

- Volunteers exempt from serving as jurors or constables. Evidence of service. Notice to be given before leaving any volunteer company. Term of engagement. Inspection of volunteer corps.
46. The officers, non-commissioned officers, and men of volunteer corps, shall, while they continue such, be exempt from serving as jurors or constables; and whenever they have served as such in one or more volunteer corps during a term of seven years, such exemption shall continue after the expiration of the said term; and a certificate under the hand of the commanding officer of any such corps shall be sufficient evidence of the service in his corps of any officer, non-commissioned officer or man for the then current year. 22 Vict. (1859) c. 18. s. 8.
47. No non-commissioned officer or man of any volunteer company shall in any case, unless legally discharged, leave the same without giving at least two months' notice in writing to the commanding officer thereof of his intention so to do; nor shall he, at any time, leave the same contrary to the engagement contained in any articles of engagement he has signed; and the term of engagement shall not be less than five years. 18 Vict. c. 77. ss. 41. 65., and 22 Vict. (1859) c. 18. s. 9.
48. The several volunteer corps shall be subject to inspection from time to time by such person or persons as shall be temporarily appointed by the commander-in-chief for such inspection, and who shall report fully to the Governor on the state of such corps and their arms and accoutrements and the general efficiency of such force, and shall be reimbursed his or their actual travelling expenses by the province, and paid therefor at a rate not exceeding four dollars per diem whilst so engaged:
- (2.) Provided that such person or persons to be appointed from time to time for such inspection, shall be an officer or officers (not being under the rank of field officer) of Her Majesty's service, and actually serving in this province, or in case the services of an officer or officers as aforesaid cannot be obtained, then such other person not being under the rank of field officer of militia of this province who shall in like manner be reimbursed his actual travelling expenses and paid such remuneration. 22 Vict. (1859) c. 18. s. 10.

GENERAL PROVISIONS.

- Commissions, by whom granted. Non-commissioned officers. Officers must be Her Majesty's subjects. Existing commissions to remain until cancelled. No person bound to serve in a lower grade than he has held. Battalions embodied in 1837, 1838, 1846 & 1847. Adjutant-general to be appointed only in cases of war or emergency. Pay of adjutant-general. Adjutant-general and deputies. Rank. Pay. Offices of inspecting officer and deputy adjutant-general.
49. All commissions of officers in the provincial militia shall be granted by the commander-in-chief and during pleasure. 18 Vict. c. 77. s. 43.
50. All non-commissioned officers in the provincial militia shall be appointed by the officer commanding the battalion to which they belong, except in volunteer companies where they shall be appointed by the captain thereof, and shall in either case hold their rank during pleasure. *Ibid.*, s. 44.
51. No person shall be an officer of militia unless he is one of Her Majesty's subjects by birth or naturalization, nor if he is such subject by naturalization only, unless he has taken the oath of allegiance. *Ibid.*, s. 45. and 19 & 20 Vict. c. 44. s. 6.
52. Commissions in the provincial militia and appointments of non-commissioned officers, existing immediately before the passing of the Act 18 Vict. c. 77. shall remain in force, such commissions being subject to be cancelled by the commander-in-chief, and such appointments by the officer commanding the battalion; but no person shall be bound to serve in the provincial militia in a lower grade than he has once held, unless he has resigned his commission or is reduced by sentence or order of some lawful court or authority; nor shall any person who has been a non-commissioned officer in Her Majesty's army be bound to serve in the militia in a lower grade than he held in the army, unless he had been reduced as aforesaid. 18 Vict. c. 77. s. 46.
53. The next preceding section applies to and includes the battalions embodied in the years one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty-six, and one thousand eight hundred and forty-seven, in the cities of Quebec and Montreal, and the said battalions are still lawfully embodied, and commissions in them are valid under the said section; and the said battalions are subject to all the provisions of this Act as sedentary militia, and may be called out as such by the commander-in-chief. 19 & 20 Vict. c. 44. s. 7.
54. No adjutant-general of militia shall be appointed except in case of war or any such emergency as may, in the opinion of the Governor-General, render it necessary or expedient that such office should be filled; and in case of war or such emergency as aforesaid, no person shall be appointed to the said office who is not, to the satisfaction of the commander-in-chief, a person educated to the military profession and thoroughly competent to discharge the duties of the said office of adjutant-general; and the duties of the office of adjutant-general during the vacancy of the office shall be performed by the deputy adjutants-general for Upper and Lower Canada respectively, under orders from time to time of the commander-in-chief, or by such person as may be appointed by the commander-in-chief on any occasion, for the special and temporary discharge of any such duties. 22 Vict. (1859) c. 18. s. 14.
55. The adjutant-general, when appointed as aforesaid, shall act as such for the whole province, and shall have the rank of colonel in the provincial militia, and shall be paid by the province at the rate of three thousand dollars per annum while discharging the duties of his office. 18 Vict. c. 77. s. 47. and 22 Vict. (1859) c. 18. s. 14.
56. There shall be two deputy adjutants-general, one for Upper and the other for Lower Canada; and each of the deputy adjutants-general shall have the rank of lieutenant-colonel in the provincial militia, and he shall hold his office during pleasure; and each of the deputy adjutants-general shall be paid by the province at the rate of two thousand dollars per annum. 18 Vict. c. 77. s. 47.
57. The commander-in-chief may in his discretion amalgamate the offices of deputy adjutant-general and inspecting field officer of militia in Upper or Lower Canada, in which case the salary of the officer performing such amalgamated offices, and who shall be known as deputy adjutant-general and