

Regular Militiamen to replace such corps; and when companies of Regular Militiamen are taken or balloted in any Regimental Division, they shall be called the Service Companies thereof.

3. When by reason of death or removal, vacancies occur in any Service Company of militia organized under this Act, such vacancies shall be filled by other men to be drawn from the Reserve Militia, in the same manner as the men for that corps were originally supplied.

XXIII. When Active Militiamen are required to be organized at any time, either for drill or for actual service, and enough men do not volunteer in any Company Division to complete the quota required from that division, the men enrolled in the first class and liable to serve shall be first balloted, and if the number of men required to be balloted, is greater than the whole number of men in the first class, then the number requisite to make up the deficiency shall be taken from those in the second class, and if more men than the whole number in the first and second classes are still required, then the number requisite to make up the deficiency shall be taken from the third class, and in like manner, if more men than are in the first, second, and third classes, are still required, then the number requisite to make up the deficiency shall be taken from the fourth class; but at no time shall more than one son belonging to the same family residing in the same house, if there be more than one inscribed on the militia Roll, be drawn, unless the number of names so inscribed be insufficient to complete the required proportion of service men:

2. Any man not taken for service for the time being in any corps organized in the Regimental Division in which he resides, may volunteer to serve in any corps in any Regimental Division contiguous thereto, and in such case the Company Division in which he resides, shall have credit for such volunteer; and the man shall, on completing his full period of service, be entitled to the same exemption in his Company Division, as though he had served with men raised therein for the same period.

XXIV. When any Company Division shall have furnished more men than its quota, as compared with other Company Divisions in the same Regimental Division, such Company Division shall not again be called upon in time of peace for more men, until the other Company Divisions have supplied men to equalize the proportion for each, according to the number of names inscribed on the Militia Rolls thereof respectively.

XXV. The Governor in Council may from time to time make regulations for taking the enrolment and ballot; for fixing the day on which the taking of the enrolment shall be commenced in each of the several Military Districts respectively, for notifying the men liable to be taken, or those balloted in any Company Division for service in any quota; for finally deciding claims of applicants for exemption, and for the administration of oaths before Justices of the Peace or the Commanding Officer of a corps, to ascertain any facts in reference to such claim of exemption; for medical examinations; and for the discharge of such men as are unfit to serve; and relating to every other matter and thing not inconsistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such numbers of the Volunteer, the Regular, the Marine, or the Reserve Militiamen in any Company Division as are required at any time; but any militiaman balloted and

notified for service may, at any time, be exempt, until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance, or, in time of peace, by forthwith paying to the captain of the Company Division within which he resides, the sum of thirty dollars, which said sum, shall by the captain be paid to another man who is approved, and is willing to serve as substitute for such balloted man; but, if during any period of service, any man who is serving in the Active militia as a substitute for another, shall become liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the militiaman in whose stead he was serving.

XXVI. Any Active militiaman who may, during any period of service, attain the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve.

IN AID OF THE CIVIL POWER.

XXVII. The corps composing the Active militia shall be liable to be called out with their arms and ammunition in aid of the Civil Power in case of riot or other emergency requiring such services, whether such riot or emergency occurs within or without the municipality in which such corps is raised or organized; and it shall be the duty of the Deputy Adjutant General of the District, or failing him, of the Brigade Major, or failing him, of the senior Officer of the Active militia present at any locality, to call out the same of such portion thereof as is necessary for the purpose of quelling any riot, when thereunto required in writing by the Mayor, Warden or other Head of the municipality in which such riot takes place, or by any two magistrates therein, and to obey such instructions as may be lawfully given him by any magistrate in regard to such riot; and every officer, non-commissioned officer and man of such Active militia or any portion thereof, shall on every occasion, obey the orders of his Commanding Officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only; and they shall, when so employed, receive from the municipality in which their services are required, the following rates of pay, that is to say: Officers, the same pay as that of officers of corresponding rank in Her Majesty's service, with an additional sum to each mounted officer of two dollars per day, and non-commissioned officers and privates the sum of one dollar each, per day, with an additional sum of one dollar per day, for each horse actually and necessarily used or employed on such occasion, and they shall be also provided with proper lodging by such municipality, - and the said sums, and the value of such lodging, if not furnished by the municipality, may be recovered from it by the officer commanding the corps, in his own name, and when received or recovered shall be paid over to the officers and men entitled thereto.

ADJUTANT GENERAL.

XXVIII. There shall be appointed an Adjutant General of Militia for the Dominion of Canada, who shall be a person educated to the military profession, and who has attained the rank of Field Officer in Her Majesty's regular army:

2 The Adjutant General shall have the rank of Colonel in the militia, and shall be charged, under the orders of Her Majesty, with the military command and discipline of the militia, and shall be paid at the rate of three thousand dollars per annum;

3 The Governor in Council shall, from time to time, make such orders as may be necessary, respecting the duties to be performed by the Adjutant General of the militia, and by the officers of the militia generally.

XXIX. There shall be a Deputy Adjutant General of Militia at Head Quarters, who shall have the rank of Lieut. Colonel in the militia; and who shall be paid at the rate of two thousand two hundred and forty dollars per annum.

DISTRICT STAFF.

XXX. In and for each of the nine Military Districts mentioned in section twelve of this act, there shall be appointed one Deputy Adjutant General of Militia, who shall have the rank of Lieutenant Colonel, and who shall command the militia in his District; and he shall be paid at the rate of one thousand two hundred dollars per annum.

2 There shall also be appointed in each of the military Districts aforesaid, such staff officers and such other officers as may be necessary; and the salaries of such officers shall be fixed by the Governor in Council.

OFFICERS.

XXXI. Commissions of Officers in the militia shall be granted by Her Majesty during pleasure, and all non-commissioned officers in the militia shall be appointed by the Officers commanding the Corps or Battalion to which they belong, and shall hold their rank during pleasure.

2 Commissions of officers in the militia, except the Adjutant General and Deputy Adjutants General, need not be enregistered at full length, but a record of them shall be kept in the Office of the Adjutant General.

XXXII. Officers holding Commissions in the militia in any of the Provinces of the Dominion, on the day on which this Act shall come into force, may be placed on the retired list, with or without a step of honorary rank to those below the rank of Lieut. Colonel, and Her Majesty may appoint Officers from the retired list to Commissions in the militia, but no Officer from the retired list shall be bound to serve in the militia in a lower grade than that of his retired rank.

XXXIII. No person shall be appointed an Officer in the active militia, except provisionally, until he has obtained a certificate of fitness from one of the military Schools of the Dominion or a Board of Officers of the Active militia, to be constituted as Her Majesty may appoint; or unless he had obtained a certificate, from one of the Schools of Military Instruction, heretofore established in the late Province of Canada, or from any Board of Officers which had been appointed for that purpose in any of the Provinces of the Dominion, and Her Majesty may prescribe conditions as to the qualification of Officers of different grades, by General Order, and may order the assembling of such Boards, as often as may be expedient; and may dispense with the conditions of this section in the case of men who have served as Officers or non-commissioned Officers in Her Majesty's regular army;

2. In time of peace no person except the Adjutant General shall hold higher rank in the militia than that of Lieutenant-Colonel, but Officers at the time when the Act shall come into force, holding the rank of Colonel, shall retain the same;