

40. The active militia force shall be paid by the province, the sums and in the manner following:—

(1.) For the year 1859, the non-commissioned officers and men of Class A shall be paid for each day's actual and *bonâ fide* drill the sum of one dollar, and for each horse actually and necessarily present and used for such drill, and belonging to or used by such non-commissioned officers or men, the further sum of one dollar per diem.

(2.) For each and every year, other than the year 1859, the non-commissioned officers and men of such corps of class A and of such portions thereof only as are herein-after mentioned, shall for each day's actual and *bonâ fide* drill be paid the sum of one dollar, and in so far only as regards the horses to be used in the field batteries, for each horse actually and necessarily present and used for such drill and belonging to or used by the non-commissioned officers and men of the said field batteries, the further sum of one dollar per diem.

(3.) And the said corps or portions thereof respectively so entitled to be paid are as follow:—

*Field Batteries.*—The non-commissioned officers and men, not exceeding seventy in number and the horses, not exceeding thirty-six in number, of each of the seven field batteries constituted under the Act 18 Vict. c. 77, before the fourth day of May 1859, and existing on the said day:

*Cavalry.*—Thirty non-commissioned officers and men of each of the five troops of cavalry senior in priority of Gazette under the said Act in Upper Canada, and thirty non-commissioned officers and men of each of the five troops of cavalry senior in priority of Gazette as aforesaid in Lower Canada;

*Infantry.*—Thirty non-commissioned officers and men of each rifle company, and of each foot company of artillery.

(4.) But it shall be within the option of the commanding officer of any such corps of cavalry infantry, or foot artillery, in pursuance of any contract previously made with the non-commissioned officers and men of the corps under his command, to distribute the total amount of pay to which such thirty men would be entitled for their drill as herein-before mentioned, in a less proportion than the sum of one dollar to each man, so that the surplus of men *bonâ fide* enrolled and acting in such corps, to a number not exceeding twenty additional men, may receive a proportion of such pay, it being the intent hereof that no man under any such contract shall receive less than the sum of sixty cents per diem during the drill as aforesaid.

(5.) And it shall be the duty, of every commanding officer of a corps, or in case of his absence during the annual drill, of the officer next in command and personally present, during the month of November in each year, to forward the pay list of the said corps to the adjutant-general or deputy adjutant-general of militia, having attached thereto an affidavit sworn before any justice of the peace, that the several non-commissioned officers and privates in the said pay-list named for pay, were actually and *bonâ fide* personally present at each day's drill, and were actually drilled for the number of days and in manner by law required, and were and continued severally on the roll of the said corps from the month of January in such year, and performed duty therewith when required during such year, and in addition thereto in cases of field batteries, that each horse in the said pay list charged for pay was actually and necessarily present and used for such drill. 22 Vict. (1859) c. 18, s. 7.

41. Nothing herein contained shall be construed to prevent any such company from assembling or being ordered out by the officer commanding it for drill or exercise, without receiving any pay therefor from the province, according to any articles of engagement or regulations of such company, previously approved by the commander-in-chief; and any such articles, in so far as they are not inconsistent with this Act, shall be enforced, and the penalties which may be thereby imposed shall, whenever they are incurred, be recoverable in the manner herein-after mentioned, by the person or officer designated for that purpose in such articles, to such uses as may be therein directed. 18 Vict. c. 77. s. 35.

42. Sufficient ammunition for practice at drill shall be supplied to the volunteer companies at the expense of the province, in such manner as the commander-in-chief may direct. 18 Vict. c. 77, s. 36.

43. Each serjeant-major of a volunteer field battery of artillery shall, on account of the great responsibility attached to the office, be paid by the province at the rate of two hundred dollars per annum; and competent persons shall be appointed by the commander-in-chief to drill the other volunteer companies, and shall be paid by the province one dollar and fifty cents per diem, when so employed. *Ibid.*, s. 37.

44. The said volunteer companies shall be liable to be called out in aid of the ordinary civil power in case of riot or other emergency requiring such services, and shall when so employed receive from the municipality in which their services are required, the rates of pay above mentioned, and a further sum of fifty cents per man per diem for additional expenses, and shall be also provided with proper lodging by such municipality; and the said sums and the value of such lodging, if not furnished by the municipality, may be recovered from it by the captain of the company, in his own name, and when received or recovered shall be paid over to the officers and men entitled thereto. *Ibid.*, s. 38.

45. It shall be the duty of the captain or officer commanding any such volunteer company to call out the same, or such portion thereof as is necessary, for the purpose of quelling any riot, when thereunto required in writing by the mayor, warden, or other head of the municipality in which such riot takes place, or by any two magistrates therein, and to obey such instructions as may be lawfully given him by any magistrate in regard to the mode of quelling such riot; and every officer, non-commissioned officer and man of such company shall on every such occasion obey the orders of his commanding officer, and the officers and men when so called out shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall act as such so long as they remain so called out. *Ibid.*, s. 39.

Payment of active militia.

Pay for men and horses in class A when at drill, for 1859.

A certain number only to be paid after 1859, and at what rate.

Artillery corps.

Cavalry corps.

Infantry corps.

Commanding officer may divide the pay among a greater number on certain conditions.

Pay list, with affidavit attached, to be transmitted to adjutant-general.

Volunteers may be drilled at other times according to their articles of engagement.

Ammunition for practice.

Pay of serjeant-major of artillery companies, &c.

Volunteers may be called out in aid of the civil power and shall be paid in such cases by the municipality.

How they may be so called out, and their duty in such cases.

To be sworn in as special constables.