

Proviso

notice as herein-before mentioned: Provided that no volunteer shall leave the service, either with or without notice, at any time when the militia are called out, unless he is regularly discharged or has served out the time for which he engaged. 18 Vict. c. 77, s. 65.

To what places may be marched.

75. The militia so called out may be marched to any part of the province, or to any place without the province, but contiguous therewith, where the enemy is, and from which an attack on this province is apprehended. *Ibid.*, s. 66.

Militia called out to be subject to articles of war.

76. The militia so called out, and every officer or man belonging to it, shall from the time he has been ordered, taken, or drafted for actual service, be subject to the articles of war and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's troops in this province, and not inconsistent with this Act; except that no militiaman shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that the commander-in-chief may direct that any provisions of the said laws shall not apply to the militia. *Ibid.*, s. 67.

Rank and command of officers as regards militia.

77. Any body of militia so called out shall be commanded by the officer highest in rank then present, or the senior of two or more officers of equal rank. Officers of Her Majesty's regular army shall always be reckoned senior to all militia officers of the same rank, whatever be the dates of the respective commissions. And colonels appointed by commission signed by the commander of Her Majesty's regular forces in Canada, shall command colonels of militia, whatever be the date of their respective commissions. *Ibid.*, s. 68.

For what offences only militiamen may be sentenced to death.

78. No militia officer or militiaman shall be sentenced to death by any court-martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post, or guard, or traitorous correspondence with the enemy. And no sentence of any general court-martial shall be carried into effect until approved by the commander-in-chief. *Ibid.*, s. 69.

Sentence must be first approved.

79. No officer of Her Majesty's regular army on full pay shall sit on any militia court-martial. *Ibid.*, s. 70.

Officer of regular army on full pay not to sit, &c.

#### ARMAMENT OF THE SEDENTARY MILITIA.

Arms, &c., of sedentary militia to be kept in certain places.

80. The arms and armaments for the sedentary militia shall, when such militia is not called out for actual service, be kept in armouries at the following places: Quebec, Three-Rivers, Rivière-de-Loup (below), Sorel, St. John's, Montreal, the city of Ottawa, Prescott, Kingston, Peterborough, Toronto, Guelph, Hamilton, London, and Chatham. *Ibid.*, s. 71.

Buildings for armouries.

81. If there be at any such place no building adapted to be used as such armoury, the commander-in-chief may cause a proper building to be erected, at a cost not exceeding three thousand dollars for each such building; or he may cause any public building or part thereof to be altered so as to adapt it for such armoury at a cost not exceeding one half the said sum. *Ibid.*, s. 72.

Care of such armouries.

82. The commander-in-chief may employ a proper person to have charge of each such armoury and of the arms therein, and may cause such person to be paid at a rate not exceeding three hundred dollars per annum. *Ibid.*, s. 73.

Arms, how delivered to sedentary militia.

83. The arms in such armouries respectively shall be delivered out to the sedentary militia called into actual service, in such way as the commander-in-chief shall appoint. *Ibid.*, s. 74.

May be kept by Militiamen in certain cases.

84. If there be any militia division in which, from its position, it is not deemed advisable to have the arms of the sedentary militia kept in an armoury, such arms may be delivered out to the enrolled service men of the first class or of the first and second classes in such division, as the commander-in-chief may order, each man giving a receipt for those received by him and security for their safe keeping and delivery to any officer authorized to demand them. *Ibid.*, s. 75.

#### BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &c., FOR THEIR TRANSPORT AND USE.

What shall be furnished by those on whom they are billeted.

85. When Her Majesty's regular forces or the militia are on a march within this province, and billeted as herein-after mentioned, every householder therein shall, when required, furnish them with house-room, fire and utensils for cooking, and candles; and in cases of emergency, by actual invasion or otherwise, the officer commanding the regiment, battalion, or detachment of troops or militia, may direct and empower any officer or non-commissioned officer of the same, or other person, after having first obtained a warrant for such purpose from a justice of the peace, to impress and take such horses, carriages, or oxen, as the service may require, the use of which shall be thereafter paid for at the usual rate of hire for such horses, carriages, or oxen. *Ibid.*, s. 76.

Impressing carriages, &c., on emergency.

Justice of the peace to billet on requisition of commanding officer.

86. When the said troops of Her Majesty, or the militia, or any regiment, battalion, or detachment of the same, are on a march as aforesaid, the officer or non-commissioned officer commanding them shall require a justice of the peace to billet, and such justice shall immediately thereupon so billet the said troops or militia as to facilitate their march, and in such manner as may be most commodious to the inhabitants; and every inhabitant householder shall receive the troops or militia so billeted upon him, and furnish them with the lodging and articles mentioned in the next preceding section. *Ibid.*, s. 77.

Lodging of officers not to be paid for.

87. No officer shall be obliged to pay for his lodging where he is regularly billeted; but each householder upon whom such soldiers are billeted shall receive from Government for each non-commissioned officer, drummer and private of infantry, a daily rate of ten cents, and for each cavalry soldier, whose horse shall be also provided with stabling and forage, a daily rate of twenty-five cents; and every officer or non-commissioned officer to whom it belongs to receive, or who does actually receive the pay for any officers or soldiers, shall, every four days, or before they quit their quarters if they do not remain so long as four days, settle the just demands of all householders, victuallers, or

Allowance for men billeted.

Proper officer to settle accounts of