

ledge upon the enrollment of the Regiment or Battalion, and when so entered, every such person shall be subject to perform all and every the like Militia duties, and under the same penalties as if he had personally presented himself for enrollment. Provided also, that if any difference shall arise between any Captain or officer and any militia man, touching the age of such militia man, it shall be incumbent on the said militia man to prove his age.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the Government, or the person commanding any Regiment or Battalion, as often as occasion shall require, to employ any and every of the said companies upon any such militia duty as he shall think necessary.

VIII. *And be it further enacted by the authority aforesaid,* That if any non-commissioned officer or private shall refuse to obey the lawful orders of his superior officer when employed on Militia duty, or shall quarrel with or insult by abusive language or otherwise any officer or non-commissioned officer whilst on duty, it shall and may be lawful for the commanding officer then and there present, to order any such offender forthwith to be taken into custody, and tried by a Court Martial, to be composed of three or more officers of the said Militia, who upon proof of the offence by the oath of one or more credible witness or witnesses, shall and may order and sentence every such offender to pay a fine not exceeding, on actual service, twenty pounds, and a sum not exceeding five pounds when the offence shall not be committed on actual service, according to the nature of the offence and the discretion of the Court, and in default of payment when the militia shall be embodied, to commit the offender, or keep him in some safe place of confinement for a term not exceeding six months, or until the amount of such fine be paid; and when the militia shall not be called on actual service, to commit him to the common Gaol of the District for a term not exceeding one month, or until the amount of such fine be paid.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Captain commanding any company of Militia, if he shall think it more conducive to the good of the service and the ease and convenience of the men to divide his company into squads of such number as he shall think proper, and that the Captain or other officer commanding any such company, shall always provide and appoint a proper person to instruct the men to be assembled at each of the said squad meetings.

X. *And be it further enacted by the authority aforesaid,* That if any Captain or other officer commanding any company of Militia, shall refuse, or neglect to call out his company when thereto required by his superior officer, he shall forfeit and pay for every such offence, in time of war, a sum of money not exceeding ten pounds, and in time of peace, a sum not exceeding five pounds, to be recovered upon the oath of one credible witness, in time of war, before a Court Martial, and in time of peace before one or more of his Majesty's Justices of the Peace, and in default of payment, the said Justices or Court Martial may commit him for a time not exceeding two months, or until the fine be paid.

XI. *And be it further enacted by the authority aforesaid,* That in time of war, rebellion, or any other pressing exigency, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to call forth any of the different companies of the Militia, and to march them from their respective counties or ridings, town, townships or parishes, to any part of this Province, there to serve in conjunction with the other Militia, or with his Majesty's Forces, and any person refusing to obey such orders, or commands, or absconding from, or neglecting to repair to the place he is ordered to, being a commissioned officer, shall upon conviction before a Court Martial, or two or more of his Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of fifty pounds, and to be held to be unfit to serve his Majesty as an Officer in any Military capacity; and being a non-commissioned officer or private, shall forfeit and pay the sum of twenty pounds, and in default of payment for such refusal or neglect, such officer, non-commissioned officer, or private, shall be committed to the common Gaol of the District, or to some other safe place of confinement for any time not less than six nor more than twelve calendar months, except such person shall satisfy the Colonel or officer commanding such Regiment or Battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave. Provided that no Militia man shall be so called out who shall be above the age of fifty years, unless that the whole of the Militia of any District or Battalion to which he may belong shall be called out and embodied. Provided also, that it shall not be lawful to order the Militia or any part thereof to march out of this Province, except for the assistance of the Province of Lower Canada, when the same shall be actually invaded or in a state of insurrection, or except in pursuit of an enemy who may have invaded this Province; and except also for the destruction of any vessel or vessels, built or building, or any Depot, or Magazine formed or forming, or for the attack of any enemy who may be embodied or marching for the purpose of invading this Province, or for the attack of any Fortification now erected or which may be hereafter erected to cover the invasion thereof. Provided always, that neither the payment of any fine or any confinement under this act shall extend, or be construed to extend to exempt any person or persons from serving out the full time for which he or they may have been ballotted or ordered.