

Not keeping  
arms, &c. in  
proper order.

169. Any officer, non-commissioned officer, or militiaman who fails to keep any arms or accoutrements delivered or entrusted to him in proper order, or who appears at drill, parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence.

Selling, without  
leave, any  
horse drilled  
and approved  
for any troop,  
&c.

170. Any officer, non-commissioned officer, or man of any troop of cavalry or battery of field artillery, who, without the consent of the commanding officer of such corps, sells or disposes of any horse which has been drilled for the purposes of such corps, or which he has undertaken to furnish for such purposes, and which has been approved by the commanding officer of the corps, shall thereby incur a penalty of twenty dollars for each offence.

Unlawfully  
disposing of  
arms, &c.

171. Any person who unlawfully disposes of or removes any arms, accoutrements, or other articles belonging to the Crown, or who refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause (the proof of which shall lie upon him), shall thereby incur a penalty of twenty dollars for each offence; but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid. And any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the magistrate before whom the complaint is made, upon affidavit showing that there is reason to believe that such person is about to leave the province, carrying any such arms, accoutrements, or articles with him.

Act to prevent  
indictment.  
Arrest of of-  
fenders about  
to leave the  
province.

172. Any officer or man of a corps who, when such corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such corps, or to obey any lawful order of his superior officer or of any magistrate, shall thereby incur a penalty of twenty dollars for each offence.

Refusing to  
turn out in aid  
of civil power.

Refusing to  
receive militia  
billeted.

173. Any inhabitant householder who refuses or neglects to receive any troops or militia billeted upon him or to furnish them with the lodging and articles which he is by this Act required to furnish, shall thereby incur a penalty of eight dollars for each offence.

Refusing to  
furnish car-  
riages, &c.

174. Any person lawfully required under this Act to furnish any carriage, horse, or ox for the conveyance or use of any troops or militia, who neglects or refuses to furnish the same, shall thereby incur a penalty of eight dollars for each such offence.

Or any car,  
engine, boat, or  
craft.

175. Any person lawfully required under this Act to furnish any railway car or engine, boat, or other craft, for the conveyance or use of any troops or militia, who neglects or refuses to furnish the same, shall thereby incur a penalty of twenty dollars for each such offence.

Contravening  
Act where no  
penalty pro-  
vided.

176. Any person who wilfully contravenes any enactment of this Act when no other penalty is imposed for such contravention, shall thereby incur a penalty of twenty dollars for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

Recovery of  
penalties by  
summary pro-  
ceeding.

177. All penalties incurred under this Act shall be recoverable with costs by summary conviction on the evidence of one credible witness on complaint or information before one justice of the peace if the amount do not exceed twenty dollars, and before two justices of the peace if the amount exceeds that sum; and any officer, non-commissioned officer, or private shall be a competent witness in any such case.

Power of com-  
mittal to gaol,  
on non-pay-  
ment of  
penalty.

178. And in case of non-payment of the penalty immediately after conviction, it shall be lawful for the convicting justice or justices to commit the person so convicted and making default in payment of such penalty and costs to the common gaol of the territorial division for which the said justice or justices is or are then acting, or to some house of correction or lock-up house situate therein. for a period of not less than \_\_\_\_\_ days nor more than \_\_\_\_\_ days when the penalty does not exceed twenty dollars, and for a period of not less than \_\_\_\_\_ days nor more than \_\_\_\_\_ days when it exceeds the last-mentioned sum.

On whose  
complaint pen-  
alties may be  
sued for.

179. No prosecution against an officer of militia for any penalty under this Act shall be brought except on the complaint of the adjutant general; and no such prosecution against any non-commissioned officer or private of the militia shall be brought except on the complaint of the commanding officer or adjutant of the battalion or corps or captain of the company or corps to which such non-commissioned officer or private belongs; but the adjutant general may authorize any officer of militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the adjutant general.

Evidence of  
authority to  
sue.

Limitation of  
time for pro-  
secutions.

180. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling, or having in possession arms or accoutrements delivered to the militia.

To whom pen-  
alties to be  
paid.

181. The penalty when recovered shall be paid over to the town or staff adjutant who shall account for and pay it over to the receiver general.

#### MISCELLANEOUS PROVISIONS.

Orders and  
notices need  
not be in  
writing, if  
given in person.

182. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required that it shall be so, provided it be communicated to the person who is to obey or be bound by in person, either directly by the officer or person making or giving it, or by some other by his order.

General orders  
how notified.

183. All general orders of militia, or other militia orders issued through or by the adjutant general, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*; and a copy of the said gazette purporting to contain them shall be *prima facie* evidence of such orders.

Military district  
or battalion  
division orders  
how notified.

184. All orders made by the commanding officer of a military district or of a battalion division, shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in such division, or, if there be none, then in some neighbouring division, and by posting