

Enclosure 1 in No. 2.

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CAP. XXXV.

AN ACT respecting the MILITIA.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Governor shall, by virtue of his office, be Commander-in-Chief of the Provincial Militia 18 Vict. c. 77. s. 2. Governor to be
Commander-in-
Chief of Militia.
2. The Provincial Militia shall be divided into two classes,—Sedentary and Active. *Ibid.*, s. 3. Two classes of
Militia.

SEDENTARY MILITIA.

3. The Sedentary Militia shall consist of all the male inhabitants of the Province of the age of eighteen years or upwards and under sixty, not exempted or disqualified by law. *Ibid.*, s. 4. Of whom to be
composed.

4. The Sedentary Militiamen shall be divided into two classes, to be called respectively Service Men and Reserve Men. The Service Men shall be those of eighteen years of age and upwards, but under forty-five years,—and the Reserve Men shall be those of forty-five years of age and upwards, but under sixty years. 22 Vict. (1859) c. 18, s. 2. Divided into
service men
and reserve
men.

5. In time of peace, no actual service or drill shall be required of the sedentary militia, but they shall be carefully enrolled from time to time;—and the service men not exempted from muster, shall also assemble for muster annually, at such place and hour, in such manner and for such purposes, as the commanding officer of each battalion may direct with respect to each company therein; the muster day being in Lower Canada the 29th of June, or if that day fall on a Sunday, then the next day thereafter,—and in Upper Canada the Queen's birth day, or if that day fall on a Sunday, then the day next thereafter. 18 Vict. c. 77, s. 6. and 19, 20 Vict. c. 44, s. 5. In time of
peace, seden-
tary militia to
be enrolled.
Service men to
be mustered
annually, and
where.

(2.) Except that the Commander-in-Chief may, in his discretion, but on the application of the commandant of any military district in Upper Canada, direct that the annual muster day in such district be the 29th day of June. 22 Vict. (1859) c. 18, s. 18. Annual Muster
day in Upper
Canada may
be on the 29th
June.

6. The Commander-in-Chief may, by any militia general order, dispense with the annual general muster of the sedentary militia in either section of the Province, either in any particular year or until further order, and may in like manner again direct such muster to be held, if he sees fit;—and any such order shall have the force of law according to the terms thereof. 19, 20 Vict. c. 44, s. 3. Governor may
dispense with
annual muster
and again
require it.

7. The following persons only between the ages of eighteen and sixty as aforesaid, shall be exempt from enrolment and from actual service in any case: Exemptions
from enrolment
and service in
any case.

The judges of the Superior Courts of law or equity in Upper and Lower Canada;

The judge of the Court of Vice-Admiralty;

The judges of the County Courts;

The clergy and ministers of all religious denominations;

The professors in any college or university, and all teachers in religious orders;

The warden, keepers, and guards of the provincial penitentiary.

(2.) And the following, though enrolled, shall be exempt from attending muster and from actual service at any time except in case of war, invasion, or insurrection. Exemptions
except in case
of war, &c.

The reserve men.

The members of the Executive and Legislative Councils.

The members of the Legislative Assembly.

The officers of the said Councils and Assembly respectively,

The attorneys and solicitors general.

The Provincial Secretary and assistant secretaries.

All civil officers appointed to any civil office in this province under the great seal.

All persons lawfully authorized to practise physic or surgery.

All advocates, barristers, solicitors, and attorneys.

Notaries in Lower Canada.

Half-pay and retired officers of Her Majesty's army or navy.

Postmasters and mail carriers.

Seafaring men actually employed in their calling.

Masters of public and common schools actually engaged in teaching.

Ferry-men.

One miller for each run of stones in every grist mill.

Keepers of public toll-gates.

Lock masters and labourers employed in attending to locks and bridges on public canals.

The engine drivers, conductors, and switchmen connected with the several railways actually in use in this province.

Members of fire companies and of hook and ladder companies, or persons having served as such regularly during seven consecutive years, and having a certificate thereof from the proper officer under the *Act to exempt firemen from certain local duties and services*.

Jailors, constables, and officers of courts of justice, not being such solely by virtue of their being non-commissioned officers of militia.