

Militia not to serve more than six months at one time.

When a person above fifty years of age to be called forth.

When the militia to march out of the Province.

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 always, that no part of the militia called forth in the manner aforesaid, shall be obliged to continue in actual service for more than six months at one time, and 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 embodying 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.

Governor, &c. may call out detachments of the militia.

When such detachments may be called out by the senior colonel, lieutenant colonel, &c.

Impressing of carriages and horses. Hire of the same.

Substitute to serve in the militia.

Regiments & battalions how to be formed.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government, to call out detachments of the militia, and to limit and fix the number of men to be called out on such detachments, and in cases of emergency, by actual invasion or otherwise, when it may not be practicable to consult the Governor, Lieutenant Governor, or person administering the government of this Province, it shall and may be lawful for the senior colonel, or in his absence the lieutenant colonel of the several regiments or battalions, to limit and appoint the number of men that he shall judge necessary to be called out, and for that purpose to issue his orders to the several commanding officers, and also to direct and authorize any officer, having first obtained a warrant for such purpose from one of his Majesty's Justices of the Peace, to impress such carriages and horses as the service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as the same shall be employed or detained on public service. Provided always, that whenever it shall happen that only part of the militia of this Province shall be called out for actual service, it shall and may be lawful for any person, being of the militia of the county or riding that may be so called out, to provide and send an able bodied man to serve in the said militia in his stead, and such able bodied man shall be taken and received as a proper substitute for such person living in the county or riding, that would otherwise be obliged to serve in the said part of the militia called out as aforesaid.

X. *And be it further enacted by the authority aforesaid,* That in the several counties and ridings, where the number of men is sufficient, the militia shall be formed into regiments, consisting of not more than ten, nor less than eight companies, which companies shall consist of not more than fifty, nor less than twenty private men, and the field officers of such regiments shall be as follows, that is to say, one colonel, one lieutenant colonel, and one major, and where the number of companies shall be under eight, and not less than five, such militia shall be formed into a battalion, and the field officers