poor in Ireland.

The term "court of summary jurisdiction" means, in the police district of Dublin metropolis, a divisional justice of such district acting under the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere, two or more justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

CHAPTER 68.

An Act for making further Provision respecting the Department of Science and Art. [11th August 1875.]

BE it 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 for Department to take lands by grant or devise, and sell, &c.

1. Any lands or any interest therein may be granted or devised to and taken by the Department of Science and Art, for the purposes of their charter, or for any educational or public purposes, and may be held by them accordingly subject to the control of Parliament, and may be sold or disposed of by them when the trusts on which they hold the same are consistent with such sale or disposition: Provided that the Department of Science and Art, before accepting any such grant or devise, shall obtain the consent in writing of the Commissioners of the Treasury or any two of them to their so doing.

Short title.

2. This Act may be cited as The Department of Science and Art Act, 1875.

CHAPTER 69.

An Act to consolidate and amend certain Laws relating to the Militia of the United Kingdom. [11th August 1875.]

WHEREAS it is expedient that certain laws applicable to the Militia of the United Kingdom, while the same is raised by voluntary enlistment, should be consolidated and amended:

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:

Short Title. Interpretation.

Short title.

1. This Act may be cited as "The Militia (Voluntary Enlistment) Act, 1875."

2. In this Act—

Interpretation of terms.

The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"The Secretary of State for War" means Her Majesty's Principal Secretary of State for the time being for the War Department:

"The Lord Lieutenant" means the Lord Lieutenant of Ireland and includes the lords justices or other chief governors or governor of Ireland for the time being:

"County" means county at large, or riding, or part of any such county for which a distinct quota of militiamen is now appointed, and the cities of Edinburgh, Dublin, Cork, and Limerick respectively, inclusive of all cities and towns being counties of themselves which are locally situate within any such county, riding, or part other than the cities herein-before particularly mentioned:

"Parish" includes a place annexed to a parish for all civil parochial purposes as if the same were part of the parish to which it is annexed:

"Lieutenant" means Her Majesty's Lord Lieutenant of any county, and includes any Vice-Lieutenant, also, save as herein otherwise provided, the Commissioners of Lieutenancy of the city of London, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the Warden of the Stannaries, the Constable of the Tower, and any other officer or officers, however named, having a jurisdiction in relation to the Militia similar to that of the Lord Lieutenant of a county:

"Commanding officer" means colonel (except an honorary colonel), lieutenant-colonel, commandant, or major, according to the establishment of the regiment:

"Captain" includes any other commanding officer of a company:

"Justice" means justice of the peace:

"Militia" means the regular Militia of the United Kingdom:

"Regiment" means regiment of Militia, and includes battalion, corps, and company:

"Permanent staff" means the adjutant and such other commissioned officers and such non-commissioned officers and drummers as may for the time being be commissioned or attested thereto:

"Non-commissioned officer" includes corporal:

"Drummer" includes a musician of any kind receiving pay in the Militia:

Any expression meaning or referring to any officer, non-commissioned officer, drummer, man, recruit, or deserter means such officer, non-commissioned officer, drummer, man, recruit, or deserter in or from the Militia:

"Mutiny Act" means the Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force:

"Articles of War" means the Articles of War for the time being in force under the authority of the Mutiny Act:

"Royal warrant" includes any Act of Parliament having by law the same effect as if embodied in a Royal Warrant.

Appointment and Powers of Lieutenants and Deputy Lieutenants of Counties.

3. It shall be lawful for Her Majesty with regard to Great Britain, and for the Lord Lieutenant with regard to Ireland, from time to time to appoint lieutenants for the several counties in the United Kingdom, and for the town and county of the town of Haverfordwest, the county of the city of Waterford, and the town and county of the town of Galway.

Appointment of lieutenants of counties and certain towns, &c.

4. Subject to the other provisions of this Act the lieutenants shall from time to time appoint such persons as they think fit, living within their respective counties, cities, or towns, to be their deputy lieutenants.

Appointment of deputy lieutenants.

Within the city of Edinburgh the lieutenant of the said city, or when there is no lieutenant appointed, then the chief magistrate thereof, shall appoint the deputy lieutenants, subject to the other provisions of this Act.

Appointments to be subject to Her Majesty's or Lord Lieutenant's approbation.

5. The lieutenants shall certify to Her Majesty, or, in Ireland, the Lord Lieutenant, the names of persons to be so appointed deputy lieutenants, and it shall not be lawful for any lieutenant to grant a commission to any person until it has been signified to the lieutenant by the Secretary of State, or in Ireland by the Chief or Under Secretary to the Lord Lieutenant, that Her Majesty, or the Lord Lieutenant (as the case may be), does not disapprove of the granting of such commission.

Number of deputy lieutenants.

6. In England twenty deputy lieutenants at least shall be appointed within every county, and in Ireland so many deputy lieutenants shall be appointed within every county, and every city or town for which deputy lieutenants are to be appointed, as the Lord Lieutenant from time to time determines, if so many persons can be found duly qualified in England and Ireland respectively, but if not, then as many persons so qualified as can be found within the county shall be appointed such deputy lieutenants.

Provision for absence or disability of lieutenant.

7. If the lieutenant of any county, city, or town be absent from the United Kingdom, or otherwise incompetent or unable to act, or where there is no lieutenant, Her Majesty with regard to Great Britain, and the Lord Lieutenant with regard to Ireland, may authorise any three deputy lieutenants of such county, city, or town to do all acts which might lawfully have been done by the lieutenant, and such deputy lieutenants authorised as aforesaid, while so authorised, shall for all purposes stand in the place of the lieutenant.

Vice-lieutenants may be appointed.

8. It shall be lawful for the lieutenant of any county, city, or town, with the approbation of Her Majesty in Great Britain or of the Lord Lieutenant in Ireland, to appoint any deputy lieutenant to act for him within the county, city, or town, as vice-lieutenant thereof, during the absence from the county, sickness, or other disability of such lieutenant, and no longer; and every such vice-lieutenant shall have authority to do all acts which might lawfully have been done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority of Her Majesty to make other provision for this purpose under the foregoing enactment.

Property qualifications for deputy lieutenants.

9. Every person appointed a deputy lieutenant shall, unless he be a peer of the realm or heir apparent of such peer and have a place of residence within the county, city, or town for which he is appointed, have the property qualification herein-after mentioned; that is to say,—

he shall be in possession for his own benefit of an estate for his own life or the life of another, or of some greater estate, in land or heritages in the United Kingdom of the yearly value of two hundred pounds;

or be heir apparent of some person who is in possession as aforesaid of a like estate in like property of the like yearly value;

Income of personal estate in possession to be deemed equivalent to the yearly value of land.

Provided nevertheless, that for the purposes of the qualification aforesaid a clear yearly income arising from personal estate within the United Kingdom, of or to which personal estate or income any person appointed a deputy lieutenant is possessed or entitled, at law or in equity, in possession, for his own benefit, for his own life, or the life of another, or some greater estate or interest, shall be deemed equivalent to an estate in land or heritages of a yearly value of the same amount with such yearly income; and such yearly income from personal estate shall be admitted in whole or in part of any such qualification accordingly.

Qualification to be delivered to clerk of the lieutenancy or clerk of supply.

10. No person, not being qualified under this Act as a peer of the realm or heir apparent of such peer, shall be appointed to be a deputy lieutenant until he has delivered to the clerk of the lieutenancy of the county in England or Ireland, or town clerk of the city or town in Ireland, or to the clerk to the commissioners of supply of the county in Scotland, for which he is appointed a specific description in writing, signed by himself, of his qualification, stating, where the same consists wholly or partially of an estate in land or heritages, the county and parish or parishes in which the land or heritages forming his qualification is or are situate, and, as to land in Ireland, the denominations of the land.

Clerk of the peace or clerk of supply to

11. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, of every county, city, or town shall send to the lieutenant of the county, city, or town a copy of

every description of a qualification delivered to him as herein required, and shall enter every such description on a roll to be kept for that purpose; and shall cause to be inserted in the London Gazette, or as to Ireland, in the Dublin Gazette, the dates of the commissions, and the names of the deputy lieutenants, in like manner as commissions in the army are published from the War Office; and he is hereby authorised to charge the expense of the insertion in the Gazette to the treasurer, or, in Scotland, to the collector of the land tax, of the county, city, or town, who shall pay the same.

send copies of qualifications to lieutenant, and enter same on a roll, and insert in Gazette dates of commissions, &c.

12. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, shall in the month of January in every year send to the Secretary of State, or, in Ireland, the Chief Secretary of the Lord Lieutenant, a complete account of the several descriptions of qualifications delivered to him, and the Secretary of State or Chief Secretary receiving such account shall cause copies thereof to be laid before both Houses of Parliament.

Return to Secretary of State and Parliament.

13. If any person act as deputy lieutenant, not being duly qualified, or not having delivered in the description of his qualification as herein required, he shall forfeit the sum of two hundred pounds:

one moiety of each such penalty to be paid to any person who may sue for the same;

and in any legal proceeding for recovery thereof the proof of qualification shall lie on the defendant or defender.

Penalty for acting as deputy lieutenant, &c. without being qualified, &c.

14. Where any person has acted as a deputy lieutenant without being duly qualified, or without having delivered in the description of his qualification as required by this Act, the acts of such person done in his office shall be as valid as if he had been duly qualified and had duly delivered in such description.

Acts of persons not qualified to be valid.

15. Whenever Her Majesty may think fit to signify Her pleasure to the lieutenant of any county, city, or town in the United Kingdom, or the Lord Lieutenant shall signify his pleasure to the lieutenant of any county, city, or town in Ireland, that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace such deputy lieutenants, and appoint others in their stead, subject to the provisions of this Act.

Displacement of deputy lieutenants.

16. No commission of any deputy lieutenant shall be vacated by the revocation, expiration, or discontinuance of the commission or appointment of the lieutenant who granted it.

Commissions not to be vacated by revocation of appointment of grantor.

17. The lieutenant and deputy lieutenants respectively appointed under this Act for any county, city, or town shall have such jurisdiction, duties, powers, and privileges as are vested in the lieutenant and deputy lieutenants respectively for such county, city, or town under any existing Act of Parliament, except under any enactment repealed by this Act, but as regards Ireland, inclusive of all such powers as at the time of the passing of the Act of the first and second years of King William the Fourth, chapter seventeen, were vested in the governors and deputy governors respectively of counties or places in Ireland, so far as such powers are now in force.

Powers, &c. of lieutenants and deputy lieutenants.

Number and Quotas of Militia.

18. The Militia shall, during the suspension of the ballot, be raised and kept up according to the provisions of this Act.

And such number of private militiamen shall be so raised and kept up as may for the time being be provided by Parliament.

Militia while ballot suspended to be raised under this Act.

Their number.

19. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time to appoint the quotas of militiamen to serve for the several counties of the United Kingdom.

Notice of the quota from time to time appointed for any county shall be transmitted to the lieutenant of such county and published in the London, Edinburgh, or Dublin Gazette, as the case may require.

Quotas.

Such quota shall be the quota of such county until another quota is appointed and notified in like manner.

Until another quota is appointed under this Act for any county the quota now appointed for such county shall continue.

Formation of Regiments. Uniting of Militia.

Her Majesty may direct into what regiments Militia shall be formed, and with what officers and staff.

20. It shall be lawful for Her Majesty from time to time to form the Militia of the several counties into such regiments as to Her Majesty may seem fit, and to direct what number of officers, and of what respective ranks, shall be appointed to such regiments, and what shall constitute the staff thereof:

Provided always, that where it appears to Her Majesty that the number of militiamen raised or to be raised for any county is insufficient to be conveniently formed into or continued as a separate regiment, it shall be lawful for Her Majesty to unite the Militia of such county with the Militia of any county adjoining, so long as the exigency of the case may appear to Her Majesty to require:

Power to unite portions of Militias of counties to form artillery corps.

Provided also, that it shall be lawful for Her Majesty from time to time to unite portions of the Militia of two or more counties in order to form a corps of Militia artillery, and at any time to disunite the same.

Appointment of Officers, &c.

Appointments and commissions of officers.

21. All officers in the Militia shall be appointed by and hold commissions from Her Majesty; such commissions to be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's regular land forces are prepared, authenticated, and issued, according to any law or custom for the time being in force:

But commissions or first appointments to the rank of sub-lieutenant or lieutenant in any regiment shall be given to persons recommended by the lieutenant of the county if a person to be approved by Her Majesty is recommended for any such commission or appointment by such lieutenant within thirty days after notice of a vacancy for such commission or appointment has been given to such lieutenant by the Secretary of State, by letter addressed to him by post:

Provided always, that where a regiment is formed of the united Militia or parts of the Militia of two or more counties, the recommendation for such commissions or first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as the warrant or order uniting such Militia, or parts of Militia, may provide:

The officers so appointed for the Militia shall rank with the officers of Her Majesty's regular forces as youngest of their rank.

Rank of officers accepting commissions in other regiments.

22. Every officer who accepts a commission or appointment of the same rank in any other regiment, thereby vacating his former commission, shall continue to rank in the Militia service according to the date of his commission or appointment so vacated.

Permanent staff.

23. The enactments herein-after contained applying with modifications certain provisions of the Mutiny Act to recruits and recruiting for the Militia, and concerning the period for which Militia recruits are to be enlisted to serve, the effect of their being attested for service in the Militia, and the re-engagement of men enlisted in the Militia, shall, save as herein-after otherwise provided, apply to every person appointed to the permanent staff, not being a commissioned officer.

Men from the army may be attached to permanent staff.

24. Non-commissioned officers and men belonging to the regular forces may, in such cases, for such time, under such conditions, and generally in such manner as may be authorised by regulations of the Secretary of State, be attached to the permanent staff without being discharged from their existing engagement:

Non-commissioned officers and men so attached shall, without being attested for the permanent staff, be deemed members thereof and subject to the same provisions as regards billeting, discipline, trial, and punishment as if they were, during the time for which they are so attached, duly attested members of such staff, and their service accordingly as

members of such staff shall be equivalent to service under their engagement to serve in the regular forces.

Extra musicians may be kept at the expense of the commanding officer.

25. The commanding officer may, at his own expense, at any time keep up an additional number of drummers for the use of any regiment, and such additional drummers shall be deemed drummers within the meaning of this Act, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers, and shall continue to serve as drummers so long as they receive from the commanding officer by whom they were appointed the same pay and clothing as other drummers, or better clothing in lieu thereof, and no longer.

Persons disqualified for permanent staff, &c.

26. No person who keeps a house of public entertainment, or sells ale, wine, or brandy, or other spirituous liquors, by retail, shall be capable of being appointed or of serving or receiving pay as a member of the permanent staff, or as a non-commissioned officer not on such staff.

Pensions preserved.

27. No soldier receiving pension shall forfeit such pension during the time he serves in the Militia by reason of such service.

Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.

28. If any person who has served in Her Majesty's other forces, and has afterwards been attested for the permanent staff of the Militia, be discharged therefrom for misconduct, the cause of his discharge shall be certified by the commanding officer of his regiment on the back of the certificate of his discharge from Her Majesty's other forces, and a copy of the certificate of such commanding officer shall be forwarded to the Adjutant General of Her Majesty's forces and the Secretary of State for War.

Command.

Command of Militia in the absence of superior officer.

29. When the commanding officer of any regiment of Militia is absent on leave, the command of such regiment shall devolve without special authority from the Crown in accordance with the usual custom of the service.

Raising the Men.

Men how to be raised.

30. The number of private militiamen required to be raised and kept up under this Act shall from time to time be raised by voluntary enlistment, and shall be recruited by such officers, non-commissioned officers, and men, whether belonging to the Militia or to the army, as may be determined by Her Majesty.

Provisions of Mutiny Act concerning recruits applied to recruits for the Militia.

31. The provisions of the Mutiny Act relating to the following matters connected with enlistment; that is to say,

Questions to be put to recruits on enlisting;

When recruits are deemed to be enlisted, and the billeting of recruits while remaining with the recruiting party;

When recruits are to be taken before a justice;

Dissent and relief from enlistment;

Attesting of recruits;

The restriction as to trial by court-martial of a recruit before attestation or receipt of pay, and the subjecting of an unattested person to punishment as a rogue and vagabond or otherwise;

As to the trial of an attested person, who has given any wilfully false answer to any question, or made any wilfully false statement in his declaration, either before two justices or before a court-martial;

As to any recruit absconding;

The punishment of persons subject to the Mutiny Act who wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits;

shall apply with reference to recruits and recruiting for the Militia, subject to the following modifications; that is to say,

For the words "soldier in Her Majesty's service," or "soldier," as the case may be, shall be substituted the word "militiaman";

For the words "oath of allegiance in the said form" shall be substituted the words "following oath, namely, I, *A.B.*, do solemnly promise and swear that I will be "faithful to Her Majesty Queen Victoria, her heirs and successors, and that I will "faithfully serve in the Militia, in any part of Great Britain and Ireland for the "defence of the same until I shall be discharged";

No recruit for the Militia shall be liable to be tried by court-martial, except during such time as the Mutiny Act shall be applicable to him under the provisions of the Mutiny Act, or under the provisions herein-after contained.

Enlistment of men to serve for six years.

32. Every Militia recruit shall be enlisted to serve in the Militia for the county for which he is raised as a militiaman for any period not exceeding six years, to be reckoned from the day on which the recruit is attested for service; and recruits attested for service in the Militia shall for the purposes of any enactment referring to persons enrolled in the Militia be deemed to be so enrolled.

Re-engagement.

33. Any man enlisted in the Militia may, at any time during the period of his existing engagement, be re-engaged to serve in the Militia for a further period not exceeding six years from the date of his re-engagement.

Militiamen not to claim discharge on ground of error, &c. in enlistment, &c.

34. No militiaman, who has before or after the passing of this Act received pay and been borne on the strength and pay list of any regiment for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or re-engagement, or on any ground whatsoever affecting the validity of his enlistment or re-engagement, but, on the contrary, every such militiaman shall be deemed to have been duly enlisted or re-engaged, as the case may be.

Discharge of Men.

Power to Secretary of State to discharge militiamen.

35. It shall be lawful for the Secretary of State at any time to discharge any militiaman for misconduct, unfitness, or other cause, upon such conditions as he may from time to time direct, and such militiaman shall have no claim to future pay or bounty (if any).

Drill, Training, and Exercise.

Training of Militia recruits.

36. Men enlisted in the Militia shall attend at the head quarters of the regiment in which they are enlisted, or at such other place and at such time as may be directed by the Secretary of State, for preliminary training for a period of not more than six months.

Command and discipline of Militia recruits.

37. Militia recruits shall, during the period of their preliminary training, when the Militia battalions to which they belong are not for the time being out for training and exercise, be subject to the command of such officers, whether of the Militia or Her Majesty's regular forces, as may from time to time be appointed to serve with the force with which such recruits are being trained, and officers either of the Militia or of Her Majesty's regular forces shall be competent to sit on any court-martial appointed for the trial of any such recruit for an offence committed by him during the period of his preliminary training, whether such court-martial be holden during such period or at any time after its expiration.

Militia may voluntarily be attached to the army for instruction.

38. Any officer or non-commissioned officer or private of the Militia may, with the consent of the Secretary of State, and with his own consent, be attached for a time for the purpose of instruction to any portion of Her Majesty's regular forces, and shall for such time be deemed to be under the command of the officer commanding the same.

Period and times and places of training and exercise.

39. Save as herein otherwise provided, the Militia shall be trained and exercised for not less than twenty-one days and not more than twenty-eight days in every year, at such times and at such places in any part of the United Kingdom as Her Majesty may appoint;

and for that purpose may be called out once or oftener in every year.

Time of training may be extended by Her

40. When any regiment is actually assembled for training and exercise, or after notices to the men of any regiment to attend training and exercise have been given, it

shall be lawful for Her Majesty to extend the period of such training and exercise for a period not exceeding, with the time for which such regiment has been called out, the period of fifty-six days; and in any such case fresh notices to attend training and exercise shall not be necessary:

Majesty after Militia is called out.

All provisions applicable to such Militia during the time of training and exercise shall be applicable to such regiment during such extended period as if the notices for calling out such regiment for such training and exercise had been given for such extended period, and had been authorised by law.

41. Her Majesty may from time to time, with the advice of Her Privy Council,—

Her Majesty may, by Order in Council, extend or reduce period of training, or suspend training in any year.

order that the period of training and exercise in any year of all or any part of the Militia be extended, but so that the whole period of training and exercise be not more than fifty-six days;

or order that the period of training and exercise in any year of all or any part of the Militia be reduced to such time as to Her Majesty with the advice aforesaid may seem fit;

or order that in any year the calling out of all or any part of the Militia for the purpose of being trained and exercised be dispensed with.

42. Her Majesty may attach any officer of the regular forces to any regiment during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the Militia as his superior officers, and exercise all the power and authority of a Militia officer in such regiment, but retain the same relative rank with respect to the officers of Militia as an officer of Her Majesty's regular forces is entitled to according to this Act; and any non-commissioned officer of the regular forces shall, while employed to assist in the training and exercise of any regiment, obey the commands of the superior officers of the Militia as his superior officers, and exercise all the power and authority of a Militia non-commissioned officer in such regiment.

Power to attach officers of regular forces to militia regiments during training.

43. Where any person in the Militia is sent to head quarters or elsewhere, or attached to any regiment of Her Majesty's regular forces, for purposes of preliminary training or of instruction, the time of his attendance for such purposes shall not be reckoned in computing the period for which he may be liable to be called out or kept assembled for training and exercise.

Time of drill not to be reckoned, &c.

Embodying of the Militia.

44. In case of imminent national danger or of great emergency it shall be lawful for Her Majesty (the cause being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by proclamation, if Parliament be not sitting) to order the whole or any part of the Militia to be drawn out and embodied and to give all necessary directions for the assembling of such Militia and otherwise.

In what event and how Militia to be embodied.

45. Whenever Her Majesty orders the Militia to be drawn out and embodied as aforesaid, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Parliament to be assembled within ten days, when Militia is ordered to be embodied.

46. Where the order of Her Majesty does not apply to the whole of the Militia, Her Majesty may from time to time, while any part of the Militia remains embodied, order the drawing out and embodying of all or any part of the Militia to which the previous order or orders for embodiment did not apply.

Where part only of Militia embodied in first instance, further part may be embodied afterwards.

47. Whenever the whole of the Militia of any county is ordered to be embodied, all the officers and non-commissioned officers and drummers of every regiment of such county shall join the regiment to which they respectively belong, at the time and place appointed for the assembling of such Militia.

When all the Militia of a county is embodied, all officers, &c. to join.

Provision for case of part only of Militia of a county being embodied.

48. Whenever part only of the Militia of any county is embodied under any order of Her Majesty for that purpose, Her Majesty may order what proportion and description of officers, non-commissioned officers, and drummers shall accompany such part, and regulate the formation thereof, and also regulate the number and duties of the remaining officers, non-commissioned officers, and drummers of such Militia.

Militia not to be ordered out of United Kingdom.

49. Save as herein otherwise provided, no part of the Militia shall be carried or ordered to go out of the United Kingdom.

Her Majesty may accept voluntary offers of Militia to serve in Malta, the Channel Islands, Isle of Man, and Gibraltar.

50. It shall be lawful for Her Majesty to employ in the Islands of Malta, Guernsey, Jersey, Alderney, and Sark, the Isle of Man, and the garrison of Gibraltar, or any of them, such part of the 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 to direct the commanding officer of any regiment, to propose to such regiment to extend their services to the said islands, isle, and garrison under such rules and regulations as Her Majesty may think fit and appoint;

and no person shall be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent;

and no commanding officer shall certify any voluntary offer previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part.

Disembodying of Militia.

51. It shall be lawful for Her Majesty, from time to time as she may think fit, to disembody the whole or any part of the Militia embodied under this Act, and from time to time again to re-embody all or any part of the Militia so disembodied, as to Her Majesty may seem necessary, according to the provisions of this Act.

Militia after being disembodied to be subject to former engagements.

52. When the Militia, or any part thereof, has been disembodied as aforesaid, and the officers and men thereof have been dismissed to their places of abode, all such officers and men shall until again embodied be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act before they were embodied as aforesaid.

Provisions common to Training and Exercise and Embodiment.

Militia may be placed under general officers during training or embodiment.

53. Where the whole or any part of the Militia is called out for training, or is embodied, Her Majesty may place the Militia so called out or embodied, or any part thereof, under the command of such general officers as Her Majesty may appoint.

Notices of times and places of exercise and for meeting on embodiment to be sent by post.

54. Where the whole or any part of the Militia is called out for training, or is embodied, notices to the men enrolled in the Militia to attend training and exercise, or to attend at the time and place fixed for the assembling of the Militia so embodied, shall be sent by or by the order of the commanding officer of the regiment to which such men belong, by the post to the residences of the several men as stated on their attestations, or as subsequently notified by them:

Notices of such time and place, with directions to cause the same to be published in manner herein-after mentioned, shall also be sent by the like order, by post, to the following officers; (that is to say,)

In England, to the constables of the several parishes in which the residences of the private men of such Militia are situate, as ascertained as aforesaid; and where such residences are in the metropolitan police district, to the commissioner of police of the metropolis:

In Scotland, to the inspectors of the poor of the several parishes or divisions of parishes in which such residences are situate as aforesaid:

In Ireland, to the county inspector or other chief officer of the police of the county in which such residences are situate as aforesaid; and where such residences are in the police district of Dublin metropolis, to the chief commissioner of police:

Such notices to be also published on

And such constables and inspectors respectively shall, within three days after the receipt of such notices, cause the same to be published in manner herein-after mentioned, in their

parishes or divisions respectively, and such commissioner of police, county inspector, or chief officer of a county, shall, within the time aforesaid, after the receipt of such notices, cause the same to be published by the constables of the district or county in manner herein-after mentioned; such notices shall be published by the same, or copies thereof, being affixed on the doors or on the outer wall near the doors of all the churches and chapels and places of public worship in their said parishes or divisions respectively in England and Scotland, and in each parish or place in the said district or county in Ireland; and if any parish or place have no church, chapel, or place of public worship, then in such manner as public notices are therein usually made known in such parish, and on the doors or outer walls as aforesaid of all the churches, chapels, and places of public worship of some parish or place thereunto adjoining. church doors, &c.

Any constable or inspector of the poor, commissioner of police, county inspector, or chief officer of a county, who neglects to cause such notices to be published in manner aforesaid, shall for every such offence, on conviction thereof before two justices, forfeit a sum not exceeding twenty pounds.

Any such notice so published as aforesaid shall be deemed a sufficient notice to every militiaman to whom the same applies, notwithstanding any omission in notice to him by post; and any militiaman not appearing at the time and place appointed in any such notice, shall be subject to be punished and dealt with accordingly.

55. The Secretary of State may require the chief officer of police in every or any district in the United Kingdom to cause to be served or published (as the case may be) within his district any notice the Secretary of State may desire to be served on any militiamen, or to be published in manner herein-before mentioned in such district. Notices may be required to be served and published by the police.

All officers and men of every police force shall conform to the orders of the said Secretary of State, in relation to the service and publication respectively of such notices, through such officer.

Application of Mutiny Act and Articles of War.

56. The Mutiny Act and Articles of War shall apply,— Application of Mutiny Act and Articles of War to permanent staff, recruits, &c.

to all persons receiving pay as members of the permanent staff of any regiment;

to all Militia recruits and other persons in the Militia receiving pay during the period of preliminary training when the Militia battalions to which they belong are not for the time being out for training and exercise;

and to all persons in the Militia who are attached for purposes of instruction or otherwise to a portion of Her Majesty's regular forces:

And all such persons shall for the purposes of the application of such Act and Articles be deemed to be part of the regular forces, in respect of billeting, discipline, trial, and punishment, and in respect of any offence committed while such Act and Articles are so applicable, may be tried, punished, and dealt with thereunder at any time, subject nevertheless to the provisions of such Act and Articles and this Act with respect to the constitution of courts-martial.

57. Subject to the provisions of this Act, the Mutiny Act and Articles of War shall, during such time as any regiment is assembled for the purpose of being trained and exercised, or is embodied, be applicable to such regiment, and the officers, non-commissioned officers, drummers, and private men thereof, and to all persons whomsoever in respect thereof as fully as such Act and Articles may be applicable to and in respect of Her Majesty's regular forces, but so that no punishment in respect of any offence committed during such time as such regiment is assembled for the purpose aforesaid shall extend to loss of life. Application of Mutiny Act and Articles of War during training and embodiment.

58. Save as in the Mutiny Act, or Articles of War, or this Act otherwise provided, no officer serving in Her Majesty's regular forces shall sit in any court-martial upon the trial of any person serving in the Militia, nor shall any officer serving in the Militia sit in any court-martial upon the trial of any person serving in Her Majesty's regular forces. Officers of the army not to sit on Militia trials, and vice versâ.

Desertion.

Men not attending for preliminary training or training, or when embodied, deemed deserters.

59. Any militiaman who, without leave lawfully granted, or sickness certified according to any regulations under this Act,—

does not appear at the time and place appointed for preliminary training, or deserts, or absents himself before the expiration of the period for which he is required to attend for that purpose; or—

does not appear at the time and place appointed for the training and exercise of his regiment, or deserts, or absents himself during the time of training and exercise; or—

does not, when ordered to be embodied, appear at the time and place appointed for the assembling of his regiment, and march in pursuance of any order or direction under this Act,—

shall be deemed a deserter.

Provision for apprehension of men absent from preliminary training or training and exercise.

60. The names and descriptions of all militiamen belonging to any regiment who do not appear at the time and place appointed for preliminary training, or for the training and exercise of such regiment, or who desert or absent themselves therefrom, as mentioned in the last preceding enactment, shall be notified to the Secretary of State for War, and to the constables or other officers of the parishes and places in which such militiamen reside by such officers, whether of the Militia or the regular forces, as the Secretary of State shall direct;

and it shall be lawful for any constable or other peace officer, or any officer or soldier in Her Majesty's service or in the Militia, to apprehend any such militiaman or cause him to be apprehended, and to bring him or cause him to be brought before any justice at any time within the period of his engagement in the Militia, to be dealt with according to law, or to be committed to safe custody until an escort can be sent for him, if he be a militia recruit, or if his regiment be then out for training and exercise;

and such justice shall transmit a report, in relation to such militiaman, to the Secretary of State for War, in such form as he may from time to time direct;

and such Secretary of State may cause to be paid to the person or persons by whom or by whose means such militiaman was apprehended and secured such sum, not exceeding twenty shillings, as such Secretary of State may think fit.

Militia recruit failing to attend recruit training liable afterwards to attend.

61. Any militiaman required to attend for preliminary training, who for non-attendance thereat, or deserting, or absenting himself therefrom is by this Act declared to be a deserter, shall be liable, whether he have or have not been punished for his offence, to attend at such time and place as may be directed, under any regulations of the Secretary of State, for such preliminary training for the like period for which he was originally required to attend for that purpose (notwithstanding he may have duly attended during any portion thereof), or for any less period.

Addition to term of service of militiamen absent from annual training.

62. Any militiaman who unlawfully absents himself during the whole of the time of training and exercise in any year, or during any part of such time exceeding fourteen days shall, whether he have or have not been punished for his offence, be liable to serve, after the expiration of the term for which he may have been enlisted, or would independently of this enactment be liable to serve, for an additional year for every annual period of training and exercise from or during which he so absents himself;

and in every such case the commanding officer shall make an entry on the enrolment book of his absence as aforesaid, and such entry shall be conclusive evidence of the fact of such militiaman having so absented himself.

Addition to term of service of deserters from embodied Militia.

63. Every deserter from any regiment which is embodied at the time of such desertion or afterwards, shall, whether he have or have not been punished for his offence, be liable to serve for an additional period equal to the time which may have elapsed between the time of his desertion and the time when he is apprehended or voluntarily returns to his regiment; the period of such additional service to commence from the expiration of the

period for which he was enlisted, or would independently of this enactment be liable to serve, or from the time of his apprehension or return, which may last happen.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

Deserters may, when Militia not embodied or assembled for training, be proceeded against summarily before justices, or tried by court-martial.

64. Every deserter from the Militia, and every person who under this Act is deemed a deserter, shall, whenever he is apprehended, and whether his term of service have or have not expired, unless his regiment be embodied or assembled for training and exercise, at the time he is brought to trial, or his trial and punishment is otherwise provided for by this Act, be tried and punished as follows; that is to say,

at any time within one month after his apprehension, unless it be shown to the justice or justices before whom he is proceeded against that the Secretary of State has, under the provision herein-after contained, ordered him to be tried by a regimental or detachment court-martial, be tried summarily by any justice or justices in any part of the United Kingdom where he may be when summary proceedings against him are instituted, and upon summary conviction before such justice or justices such deserter or person shall forfeit any sum not less than forty shillings and not more than twenty pounds, and in default of payment shall be committed to the common gaol or house of correction, to be imprisoned, with or without hard labour, for any time not less than two months and not more than six months;

and where the Secretary of State has, under the provision herein-after contained, ordered such deserter or person to be tried by a regimental or detachment court-martial, such deserter or person shall be tried by such court-martial and punished in manner provided for the punishment of deserters by the Mutiny Act and Articles of War with regard to persons subject to such Act and Articles who are tried by district court-martial, but so that no punishment shall extend to the loss of life.

Secretary of State may make regulations, &c. for trial of deserters by court-martial.

65. The Secretary of State may from time to time, by any general or special regulations or directions, order any such deserter or person as mentioned in the last foregoing enactment, or any class or description of such offenders, with reference to the time of their being apprehended, or otherwise, to be tried by regimental or detachment court-martial as aforesaid.

Court-martial after Periods of Training and Embodiment for Offences then committed.

Offences committed while Militia are assembled for training, or embodied, may be afterwards tried by court-martial;

but charges to be made out and delivered within six months after training or being disembodied.

66. Every person in the Militia who, during the period of training and exercise, or during the period of his regiment being embodied, has been guilty of any offence against any Act in force for the punishment of mutiny and desertion, or any Articles of War made in pursuance thereof, may be tried by a court-martial, and if found guilty may be punished for such offence, although he have been dismissed from training and exercise, or his regiment have been disembodied, in like manner as he might be tried and punished during the period of training and exercise or being embodied:

Provided always, that, save as in this Act otherwise provided, no person shall be tried or punished as aforesaid after he has been dismissed from training and exercise, or after his regiment is disembodied, unless the charges against him have been made out and delivered within six months after he has been dismissed from training and exercise, or after his regiment has been disembodied.

Courts-martial when Militia neither embodied nor assembled for training.

67. Whenever during the time a regiment is neither embodied nor assembled for training and exercise, it is necessary that a general, district or garrison court-martial should be held, it shall be lawful for Her Majesty to give the necessary directions for the holding of such court, and the officers required to form the court shall attend and form the same accordingly.

Regimental or detachment courts-martial may be appointed.

68. For holding a regimental or detachment court-martial during the time a regiment is neither embodied nor assembled for training and exercise, in any case in which such court-martial is proper, it shall be lawful for the commanding officer of the regiment to appoint any place which he thinks fit, and to order any officers of such regiment to attend

and assist as members of such court-martial, who shall thereupon attend at the time required, and assist accordingly.

Consequences of officers not attending.

69. All officers who refuse or neglect to attend any such court-martial as aforesaid shall be liable to be tried by a general court-martial, to be assembled according to this Act, for such disobedience of orders;

Pay and allowance to officers.

and all officers attending to form any such court shall be entitled to pay during such attendance, and to such allowances for their travelling expenses in going to such court-martial and returning therefrom as the Secretary of State may by any regulations from time to time direct.

Court-martial how to proceed.

70. Every court-martial appointed as aforesaid shall be sworn and held in the same manner as if the Militia were embodied at the time of holding the said court-martial, and shall have the like powers and be of the same effect in all respects as if the Militia from which the officers thereof are assembled was then embodied, save as in this Act otherwise provided.

Consequences of fraudulent Re-enlistment in Militia.

Fraudulent re-enlistment to be deemed desertion.

71. If any militiaman before the expiration of his engagement as a militiaman in any regiment enlist or offer to enlist himself in any other regiment of Militia raised in any part of the United Kingdom, or in the same regiment, (save in the way of lawful renewal of his engagement,) whether by the same or by different names, he shall be deemed a deserter.

Militiaman fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.

72. If any militiaman before the expiration of his engagement enlist or offer to enlist himself as a militiaman as aforesaid, he may, by order of the Secretary of State, be required to serve in any regiment of Militia in which he may have fraudulently enlisted or offered to enlist himself, and shall thereupon be liable to serve in such regiment, for the same term and in the same manner as if his enlistment therein had been lawful, or he had been lawfully enlisted pursuant to his offer;

and such order may be made upon any such militiaman in lieu of or in addition to any punishment to which he may be otherwise liable, whether he may have been tried by a court-martial or before a justice;

and every such offender shall forfeit all bounty (if any) due or which would have become due to him, and shall be subjected to such stoppages from his daily pay, and for such time, and to be applied in such manner, as the Secretary of State may direct, to meet the loss or expense occasioned by the fraudulent conduct of the offender.

The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

73. The justice before whom a militiaman is convicted of having enlisted or offered to enlist himself in another regiment of Militia, or more than once in the same regiment, shall send or cause to be sent to the Secretary of State for War, a report of such conviction, stating the name of such militiaman, the regiment to which he belongs, the offence of which he has been convicted, and the sentence or decision of the justice thereon, and where such militiaman is imprisoned in pursuance of such conviction, the period when the imprisonment will expire:

For such report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more:

And the Secretary of State may cause to be paid to the person or persons by whom or by whose means the offender was apprehended and his conviction obtained such sum not exceeding twenty shillings as the Secretary of State may think fit.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

Enlistment or entry of a militiaman into land or sea forces void.

74. If any person knowingly enlist or enter any militiaman in Her Majesty's regular forces or royal marines, or into Her Majesty's Navy, or in or into any of Her Majesty's reserve or auxiliary forces, other than the Militia, except where by law authorised so to do, the enlistment or entry shall, save as herein otherwise provided, be null and void:

And if any militiaman enlisting or entering into any of the said forces other than the Militia deny or do not disclose to the person enlisting or entering him that he belongs to the Militia, he shall be deemed to have enlisted or entered fraudulently.

Fraudulent enlistment or entry into land or sea forces by militiaman punishable as desertion.

75. If any militiaman fraudulently enlist or enter into any of the said forces other than the Militia, he shall be liable to be tried by court-martial and punished as for desertion from the service into which he has fraudulently enlisted or entered:

Militiamen enlisting or entering may be put under stoppages, &c. instead of being tried by court-martial as deserters.

Provided always, that it shall be lawful for the Secretary of State to give such general directions as may from time to time appear to him necessary for placing any militiaman fraudulently enlisting or entering as aforesaid under stoppage of one penny a day of his pay for eighteen months in lieu of his being tried by court-martial as aforesaid, and in case such militiaman belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days; and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his Militia regiment, or be deemed to belong to the force in which he fraudulently enlisted or entered, in the same manner as if he had not been a militiaman at the time of his attestation or entry, in which latter case his service under such attestation or entry shall not be reckoned for pension, until the day on which his engagement for the Militia would have expired unless otherwise ordered under the Mutiny Act or other authority.

Where under such direction as aforesaid such militiaman is to belong to the force in which he fraudulently enlisted or entered, from the time of his attestation or entry, he shall be deemed released from further service in the Militia under his enlistment.

Permissive enlistment of militiamen in the regular forces.

76. The Secretary of State may, from time to time, by any general or special regulations or directions, authorise the enlistment of militiamen in Her Majesty's regular forces; and militiamen enlisting therein in conformity with such regulations or directions shall be deemed discharged from the Militia.

Provision against enlistment in Militia of men belonging to the Reserve Force.

77. If any person enlist in the Militia any man who is enrolled in the Reserve Force established under the Reserve Force Act, 1867, or any Act repealing or amending the same, the enlistment of such man in the Militia, unless the same be authorised by the Secretary of State, shall be null and void;

and any such man enlisting or offering to enlist himself in the Militia, without the authority of the Secretary of State, shall, in addition to any other punishment to which he may be liable, forfeit any sum not exceeding forty shillings, to be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding;

and any person knowingly enlisting any such man in the Militia shall forfeit any sum not exceeding twenty pounds.

Provision as to Servants enrolled.

Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c.;

78. If any servant whatever, hired by the year or otherwise, be enlisted as a militiaman by virtue of this Act, such enlistment shall not vacate or rescind the contract or alter the engagement between such servant and his master or employer, unless the Militia of the county for which such servant is enlisted be embodied under this Act, or unless such person so enlisted leave the service of his master or employer for the purpose of preliminary training or training and exercise in pursuance of this Act, and do not return again to the same service at the end of the period of preliminary training or training and exercise, or as soon after as reasonably may be, but his master or employer shall be entitled to an abatement from his wages in proportion to the duration of his absence from his said service;

and if any dispute arise touching wages affecting a sum under 20*l.* a

and in every such case where any dispute arises between such servant and his master or employer touching any money due to such servant on account of service performed before his departure from service, by reason of the embodiment of the Militia in which he is enlisted, or touching any abatement to be made by such servant by reason of his

justice may settle it in a summary way.

absence for preliminary training or training and exercise, and the sum in question does not exceed the sum of twenty pounds, the same may be determined as follows:

In England or Ireland, any justice for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, and make such order for the payment of so much wages to such servant as, having regard to the service he has performed, or the duration of his absence from his service (as the case may require), may to such justice seem just and reasonable:

In Scotland, the sheriff of the county or any two or more justices for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, in like manner as if the sum claimed were within the amount to which their jurisdiction under the Acts for the recovery of small debts respectively for the time being extends, and grant warrant for the recovery of the sum decerned for by poinding and sale in common form.

Penalties for harbouring Deserters.

Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

79. If any person by words or other means persuade any militiaman improperly to absent himself from his duty, or assist or procure any militiaman improperly to absent himself as aforesaid, or conceal, employ, or continue to employ any militiaman, knowing him to be so improperly absent, he shall for every such offence where the Militia to which such man belongs is not embodied, forfeit a sum not exceeding twenty pounds, and where such Militia is embodied forfeit a sum not exceeding one hundred pounds.

The Mutiny Act shall not apply to any offence punishable under this section.

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

As to Berwick-upon-Tweed.

80. For the purposes of this Act the borough and town of Berwick-upon-Tweed shall be deemed to be situate within the county of Northumberland.

Militia of Isle of Wight.

81. Save with respect to the appointment of officers the Militia of the Isle of Wight shall be deemed a part of the Militia of the county of Southampton; but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise order and direct.

Militia of the Tower Hamlets.

82. The liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower Hamlets, shall be deemed a separate county for the purposes of this Act.

Militia of the city of London.

83. The city of London shall be deemed a separate county for the purposes of this Act, save that nothing in this Act concerning the appointment of lieutenants and deputy lieutenants of counties shall apply to the said city.

Miners of Cornwall and Devon.

84. A regiment of miners shall continue to be raised for the counties of Cornwall and Devon as part of the Militia of the United Kingdom, and the provisions of this Act shall be applicable for raising such regiment, and otherwise in relation thereto, in like manner as to the Militia of a separate county.

Provision as to the Cinque Ports.

85. Militia shall be raised and kept up for the Cinque Ports, two ancient towns, and their members, as part of the Militia of the United Kingdom, but separate from the Militia of the several counties within which the said ports, towns, and members are situate; and the provisions of this Act shall be applicable for raising the Militia of the said ports, towns, and members, and otherwise in relation thereto, as to the Militia of a separate county.

Royal Warrants, &c. as to Pay, &c.

Power to Her Majesty to regulate the Militia by warrants and regulations, &c.

86. Subject to the provisions of this Act and any other Act of Parliament for the time being in force, Her Majesty may, by royal warrants, orders, and regulations, give directions as to the bounty, pay, promotion, clothing, and government of the Militia, and as to other matters and things relating to the Militia in the same manner and to the same extent in and to which Her Majesty may, by royal warrants, orders, and regulations, give

directions as to the pay, promotion, and government of Her Majesty's regular forces, and other matters and things relating to Her Majesty's regular forces, copies of which warrants, orders, and regulations shall be laid before both Houses of Parliament within twenty-one days next after the making thereof if Parliament be then sitting, or if Parliament be not then sitting, then within twenty-one days after the next meeting thereof.

Recovery and Application of Penalties.

Recovery of penalties.

87. Every pecuniary penalty imposed by this Act exceeding the sum of twenty pounds shall be recovered by action in any of Her Majesty's Superior Courts of Law at Westminster or in Dublin, or any court substituted for the same respectively, or in the Court of Session in Scotland.

And any other pecuniary penalty imposed by this Act, the recovery of which is not herein otherwise provided for, shall be recovered as follows,—

In England or Ireland, such pecuniary penalty shall be recovered by summary proceedings before any justice in or near to the place where the offence was committed, or where the offender may at any time be, under the Act of the eleventh and twelfth years of Her Majesty, chapter forty-three, or any Act amending the same (as to England), and as to Ireland, within the police district of Dublin metropolis under the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere under "The Petty Sessions (Ireland) Act, 1851," and the Acts amending the same.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

In Scotland, any such pecuniary penalty shall, on conviction of the offence in any action or complaint at the instance of the procurator fiscal of the county where the offence is committed, or where the offender may at any time be, or at the instance of any party to whom the same or part thereof is made payable, or the performance of whose duty under this Act may require the enforcement of the provisions in respect of the breach of which such penalty is imposed, with the concurrence of the procurator fiscal, before the sheriff, or any two or more justices of such county, be levied by poinding and sale of the offender's goods and effects by warrant under the hands of such sheriff or justices, or by imprisonment for any time not exceeding three months.

It shall not be lawful for any justice to mitigate any penalty for any offence against this Act below any limit fixed by this Act, any power contained in any Act to the contrary notwithstanding.

"The Small Penalties Act, 1865," and "The Small Penalties (Ireland) Act, 1873," or any Act amending or substituted for the same, shall not apply to any penalty imposed under this Act in respect to which any period of imprisonment is herein specified.

Justices may grant warrants for the citation of witnesses.

88. In all cases in the execution of this Act in Scotland, when any matter or thing is directed to be inquired of or examined into before justices, such justices may grant warrant for the citation of witnesses, and administer oaths to witnesses, with the same powers as justices have under the Acts for the recovery of small debts.

Application of certain penalties.

89. One moiety of every pecuniary penalty imposed under this Act upon any person assisting, procuring, or persuading any militiaman improperly to absent himself from his duty, or concealing, employing, or continuing to employ any such militiaman, knowing him to be so improperly absent, shall go to the person who informs or sues for the same, and the other moiety, or where the offence is proved by the person who informs then the whole of the penalty, shall be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding.

Justice to report to Secretary of State.

90. Every justice who adjudges any penalty under this Act, all or any part of which is applicable as the Secretary of State may direct, shall, within four days, report the same, and his adjudication thereof, to the Secretary of State for War.

Application of penalties on militiamen.

91. All pecuniary penalties imposed by this Act upon militiamen, (except the stoppages from pay herein-before provided for, and except forfeiture of bounty, which shall be brought to public credit,) and all other pecuniary penalties imposed by this Act, the application of which is not herein otherwise provided for, shall, notwithstanding anything in any Act to

the contrary, be paid to the commanding officers of the respective regiments to which the offenders belong, and shall be made and accounted for as part of the public stock of such regiments respectively.

Savings for Civil Rights.

Commissions in Militia not to vacate seats in Parliament.

92. The acceptance of a commission in the Militia shall not vacate the seat of any member returned to serve in Parliament.

Voters going to elections of members not punishable for absence.

93. No person in the Militia shall be liable to any penalty or punishment for or on account of his absence during the time he is going to vote at any election of a member to serve in Parliament, or during the time he is returning from such election.

Exemptions from Civil Offices.

If sheriff be a Militia officer, under sheriff answerable for him when Militia is embodied.

94. If any sheriff be an officer of the Militia at any time when the Militia of which he is such officer is embodied, he shall be discharged from personally performing the office of sheriff while the Militia remains embodied, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff, during the same time; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the Queen, her heirs and successors, and to all persons whomsoever, for the due performing of his office during such time.

Militia not liable to serve as peace officers, &c.

95. No person in the Militia shall be compelled to serve as a peace officer or parish officer, or, in Scotland, to perform any highway duty, commonly called statute work.

No Certiorari, &c. Limitation of Actions &c.

Proceedings not to be removed, &c.

96. No conviction, decree, act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be removed into any court or superseded by certiorari, advocation, suspension, or otherwise, or be subject to any sist of execution.

Limitation of actions.

General issue.

Full costs.

97. If any action or suit be brought against any person for anything done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and in England shall be laid in the county or place where the cause of complaint arose; and in England the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and in England or Ireland if the jury find for the defendant in any such action or suit, or if the plaintiff be nonsuit, or discontinue his action or suit after the defendant has appeared, or if upon demurrer judgment be given against the plaintiff, the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about such action or suit as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer, and shall have the like remedy for the same as any defendant has in other cases to recover costs by law, and in Scotland if the defender be assoilzied he shall have decree for three times his expenses in the action, and have the like remedy for the same as any defender has in other cases to recover expenses by the law of Scotland.

Repeal of Acts.

Repeal of existing Acts.

98. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in such schedule specified;

but such repeal shall not revive any enactment or, save as herein otherwise provided, affect any past act, or any existing right or title, or any remedy in respect thereof, or the proof of any past act;

Saving for existing orders, commissions, terms of service, &c.

and all existing orders and directions in relation to the organization of the Militia, the uniting of the Militia, or portions of the Militia, of two or more counties, or otherwise, which may have been made or given under any enactment hereby repealed, and all

existing regulations made under any enactment hereby repealed, shall be of the same force and effect as if made under this Act;

and every existing commission and appointment shall be of the same force and effect for the execution and for all the purposes of this Act, and shall be revocable, in like manner as if the same were granted hereunder; and the several non-commissioned officers, drummers, and private militiamen serving or liable to serve at the time of the passing of this Act shall be liable and continue to serve in the same manner and for the same period as if this Act had not been passed, but otherwise shall be subject to the provisions of this Act, and shall be deemed while serving part of the quotas directed to be raised under this Act for their several counties, and their service before the passing of this Act shall be reckoned as if the same had taken place hereunder;

and any offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed;

and any unrepealed Act of Parliament in which reference is made to any provisions hereby repealed shall be construed as if in such first-mentioned Act reference had been made to the corresponding provisions of this Act.

Saving of ballot provisions.

99. The number or quotas of men to be raised by ballot in any part of the United Kingdom shall not be altered by or under this Act; and nothing in this Act shall otherwise affect the provisions for the raising of men by ballot.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

I.—*Acts relating to the United Kingdom, Great Britain or England.*

Session and Chapter.	Title.	Extent of Repeal.
37 Geo. 3. c. 25. -	An Act for the better raising and ordering the Militia forces of the Tower Hamlets, in the county of Middlesex.	Sections eight to twelve.
42 Geo. 3. c. 72. -	An Act for repealing an Act, made in the Thirty-eighth Year of the Reign of His present Majesty, intituled, An Act for raising a Body of Miners in the Counties of Cornwall and Devon, for the Defence of the Kingdom during the present War; and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain.	Sections twenty to twenty-seven and thirty-two.
42 Geo. 3. c. 90. -	An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia.	Sections one to seventeen and sixty-one. Section sixty-four to "twenty pounds;". Sections sixty-eight to ninety-nine, one hundred and one to one hundred and twenty-one, one hundred and twenty-seven, one hundred and forty to one hundred and forty-seven and one hundred and seventy-two to one hundred and seventy-six. Schedules F. and G.
43 Geo. 3. c. 47. -	An Act for consolidating and amending th several Laws for providing Relief for the Families of Militiamen of England, when called out into actual Service.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
46 Geo. 3. c. 90. -	An Act to enable His Majesty annually to train and exercise a Proportion of His Subjects in England, under certain Regulations, and more effectually to provide for the Defence of the Realm.	The whole.
46 Geo. 3. c. 140. -	An Act to amend Two Acts, passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	The whole.
51 Geo. 3. c. 114. -	An Act to permit the Services of the Regiment of Miners of Cornwall and Devon to be extended to Ireland.	Sections three, six, seven and nine.
51 Geo. 3. c. 118. -	An Act to permit the Interchange of the British and Irish Militias respectively.	Sections three, five to seven and ten.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	The whole.
55 Geo. 3. c. 65. -	An Act to amend the Laws relating to the Militia of Great Britain.	Sections five, seven, and nine.
55 Geo. 3. c. 168. -	An Act to explain and amend the Laws relating to the Militias of Great Britain and Ireland.	The whole.
56 Geo. 3. c. 64. -	An Act to repeal several Acts relating to the Militia of Great Britain, and to amend other Acts relating thereto.	The whole.
57 Geo. 3. c. 57. -	An Act to empower His Majesty to suspend Training, and to regulate the Quotas of the Militia.	The whole.
10 Geo. 4. c. 10. -	An Act to suspend, until the End of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the permanent Staff, and regulate the Allowances of Serjeants hereafter appointed.	The whole.
2 & 3 Vict. c. 59. -	An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.	The whole.
15 & 16 Vict. c. 50. -	An Act to consolidate and amend the Laws relating to the Militia in England.	Sections one to seven, eleven to seventeen, nineteen, twenty, twenty-two, twenty-five to twenty-nine, thirty-three and thirty-four.
17 & 18 Vict. c. 13. -	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.
17 & 18 Vict. c. 105. -	An Act to amend the Laws relating to the Militia in England and Wales.	Sections thirty-one to thirty-six, thirty-eight to fifty-one, fifty-three, fifty-five and fifty-six. Schedule C.
18 & 19 Vict. c. 1. -	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.	The whole.
18 & 19 Vict. c. 100. -	An Act to amend the Law concerning the Qualification of Officers of the Militia.	The whole.
22 & 23 Vict. c. 38. -	An Act further to amend the Laws relating to the Militia.	The whole.
23 & 24 Vict. c. 94. -	An Act to amend the Laws relating to the Militia.	Sections one and thirteen to nineteen.
32 & 33 Vict. c. 13. -	An Act for amending the Law relating to the Militia.	The whole.
33 & 34 Vict. c. 68. -	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.
36 & 37 Vict. c. 68. -	An Act for extending the Period of Service in the Militia; and for other purposes.	Sections one to five.

II.—*Acts relating to Scotland.*

Session and Chapter.	Title.	Extent of Repeal.
42 Geo. 3. c. 91. -	An Act to raise and establish a Militia Force in Scotland.	Sections one to twelve and fifty-six. Section fifty-nine to "twenty pounds;". Sections sixty, sixty-three to ninety-five, ninety-seven to one hundred and seventeen, one hundred and twenty-two, one hundred and thirty-five to one hundred and forty, one hundred and forty-four to one hundred and forty-eight, and one hundred and sixty-seven to one hundred and seventy-two. Schedules F. and G.
49 Geo. 3. c. 90. -	An Act for providing Relief for the Wives and Families of the Militia Men in Scotland, when called into actual Service.	The whole.
17 & 18 Vict. c. 106. -	An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force in Scotland.	Sections two to eleven, thirteen to thirty-five and forty-three to sixty-eight. Section sixty-nine, except so far as it relates to the Naval Coast Volunteers. Sections seventy to seventy-seven. The Schedule.

III.—*Acts relating to Ireland.*

Session and Chapter.	Title.	Extent of Repeal.
49 Geo. 3. c. 120. -	An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	Sections seven to sixty-two. Section sixty-three to "twenty pounds;". Sections one hundred and twenty-two and one hundred and forty-three.
51 Geo. 3. c. 78. -	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.	The whole.
52 Geo. 3. c. 28. -	An Act to amend an Act of the last Session of Parliament making Provision for the Families of Militia Men in Ireland.	The whole.
52 Geo. 3. c. 29. -	An Act to amend the Laws relating to the Militia of Ireland.	Section two.
53 Geo. 3. c. 48. -	An Act to amend the Laws for raising and training the Militia of Ireland.	Sections one and six.
53 Geo. 3. c. 154. -	An Act to render valid, and to authorize the Payment and Granting of certain Pensions at Kilmainham Hospital, and to empower the Commissioners of the said Hospital to commute Pensions for a Sum of Money in certain cases.	Section three.
54 Geo. 3. c. 179. -	An Act to amend an Act passed in the Forty-ninth Year of His present Majesty's reign, intituled An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	The whole.
1 & 2 Will. 4. c. 17. -	An Act to provide for the better Order and Government of Ireland, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.	Sections one, two, and four to seventeen.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 107. -	An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland.	Sections one to thirty-five. Schedule C.
18 & 19 Vict. c. 19. -	An Act to remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.	The whole.

CHAPTER 70.

An Act for further amending the Law relating to Chimney Sweepers.

[11th August 1875.]

BE it 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:

Preliminary.

Short title.

1. This Act may be cited as The Chimney Sweepers Act, 1875.

Commencement of Act.

2. This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and seventy-five.

Extent of Act.

3. This Act shall not extend to Scotland.

Interpretation.

4. In this Act—

"Justice" means a justice of the peace or magistrate having jurisdiction in the county or place where the matter requiring the cognisance of a justice arises:

"Court of summary jurisdiction" means justices or magistrate (however designated) acting under the Summary Jurisdiction Acts described in the schedule to this Act.

Certificates.

Certificate to be issued by police.

5. The chief officer of police in each police district, as defined in the schedule to this Act, may, subject to the provisions of this Act, issue a certificate authorising the person therein named to carry on the business of a chimney sweeper in the district.

Certificate for journeymen and others.

6. Every person who carries on the business of a chimney sweeper, and who employs any journeyman, assistant, or apprentice, shall take out a certificate as herein-after mentioned.

Application for and issue of certificate.

7. A person desirous of having a certificate for a district may apply for one to the chief officer of police for the district, by delivering the application at the police station for the district nearest to the applicant's dwelling place.

The application shall be in the form given in the schedule to this Act, or to the like effect, and shall set forth the particulars therein indicated.

Thereupon a certificate shall be delivered to the applicant in the form given in the schedule to this Act, or to the like effect, signed by the chief officer of police.