

be given by any Officer or non-commissioned Officer, or the Clerk of his Company, or by any Private of the Company, having the written orders of the Captain, to such man personally; or if not to be found at his usual place of Dwelling, to receive personal notice, the leaving notice in writing with the Parent, Master, Wife, or Servant, or Child, of the years of discretion, of such man, or giving such man notice in any other reasonable or discreet manner, shall be deemed sufficient, unless it shall be made satisfactorily to appear to the Captain of his Company, or in case of appeal to the Board of Officers, that such man was ignorant of notice having been so given to him as aforesaid.

Trainings or
Drills

LVIII. *And be it enacted*, That whenever any Regiment, Detachment, or Company of Militia, shall be assembled at any meeting for Training or Drill, it shall and may be lawful for the Commanding Officer then present, to order and direct such Regiment, Detachment or Company, to re-assemble on any other day, then to be named by him, on which day such Regiment, Detachment or Company, shall re-assemble; and such order and direction then given, shall be deemed to be good and sufficient notice to every man who shall have been duly notified of the first day of meeting.

Excuses for
non-attend-
ance

LIX. *And be it enacted*, That when any Captain shall accept of an excuse, offered by any man of the Company, for not attending any meeting for Drill or Training, such Captain shall, if required by the Colonel of the Regiment, make a report in writing of the nature of the excuse so offered, and so received; and upon neglect or refusal to make such report, such Captain shall forfeit and pay Two Pounds Ten Shillings.

Officers neg-
lecting to at-
tend Trainings

LX. *And be it enacted*, That any Officer under the Regimental rank of Lieutenant Colonel, who shall fail to attend any meeting of the Regiment or Company to which he belongs, without some reasonable excuse, to be adjudged of by a Board of Officers, to be appointed as before directed, shall forfeit and pay, according to his rank, for each and every default, a fine or penalty as follows, that is to say:—If a Major, Five Pounds, if a Captain, Three Pounds, and if a Subaltern Two Pounds—which fines shall be sued for by the Adjutant of the Regiment, and be recovered in like manner as is hereby directed in regard to fines imposed upon any man for non-attendance at meetings for Drill or Training; and from such fine, when recovered, the Adjutant shall be entitled to deduct and retain one fourth for his trouble in collecting the same, and the residue shall be paid and applied as hereinafter directed.

Recovery of
Fines

LXI. *And be it enacted*, That the fines by this Act imposed upon any man for non-attendance at any meeting for Drill or Training, shall be recovered before any one of Her Majesty's Justices of the Peace, not being an Officer of the Company to which such man belongs, and not having been a Member of the Board of Officers for Appeals before whom any such fine may have been questioned, by Action, in the name of the Captain of the Company, as if the amount were an individual debt due to the said Captain—in which action the Clerk of the Company shall be, and is hereby declared to be, a competent Witness; and such Justice shall have no power to remit any fine, but upon proof made that the man sued had such notice of the imposition of the fine sought to be recovered, as by this Act is required; and that such man either did not appeal to a Board of Officers, or that upon appeal the fine had been confirmed, it shall be imperative on such Justices to give Judgment for the amount of the fine sought to be recovered, with costs, and to issue execution as in any case of a debt of the like amount. *Provided always*, that if any man shall be committed to Jail under any execution so issued, and shall apply for, and appear entitled to relief, under any Act or Acts for the relief of Insolvent Debtors, such man shall not be forthwith discharged, but shall be remanded to Jail, and shall suffer two days imprisonment for every Five Shillings of the amount of the fine recovered.

Actual Service

LXII. *And be it enacted*, That the Governor shall be, and is hereby authorized and empowered, in case of any invasion or sudden attack made or threatened by Her Majesty's enemies, to call into actual service the Militia of the several Counties of this Province, or any part thereof, as he, in his discretion, shall deem proper and necessary; and that the Militia, or any part thereof, so called into actual service by virtue of the provisions of this Act, shall and may be ordered to march from any County or part of this Province, to any other County or part thereof.

Voluntary
service in de-
fence of New
Brunswick

LXIII. *And be it enacted*, That it shall and may be lawful for the Governor to accept the voluntary service of any one or more of the embodied Militia of this Province for the defence of the neighbouring Province of New Brunswick, against the common enemy; and such