

Not keeping arms
in proper order.

XCI. Any Officer, non-commissioned Officer, or Militiaman, who shall fail to keep any arms or accoutrements delivered or entrusted to him in proper order, or shall appear 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 one pound for each such offence.

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

XCII. Any Officer, non-commissioned Officer or man of any Volunteer Company of Cavalry or Field Artillery, who shall, without the consent of the Commanding Officer of such Company, sell or dispose of any horse which shall have been drilled for the purpose of such Company, or which he shall have undertaken to furnish for such purposes, and which shall have been approved by the Commanding Officer of the Company, shall thereby incur a penalty of five pounds for each offence.

Unlawfully dis-
posing of arms,
&c.

XCIII. Any person who shall unlawfully dispose of or remove any arms, accoutrements or other articles belonging to the Crown, or refuse to deliver up the same when lawfully required, or shall have the same in his possession, except for lawful cause the proof of which shall lie upon him, shall thereby incur a penalty of five pounds 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.

Not to prevent
indictment; arrest
of offender about
to leave the Pro-
vince.

Volunteers re-
fusing to turn out
in aid of Civil
power.

XCIV. Any Officer or Man of a Volunteer Militia Company who, when such Company shall be lawfully called upon to act in aid of the Civil power, shall refuse or neglect to go out with such Company, or to obey any lawful order of his Superior Officer or of any Magistrate, shall thereby incur a penalty of five pounds for each offence.

Refusing to re-
ceive Militia
billeted.

XCV. Any inhabitant householder who shall refuse or neglect 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 two pounds for each such offence.

Refusing to fur-
nish carriage, &c.
when lawfully
required.

XCVI. 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 shall neglect or refuse to furnish the same, shall thereby incur a penalty of two pounds for each such offence.

Or any car,
engine, boat, or
craft.

XCVII. 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 shall neglect or refuse to furnish the same, shall thereby incur a penalty of five pounds for each such offence.

Contravening this
Act where no
other penalty is
provided.

XCVIII. Any person who shall wilfully contravene any enactment of this Act when no other penalty is imposed for such contravention, shall thereby incur a penalty of five pounds 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.

XCIX. All penalties incurred under this Act or under any Regulations, Orders, or articles of engagement lawfully made or entered into under it, shall be recoverable, with costs, on the evidence of one credible witness, on complaint or information before one Justice of the Peace if the amount do not exceed five pounds, and before two Justices of the Peace if the amount exceeds that sum; and to the recovery of such penalties all the provisions of any Act or Acts then in force relative to the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, shall apply in so far as may not be inconsistent with this Act; and any officer, non-commissioned officer, or private of any Volunteer Militia Company shall be a competent witness in any such case, although the penalty may be applicable to the purposes of such Company.

Summary pro-
ceedings, Acts to
apply.

Militia officers,
&c., may be wit-
nesses.

On whose com-
plaint penalties
may be sued for.

C. No prosecution against any 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 Sedentary Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Captain of the Company to which such non-commissioned officer or private shall belong; and no such prosecution against any private or non-commissioned officer of a Volunteer Company shall be