



CANADA MILITARY GAZETTE.

OTTAWA, TUESDAY, MARCH 10, 1857.

TROOPS CALLED OUT IN AID OF THE CIVIL POWER.

We continue our observations on the duties of troops when called on to act by the civil magistrate.

Referring to instructions issued from the office of the Secretary of State in England in the year 1846, we find it stated that, "The civil magistrate has a right to demand the aid of any military authority who may be present, as he has to demand that of all others the Queen's subjects who may be present, for the preservation of the peace, and the suppression of riot and prevention of felony." "But when a magistrate applies to an officer to detach a military force to a distant place it is incumbent on that officer to exercise his judgement on the propriety of acceding to his request, and to grant or withhold the assistance according to his discretion, regulated by the orders which he may have received from his superior officer."

There are three cases only in which troops can act. 1st, in their own defense, provided they or their barracks be attacked; in this case it is obvious that the responsibility rests with the officer commanding. Secondly, in aid of the Civil Power, and on the requisition of that power, the troops must be accompanied by a Civil magistrate, on whose shoulders the responsibility of any action taken must rest; and any officer who consents to act against a riotous assemblage without a written order from the Civil magistrate, will probably find himself unpleasantly situated, as if any untoward event occurs the blame is sure to be thrown on him.

There is a third case in which troops may act without the order of a magistrate, that is when they are called on by the owner of property, such as a factory, a sawmill, foundry &c., &c. a kind of property subject more than most others to mob violence; in that case the owner can delegate to the officer commanding the troops the exercise of the right of defence of his property inherent in every free born Englishman, whose house is his castle, and who can give the soldier the same right to defend it, his property, that he can give to his friends or his servants. In the year 1801 the opinion of Edward Law, then Attorney General of England, and afterwards known as the Lord Chief Justice Ellenborough, was asked for by the ministry of the day:—

The question was, how far the officer commanding a body of troops, and under what circumstances, would be justified in proceeding to suppress a riot or disturbance without the presence or direction of a magistrate, or such other peace officers as are specified in the riot act; furthermore, whether in the case of a sudden riot or disturbance, a constable or other peace officer, being under the degree of those described in the riot act, can call upon the mili-

tary to suppress such riot or disturbance, and how far any officer can act if no constable or peace officer is present at all.

The answer to these questions given by the Attorney General, without quoting the exact words, is, "that in case of a sudden riot or disturbance by an assembled multitude, any of her Majesty's subjects, without the presence of a peace officer of any description, may arm themselves and of course may use ordinary means of force to suppress such riot or disturbance."

The opinion of the Attorney General is in accordance with what we find in the Lord Chief Justice Popham's reports, 121, and Keeling 75, and as having been resolved by all the judges, in the 39th of Queen Elizabeth, to be good law, and has been recognized in Hawkins and other writers on the Crown Law, and by various judges of different periods since.

What her Majesty's subjects may do, they also ought to do, for the suppression of public tumult, when an exigency may require that such means be resorted to, and whatever any other class of the subjects may do, the military may unquestionably do also.

By the common law every description of peace officer may, or ought to do, not only all that in him lies towards the suppression of riot, but may and ought to command all other persons to assist him. It is however always advisable that every military party acting in aid of the civil power, shall be accompanied by a civil magistrate.

In case of troops being called out to act against a riotous assemblage, the officer in command should in conjunction with the civil magistrate, take the most effectual steps to warn the people that if the troops act, that is, charge, or fire, the action will be done with effect.

No corps ought to turn out for the suppression of a riot, excepting in the cases mentioned above, in the opinion given by Attorney General Law, excepting on the written requisition of a civil magistrate.

Any officer commanding troops must move his party directly to the place indicated by the magistrate, observing the usual precautions, and taking care that his men are not scattered, detached, or so posted, that they cannot act in their own defence. The magistrate must accompany the troops and the officer must remain near him. If the number of the party or detachment shall be under twenty files it is to be told off into four sections, if of more than twenty files it must be told off in more sections than four.

If the necessity for firing arises, the officer in command of the troops must exercise a humane discretion; magistrates are very often flurried, and want presence of mind, and are apt to imagine the emergency greater than it really is; it is therefore most imperatively necessary that the officer be cool and collected. It often happens that a slight effort, even the firing of a single shot, will scatter a mob, if the officer thinks that this slight effort is sufficient to attain the object he will direct two or three specified files to fire; if that fire does not produce the required effect, he must then order the discharge of a section, the fire of the other sections being kept in reserve till necessary; then if required the fire of each of them is to be given in succession by the regular word of command by the officer.

If there are more officers than one with the detachment, and it is necessary that more than one section shall fire at a time, the commanding

officer is to fix upon, and clearly indicate to the troops, what officer is to order any number of the sections to fire, and such officer is to receive his instructions from the commanding officer, after the latter shall have received the requisition of the civil magistrate to fire.

The officer in command must cease firing when he himself thinks fit to do so, the effect being produced, whether the magistrate likes it or not. Great care must be taken, and the soldiers must be properly warned when they fire, to do so into the mass of the rioters, and not at separated groups, who are, in all probability, very innocent, though very stupid, spectators of the riot. Soldiers should always be instructed, that the most dangerous thing they can do, is to fire over the heads of the rioters; if they do, the probability is, that some innocent person, far away in the rear of the mob, will be killed or wounded.

Moreover, the most daring and the most guilty, of the rioters, are commonly to be found, in the front of the mob; it is clear that to spare such men as these, at the risk of killing the less guilty, or perhaps the quite innocent, is a piece of careless inhumanity; the object should always be to pick off the ringleaders.

Officers and soldiers, and particularly our Volunteer Soldiers, should always collect, that they are of the people, and the people are of them; that when ordered by the civil magistrate to act, they have a most sacred duty to perform, and that they must perform it with coolness and steadiness, and all possible humanity, and keep their troops under such control, that the action, whatever it be, may be suspended, at the instant the necessity ceases.

In our next subject will be continued, as it is one of very great importance.

CAMPING OF A REGIMENT.

As we have never seen in print any sufficiently detailed instructions for the Camping of a Regiment, we have thought that many of our younger readers might be better enabled to perform their part in this important duty by a few useful hints from us, in the absence of a General Regulation.

The encamping-ground having been duly selected, flags or other points are commonly placed to mark, what is usually termed the camp, "the line of parade."

The Regiment is supposed to consist of ten companies, and to be marched on the line of parade, in open column, right in front. The front of the Regiment in line should regulate the extent of the line of parade. The column should be halted at exact wheeling distance of its companies, with its pivots on the line, and proved to be so by wheeling into line and back into column.

The Commanding Officer usually directs his Adjutant at once to parade the quarter and rear guards at the centre, and to march them off 100 paces to the front and rear of the camp—also flank guards if requisite.

The Commanding Officer then orders the Grenadier and Light companies to "stand fast"—No. 5 and No. 7 companies to go "right about face."

No. 2 company is then closed to seven paces from No. 1, and halted.

No. 4 company is closed to seven paces from No. 3, and halted.