

## Enclosure 4 in No. 2.

## BILL.

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No. 2.

## AN ACT respecting the MILITIA.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The thirty-fifth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting the Militia," is hereby repealed, but such repeal shall not revive any Act or parts of an Act, or any provision of law repealed by the said Act; nor shall the said repeal apply to or affect any transaction, matter, or thing, or to any commission granted or issued prior to the said repeal.

## COMMANDER-IN-CHIEF.

2. The Governor shall, by virtue of his office, be Commander-in-Chief of the Militia.

## DESCRIPTION OF MILITIA.

3. The militia shall consist of all the male inhabitants of the province of the age of eighteen years or upwards, and under sixty years, not exempted or disqualified by law.

4. The militia shall be divided into two classes, "The Active Militia" and "The Sedentary Militia."

5. The active militia shall be subdivided into three classes, "The Volunteer Force," "The Regular Force," and "The Reserve Force."

6. The sedentary militia shall be subdivided into two classes, "The Service Sedentary Force," and "The Retired Sedentary Force."

## COMPLETE EXEMPTIONS.

7. The following persons only, between the ages of eighteen and sixty, as aforesaid, shall be exempt from enrolment and from actual service in any case:—

The Judges of the Superior Courts of Law or Equity in Upper and Lower Canada;

The Judge of the Court of Vice-Admiralty;

The Judges of the County Courts;

The clergy and ministers of all religious denominations;

The professors in any college or university, and all teachers in religious orders;

The wardens, keepers, and guards of the provincial penitentiary, and of the reformatory prisons of Upper and Lower Canada, and of the provincial lunatic asylums.

8. All persons bearing certificates from the society of Quakers, Mennonists, and Tunkers, or any inhabitant of this province, of any religious denomination, otherwise subject to military duty in time of peace, but who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service, shall be exempt therefrom.

## PARTIAL EXEMPTIONS.

9. And the following, though enrolled, shall be exempt from attending muster and from actual service at any time except in case of war, invasion, or insurrection:—

The retired sedentary men;

The members of the Executive and Legislative Councils;

The Members of the Legislative Assembly;

The officers of the said councils and assembly respectively;

The attorneys and solicitors general;

The provincial secretary and assistant secretaries;

All civil officers appointed to any civil office in this province under the Great Seal;

All persons lawfully authorized to practice physic or surgery;

All advocates, barristers, solicitors, and attorneys;

Notaries in Lower Canada;

Half-pay and retired officers of Her Majesty's army or navy;

Postmasters and mail carriers;

Seafaring men and sailors on the inland waters actually employed in their calling;

Masters of public and common schools actually engaged in teaching;

Ferry-men;

One miller for each run of stones in every grist mill;

Keepers of public toll gates;

Lock masters and labourers employed in attending to locks and bridges on public canals;

The engine drivers, conductors and switchmen, and other servants employed on the several railways actually in use in this province;

Jailors, constables, and officers of courts of justice, not being such solely by virtue of their being non-commissioned officers of militia;

Students attending seminaries, colleges, schools and academies, who have been attending such at least six months previous to the time at which they claim such exemption;

All persons disabled by bodily infirmity.

10. Exemptions under the ninth clause of this Act shall not prevent any person from serving, or if an officer holding a commission in the militia, if he desires it and is not disabled by bodily infirmity; and no person shall have the benefit of such exemption unless he has, at least one month before he claims such benefit, filed his claim thereto with his affidavit (made before some magistrate) or affirmation in cases where persons are allowed by law to affirm, of the facts on which he rests his claim, with the commanding officer of the company within the limits whereof he resides; and whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the

Cap. 35 of  
Consolidated  
Statutes  
Canada re-  
pealed, saving  
things and  
commissions  
prior.

Governor to  
be commander-  
in-chief of  
militia.

Of whom  
militia to be  
composed.

Two classes  
of militia.

Active militia  
divided into  
three classes.

Sedentary  
militia divided  
into two  
classes.

Exemptions  
from enrol-  
ment and ser-  
vice in any  
case.

Exemptions of  
persons averse  
from doctrines  
of religion to  
bear arms.

Exemptions,  
except in case  
of war, &c.

Exceptions

Exemption  
must be  
claimed, and  
how proved.