

Technical and Bibliographic Notes/Notes techniques et bibliographiques

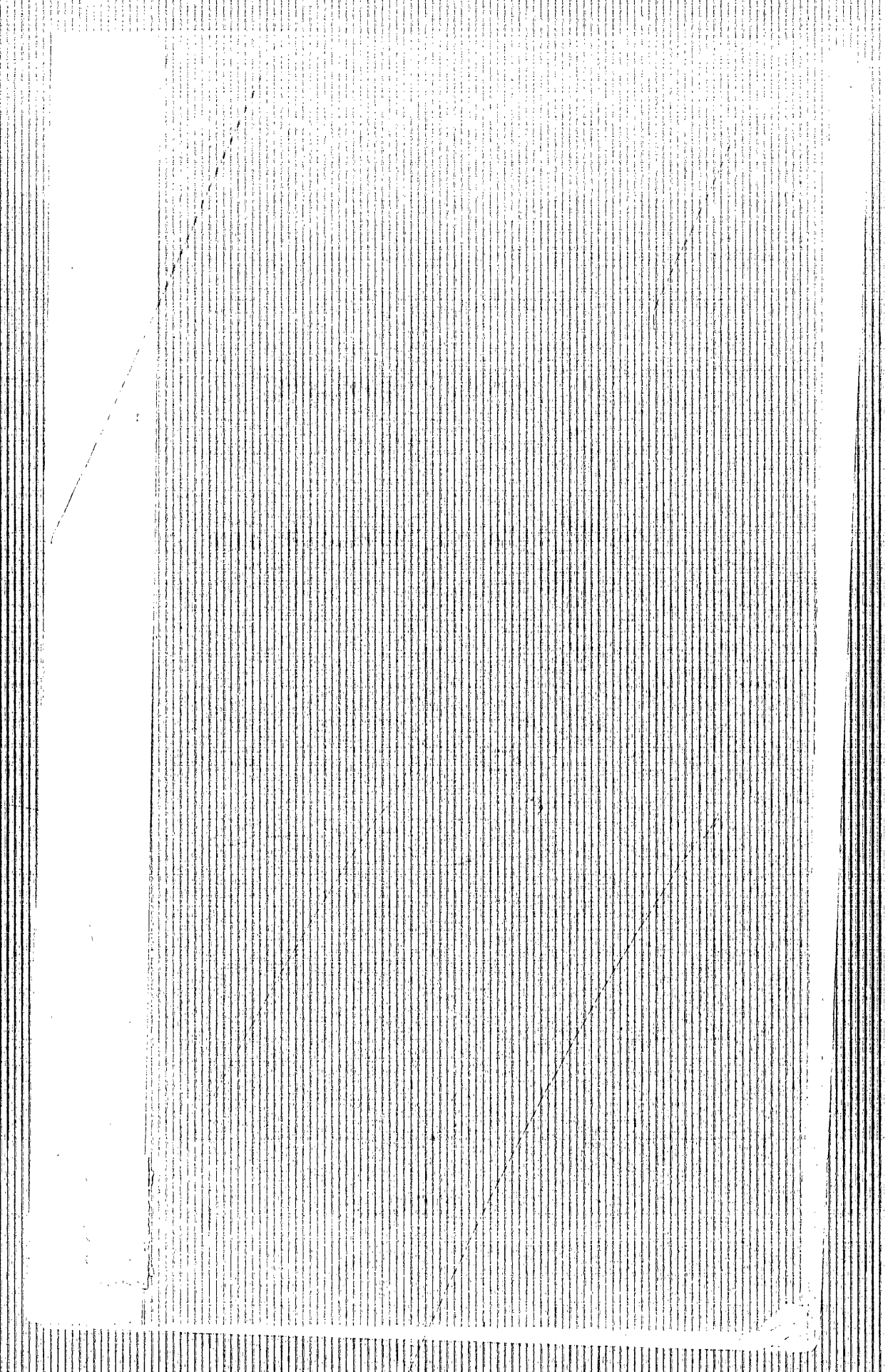
The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

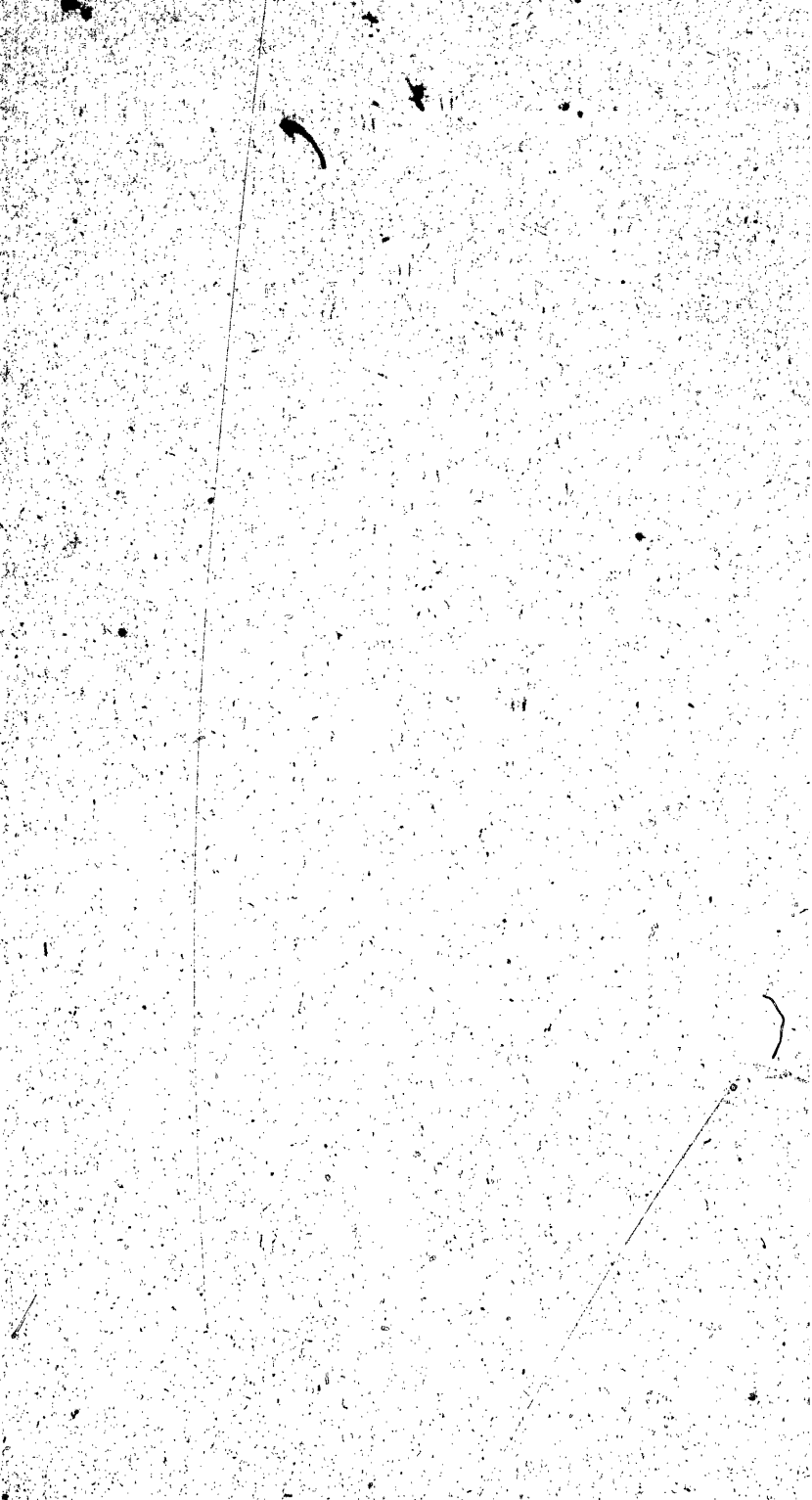
L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Coloured covers/<br>Couverture de couleur  | <input type="checkbox"/> Coloured pages/<br>Pages de couleur   |
| <input type="checkbox"/> Covers damaged/<br>Couverture endommagée  | <input type="checkbox"/> Pages damaged/<br>Pages endommagées   |
| <input type="checkbox"/> Covers restored and/or laminated/<br>Couverture restaurée et/ou pelliculée  | <input type="checkbox"/> Pages restored and/or laminated/<br>Pages restaurées et/ou pelliculées  |
| <input type="checkbox"/> Cover title missing/<br>Le titre de couverture manque   | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/<br>Pages décolorées, tachetées ou piquées   |
| <input type="checkbox"/> Coloured maps/<br>Cartes géographiques en couleur   | <input type="checkbox"/> Pages detached/<br>Pages détachées  |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/<br>Encre de couleur (i.e. autre que bleue ou noire)   | <input checked="" type="checkbox"/> Showthrough/<br>Transparence   |
| <input checked="" type="checkbox"/> Coloured plates and/or illustrations/<br>Planches et/ou illustrations en couleur   | <input type="checkbox"/> Quality of print varies/<br>Qualité inégale de l'impression   |
| <input type="checkbox"/> Bound with other material/<br>Relié avec d'autres documents   | <input type="checkbox"/> Includes supplementary material/<br>Comprend du matériel supplémentaire   |
| <input type="checkbox"/> Tight binding may cause shadows or distortion<br>along interior margin/<br>La reliure serrée peut causer de l'ombre ou de la<br>distorsion le long de la marge intérieure   | <input type="checkbox"/> Only edition available/<br>Seule édition disponible   |
| <input type="checkbox"/> Blank leaves added during restoration may<br>appear within the text. Whenever possible, these<br>have been omitted from filming/<br>Il se peut que certaines pages blanches ajoutées<br>lors d'une restauration apparaissent dans le texte,<br>mais, lorsque cela était possible, ces pages n'ont<br>pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata<br>slips, tissues, etc., have been refilmed to<br>ensure the best possible image/<br>Les pages totalement ou partiellement<br>obscurcies par un feuillet d'errata, une pelure,<br>etc., ont été filmées à nouveau de façon à<br>obtenir la meilleure image possible. |
| <input type="checkbox"/> Additional comments: /<br>Commentaires supplémentaires:   | Pagination as follows : [i] - iv, [1] - 60, 1 - 4 p.   |

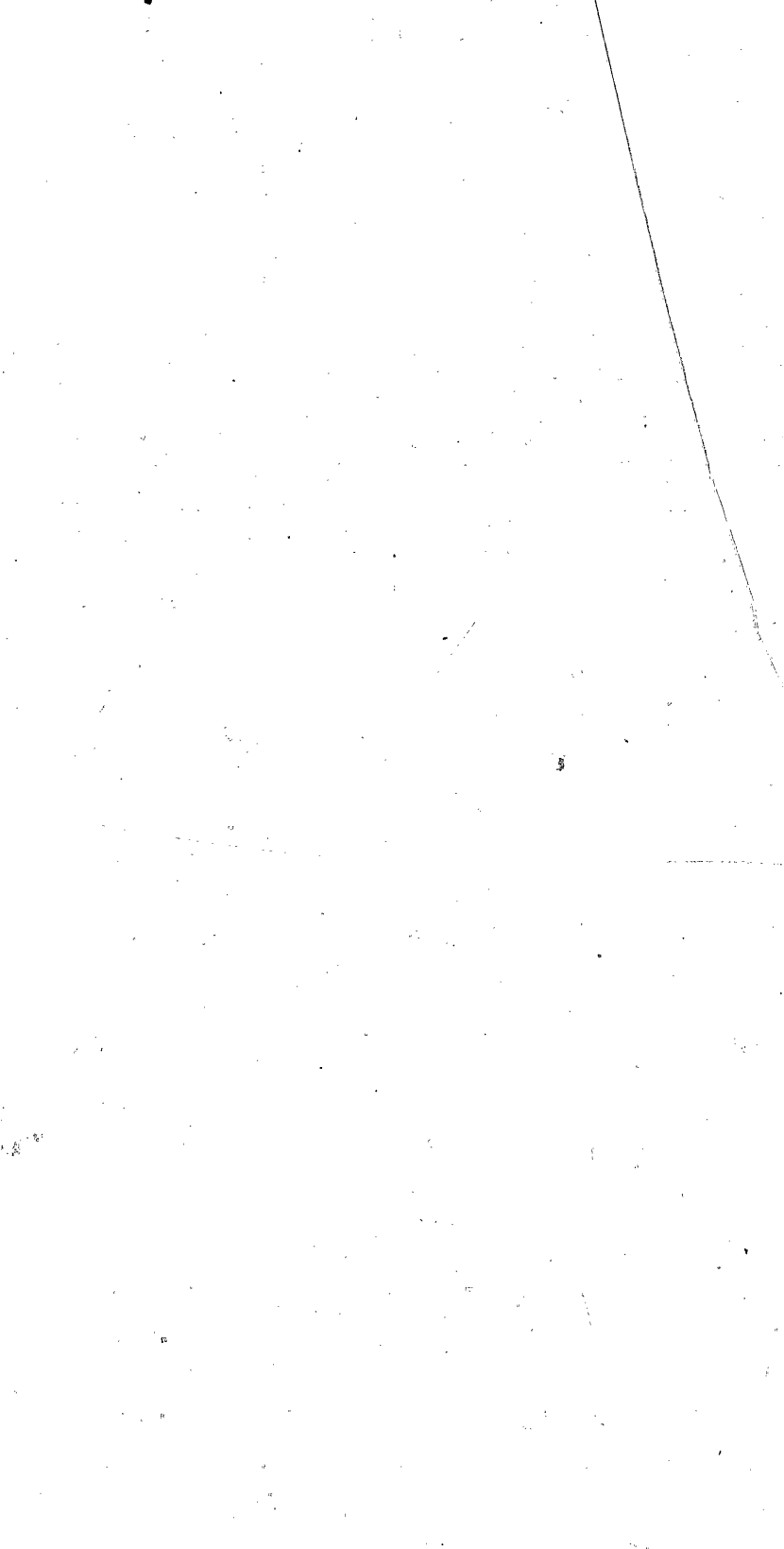
This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
							✓				





Presented by W. A. Chipman Esq  
to the  
Rep. & Co. Collection  
No. 100



A 955  
785

THE  
**MILITIA LAWS**  
OF  
THE PROVINCE OF NOVA-SCOTIA.



**HALIFAX:**

PRINTED AT THE ROYAL GAZETTE OFFICE  
1828.



# INDEX.

SECTION		PAGE.
I.	Persons liable to be enrolled in Militia	1
II.	Formation of Militia	1
III.	Militia in Harbours and Settlements	2
IV.	Flank Companies	2
V.	Artillery Companies	3
VI.	Troops of Cavalry	3
VII.	Cavalry Horses—Penalty for disposing or exchanging them	3
VIII.	Drummers and Fifers	4
IX.	Enrolment of Militia Men	4
	Persons neglecting to enrol themselves	4
X.	Officers commanding Companies to enrol such persons as do not present themselves for enrolment	5
XI.	Arms and Accoutrements	6
XII.	Bond to be given for Arms, &c.	6
XIII.	Fee to be paid on giving Bond	8
XIV.	To whom Arms, &c. will be furnished	8
XV.	Accoutrements to be found by Militia Men	8
XVI.	Inability of minors and others to give security for Arms	8
XVII.	Issue of Arms	9
XVIII.	Lodgement of Arms	9
XIX.	Embezzlement of Arms	10
XX.	Information against such as embezzle Arms	11
XXI.	Recovery of Arms	11
XXII.	Inspection of Arms, &c.	11
XXIII.	Arms to be returned by Militia Men removing from Province or District	12
XXIV.	Arms issued under late Act	12
XXV.	Arms not in order	13
XXVI.	Improper use of Arms, &c.	13
XXVIII.	Officers commanding Regiments, &c. neglecting to call out their men for training	13
	Improper conduct of Militia men	14
XXIX.	Notice of Imposition of Fines	14
XXX.	Appeal against Fines	14
XXXI.	Officers neglecting to attend Trainings	15
XXXIII.	Recovery of Fines	15
XXXIV.	Removal of Militia Men from one Company District to another	16
XXXV.	Militia Men to give notice of Removal	16
XXXVI.	Watching and Warding	16
	Days required for training	16
XXXVII.	Watching and Warding by Militia men over six days to be paid for	17
XXXVIII.	False Alarms	17
XXXIX.	Courts of Enquiry	17
XL.	Exemptions from Militia Duty	19
XLI.	Drunkenness or contemptuous behaviour at trainings	18
XLII.	Adjutant—his appointment, duty and compensation	20



XLIII.	Sergeants, Corporals, Clerks, Drummers and Fifers	21
XLIV.	Clerks to be sworn—their duty described	21
XLV.	Refusal to serve as Clerk	22
XLVI.	Sergeant Major and Battalion Clerks	22
XLVII.	Reforms—Strength of Regiments, Battalions and Companies—Arms, &c. of Fines collected	23
XLVIII.	Interruption of Militia in their exercise	24
XLIX.	Infirmities	24
L.	Conferences of Officers for better regulation of Militia	25
	Dress of Officers	25
LI.	Officers removing from the District to which their Battalions belong	26
LII.	Reduced Officers	26
LIII.	Actual Service	27
LIV.	When the Governor cannot be consulted on any sudden attack	27
LV.	Regulation of duty in actual Service	29
LVI.	Companies to be formed into two Classes	29
LVII.	Rosters for Classing to be formed by Ballot	29
LVIII.	Cavalry and Artillery Companies to be classed	30
LIX.	Drafting for Actual Service	31
	Quakers	32
LX.	Removal of Militia Men from one Company District to another during the draft for actual Service	32
LXI.	Exemption from Actual Service	32
LXII.	Exemption of Clerks, &c. in Government employ—Substitutes provided for them	33
LXIII.	Refusal of Clerks, &c. to pay expenses of Substitutes	34
LXIV.	Refusal of Militia when ordered into actual Service	34
LXV.	Pay of Militia when ordered into actual Service	35
LXVI.	Pay of Sergeants, Corporals, Trumpeters, Drummers and Fifers	36
LXVII.	Armed Boats may be provided	36
LXVIII.	Armed Boats—how to be employed	37
LXIX.	Persons wounded or disabled by the Enemy	37
LXX.	Articles of War	37
LXXI.	Courts Martial	38
LXXII.	General Courts Martial—how appointed	39
LXXIII.	Members of Court Martial to be sworn	39
	Judge Advocate to be sworn	39
LXXIV.	Persons sentenced to death by Court Martial	40
LXXV.	Rank of Officers composing Courts Martial	40
LXXVI.	Power of Regimental Courts Martial	40
LXXVII.	Regimental Courts Martial	41
LXXVIII.	Sentence of Regimental Courts Martial	41
LXXIX.	Execution of Sentence of Regimental Court Martial	41
LXXX.	Witnesses at Courts Martial to be sworn	41
LXXXI.	Consanguinity of Members of Courts Martial to Delinquents	42
LXXXII.	Quarter Master	42
LXXXV.	Desertion from actual Service	43
LXXXVI.	Prosecution for any thing done in pursuance of this Act	43
LXXXVII.	Sections of Militia Law, and Articles of War to be read	44
LXXXVIII.	Inspecting Field Officers	44
LXXXIX.	Volunteering in defence of New-Brunswick	44

SECTION	PAGE.
Xc. Negro Militia Men	45
XCI. Fire-Engine Men and Firemen exempted from trainings	45
XcII. Repeal of all other Militia Laws	45
XcIII. Continuation of the Militia Law	46
~~~~~	
Billeting His Majesty's Troops or Militia on a march	46,47,48,49,50,51,52
~~~~~	
Act 1st. and 2d. Geo. IV. continued, except certain parts altered by this Act	52
Parts of the 11th and 15th Sections of Act 2d. Geo. IV. may be suspended	52
Excuses for non-attendance at Company or Battalion meetings	53
Non-attendance at appointed Meetings of Officers	53
Bonds—Arms	53
Bonds lost	54
Exemption in favour of the Servants of Officers	54
~~~~~	
Acts 1st, 4th, 7th, Geo. IV. continued with exceptions	54
Book of Registry of Names of Companies	55
Persons neglecting to enrol themselves	55
Notice to be given Militia Men of Trainings	56
Ferries free to Militia men on Duty	57
Board of Officers for hearing appeals against Fines	57
Justices of the Peace allowed no Fees	58
Disobedience of Orders, or other improper conduct by Militia men	58
Board for hearing Appeals	58
Recovery and application of Fines	59
Establishment of Depots for Arms	60
Keeping Arms in repair	60

~~~~~  
**RECAPITULATION OF FINES.**

|   |    |
|---|----|
| <b>FINES</b> —Neglect to enrol  | 9  |
| To which Captains are liable who neglect to enrol Militia men                             | 10 |
| Not being provided with arms  | 11 |
| Captains are liable to for not providing arms for persons not bound to furnish themselves | 12 |
| To which Militia men are liable for neglecting to provide certain articles                | 15 |
| Captains are liable for not making half-yearly returns                                    | 16 |
| For not returning arms to place of deposit  | 18 |
| For Sale or exchange of arms  | 19 |
| For appearing at muster with arms out of order  | 25 |
| Improper use of Arms  | 26 |
| To which Commanding Officers are liable for not calling out their battalions to exercise  | 28 |
| To which Militia-men are liable who neglect or refuse to appear at exercise               | 28 |
| Notice to be given  | 29 |
| Appeal against  | 30 |
| To which Officers are liable for not attending Militia meetings                           | 31 |
| Recovery of Fines   | 33 |

SECTION V

|   |        |
|---|--------|
| For not giving notice of removal from one District to another   | 35     |
| For neglect of Watching and Warding   | 36, 37 |
| For making false alarms   | 33     |
| For drunkenness or contemptuous behaviour   | 41     |
| To which persons are liable who refuse to serve as Sergeants, Corporals, &c.  | 43     |
| To which Clerks are liable who refuse to serve, or neglect their duty   | 45     |
| Commanding Officers for not making returns of the strength of Battalions, returns of Arms, account of Fines and their application | 47     |
| On persons who shall interrupt Militia at Exercise  | 48     |
| To which Surgeons are liable who shall give false Certificates  | 49     |
| For refusing to serve when drafted for actual Service   | 59, 64 |
| To which Witnesses are liable for improper conduct  | 80     |
| For enticing desertion from Actual Service  | 85     |

Fines under Billeting Act, Sec. 2, 6,

Fines under Act 4th Geo. IV. Cap. 4, Sec. 3, 4, 6

Fines under Act 9th Geo. IV. Cap. 26, Sec. 3, 8, 10

# MILITIA LAWS

OF THE  
PROVINCE OF NOVA-SCOTIA:

---

[ANNO PRIMO GEORGII IV.]

---

An ACT to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That every man residing, or who shall come to reside, within this Province, from sixteen to sixty years of age, (excepting such as are hereinafter excepted) shall be enrolled in the Militia, and be bound to serve in the Militia of the County, District, Town or Place, wherein he resides.

**II:** And be it further enacted, That the Militia shall be formed into Regiments, by Counties, or Districts being divisions of Counties. And if any such County or District shall be sufficiently populous to admit of the Regiment's being subdivided

Persons liable to be enrolled

Formation of Militia

divided into two or more Battalions, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to sub-divide the said Regiment into Battalions, to consist of not less than three hundred, nor more than eight hundred Men each, and to affix the limits of the District composing such Battalions. And all Companies, (Flank Companies excepted) shall be formed by Districts in such manner as that such Companies may be assembled as conveniently as possible: and such Company shall consist of not less than thirty nor more than eighty Men, to be commanded by one Captain and two Subalterns, and, when it shall exceed sixty Men, one additional Officer may be appointed thereto. And the Field Officers, and Officers Commanding Companies, at their meeting hereinafter directed, shall regulate the limits of the Company Districts, and the number of Men enrolled in each Company, and the Clerk of the Company is hereby required to register in a book, to be provided and kept for that purpose by him, the names of all persons belonging to such Company, which Book is to be ready at all times for the inspection of the Captain and other Officers of the Company.

Officers

Militia in  
Harbours &  
Settlements

III. *Provided always, and be it further enacted,* That in Harbours and Settlements, where the persons liable to serve in the Militia, are not so numerous as to form a complete company, it shall be lawful to form the same into smaller Companies, and if they shall not amount to more than twenty Men, then only one Officer shall be appointed for such Company, and if more than twenty, and not exceeding thirty, only two Officers shall be appointed to such Company.

Flank Com-  
panies

IV. *And be it further enacted,* That there shall not be more than two Flank Companies to any Regiment or Battalion of Militia; which Flank Companies shall consist of Light-Infantry or Riflemen only, (except the Regiment at  
Halifax,

Halifax, in which Grenadier Companies are already formed) and such Flank Companies shall be composed of such numbers as the Governor, Lieutenant-Governor or Commander in Chief, shall think proper to determine.

V. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to establish one or more Artillery Companies, in any County or District in the Province, and to limit the numbers of which such Companies shall consist; and all persons who are now enrolled, or who shall hereafter enrol themselves, to serve either in the Artillery Companies, or in the Grenadier Companies of the Regiments at Halifax, or in any Light-Infantry or Rifle Company, of any Regiment or Battalion of Militia, in this Province, shall continue in such Company for five years from the date of his enrolment; unless in case of removal from the County or District, or being discharged by the Commanding Officer of such Company.

Artillery  
Companies

VI. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to establish one or more Troop or Troops of Cavalry, in any County or District in this Province, and to limit the number of Officers and Men, of which such Troop shall consist; and all persons who shall enrol themselves in any Troop, shall continue in such Troop for five years from the date of his enrolment, unless in case of removal from the County or District, or being discharged by the Captain or Officer commanding such Troop.

Troops of  
Cavalry

VII. *And be it further enacted*, That if any non-commissioned Officer, or Private, enrolled in any such Troop or Troops of Cavalry, shall, at any time during his enrolment, sell, exchange, or otherwise dispose of, his horse, belonging to such Troop, without the consent and approbation

Cavalry Hor-  
ses—Penalty  
for disposing  
or exchanging  
them

of

of the Captain, or Officer commanding such Troop, he shall forfeit and pay the sum of ten pounds, to be recovered in manner as is hereinafter mentioned, and applied to the repairing the arms and accoutrements belonging to the Troop, and other incidental charges attending the same.

Drummers &  
Fifers

**VIII.** *And be it further enacted,* That when any person shall be enrolled as Drummer or Fifer in any Company, he shall remain in such Company, notwithstanding he may not reside in the District which composes the same; *Provided,* that no Drummer or Fifer shall be obliged to serve in any Company but in the Town where he resides, unless ordered upon a march.

Enrolment of  
Militia-Men

**IX.** *And be it further enacted,* That every Captain, or Officer, commanding a Company of Militia, or who may be thereto appointed by the Governor, Lieutenant-Governor, or Commander in Chief, shall, as soon as conveniently may be after the passing of this Act, enrol all the Militia Men who reside within the limits which shall be assigned for his Company, and every Militia-Man (not being already enrolled in such Company) who, after the publication of this Act, shall neglect to present himself in person, to the Captain or Officer commanding the Company in which he resides, and give in his name, age, and place of residence, or cause the same to be made known, in some certain way, to the Captain or Officer commanding the Company, shall, for such neglect, forfeit and pay a fine of ten shillings; and ever Militia-Man who shall remove out of the limits assigned for the Company in which he is, or ought to be, enrolled, and shall not within ten days after his removal, at the place of his new residence, or where he shall hire himself, either present himself for enrolment, or cause his name, age, and place of residence, with that from which he last removed, to be made known to the Captain or Officer commanding the Company of Militia, of his

Persons neg-  
lecting to en-  
rol them-  
selves

his new place of residence, shall, for such neglect, forfeit and pay a fine of ten shillings; and every person who shall not, within thirty days after he shall have attained the age of sixteen years, either present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company, of the limits wherein his place of residence may be, shall, for such neglect, forfeit and pay a fine of five shillings; and every man, within the ages hereinbefore described, who shall come to reside in the Province, and shall not, within thirty days after his arrival therein, present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company of the limits wherein he shall have come to reside, shall forfeit and pay a fine of ten shillings.

X. *Provided always, and be it enacted, That* Proviso  
 the neglect of any such persons to cause themselves to be enrolled, shall not be construed to prevent the Captain or Officer commanding a Company of Militia, to enter, and he is hereby required to enter, on the roll of his Company, the name of every such person, residing within the limits of his Company, as shall come to his knowledge, and, when so entered, every such person shall be subject to perform all Militia duties, under the same penalties as if he had personally presented himself for enrolment; and if any difference shall arise between a Captain or Officer commanding a Militia Company, and any Militia-Man, touching the age of such Militia-Man, it shall be incumbent on the Militia-Man to prove his age.

. And Whereas, *Arms have been heretofore granted by Government, for the use of the Militia, and others may be hereafter issued for the use thereof, and it is necessary to provide for their safe keeping :*



Arms

**XI. Be it therefore enacted,** That every Freeholder enrolled in the Militia who is of the age of twenty-one years or upwards, shall, within twenty days after Public Notice given, that arms, accoutrements and ammunition, of the kind hereinafter described, are lodged within the Precinct of the Company, Regiment or Battalion, to which such Freeholder shall belong, for the use of the Militia-Men, of such Company, Regiment or Battalion, furnish and provide himself with a good and sufficient Musquet, and a Bayonet, suitable thereto, of the same kind and size with those used in His Majesty's Service, or if such Freeholder shall be enrolled in any Company of Riflemen, he shall provide himself with a good and sufficient Rifle Gun, and a Bayonet or Sword suitable thereto; and shall also, in addition to such Musquet or Rifle, provide himself with a cartouch box sufficient to contain eighteen ball cartridges, a bayonet or sword belt, a cartouch box belt, a set of straps for the purpose of carrying a great coat or blanket; a pricker and brush to clean the pan of such musquet or rifle gun, a leathern or canvas knapsack with straps and buckles, three good flints and eighteen ball cartridges of a size to fit such musquet or rifle gun, and also forty buck shot; with all which aforesaid arms, ammunition and accoutrements, such Freeholder shall appear at each and every meeting of the Company, Regiment or Battalion, to which he may belong, (and on other occasions of duty whereon he may be ordered to appear with his arms) under the penalty of forfeiting and paying for the want of a musquet or rifle gun, a fine of ten shillings, and the sum of one shilling for each and every other appurtenance: the flints, cartridges and buck shot, to be considered only as three appurtenances.

Accoutrements

Penalties

Bond to be given for Arms, &amp;c.

**XII. And be it further enacted,** That every Freeholder of the above description shall be entitled to receive the arms, cartouch box, sword and

and belt, above-mentioned from the Captain or Officer commanding his Company, upon such Freeholder producing; and leaving with him, a Bond, with one sufficient surety, in the sum of five pounds, with a condition thereunder written in the form following :

**KNOW ALL MEN BY THESE PRESENTS**, that **We, A. B. and C. D.** are held and firmly bound Form of Bond to our Sovereign Lord the King, in the penal sum of five pounds, to be paid to our said Sovereign Lord the King, his Heirs or Successors, for which payment, well and truly to be made, we bind ourselves, and either of us by himself, our and each of our Heirs, Executors, and Administrators, firmly by these Presents, Sealed with our Seals, and dated this                      day                      18

The Condition of this Obligation is such, that if the said **A. B.** shall at all times hereafter safely keep in good and serviceable order, and have ready to return when called for by the Officer commanding the Regiment or Battalion, one King's musquet, &c, which have been issued to him under and pursuant to an Act, entitled, An Act to provide for the greater security of the Province by a better regulation of the Militia, and to repeal the Militia Laws now in force, and shall in all things well and truly perform the provisions of the said Act, touching the same, then this Obligation shall be void, otherwise shall remain in full force and effect.

Which Bond, shall be, by the said Captain or Officer Commanding such Company, lodged with Bond lodged with Clerk of the Peace the Clerk of the Peace for the County or District; and if any Freeholder of the description aforesaid, shall neglect or refuse to enter into such Penalty for refusing to give Bond Bond, and receive such Arms, or shall not within the time before limited provide himself with Arms, Accoutrements and Ammunition, of the like kind, at his own expense, he shall forfeit and pay the sum of two pounds, to be recovered and applied

applied in the manner and for the purposes hereinafter mentioned.

Fee to be  
paid on giving  
Bond

**XIII.** *And be it further enacted,* That every person who shall give such security shall pay therefor a fee of one shilling at the time of the delivery of the Bond as aforesaid, one half of which shall go to the Clerk of the Company, for his trouble in filling up the Bond, and the other half of said fee shall be paid over to the Clerk of the Peace for receiving and filing such Bond.

To whom  
Arms &c.  
will be furnished

**XIV.** *And be it further enacted,* That persons who are bound to serve in the Militia, but are not of the above description, shall be entitled to receive Arms and Accoutrements as aforesaid, upon their entering into a Bond with one sufficient surety, being a Freeholder, in manner hereinbefore directed: provided that in cases where any such person is under the age of twenty-one years, he shall find two good sureties for his due performance of the condition of the Bond.

Accoutrements to be  
found by Militia-Men

**XV.** *And be it further enacted,* That every person who is by law bound to enrol himself in the Militia, shall provide himself, at his own expense, with a set of straps for the purpose of carrying a great coat or blanket; a pricker and brush to clean the pan of his musquet or rifle-gun, a leathern or canvass knapsack, with straps and buckles, three good flints, eighteen ball cartridges of a size to fit his musquet or rifle, and forty buck shot, under the penalty of ten shillings, to be recovered and applied as hereinafter directed.

*And Whereas, in many Companies there may be Minors, and other Persons, who cannot get security for the safe keeping of arms and accoutrements:*

Inability of  
Miners and  
others to give  
security for  
Arms

**XVI.** *BE it enacted,* That the Captain or other Officer commanding a Company, shall make out a regular list of the names of the persons in his Company, who are not compellable to give security, or to provide themselves with Arms at their own expense, and shall immediately receive

a complete set of Arms and Accoutrements, from the person having the Custody of Arms, for each and every person contained in the above list, for the safe keeping, and returning which, such-Captain shall be responsible, and shall give two receipts for the same, one of which shall be entered in the Orderly Book of the Battalion, and the other shall be lodged in the Office of the Clerk of the Peace of the County or District. And if any Captain or other Officer commanding a Company, shall neglect or refuse to make the list, or give the receipts herein directed, he shall forfeit and pay the sum of five pounds, and, on complaint to the Governor, Lieutenant-Governor or Commander in Chief, such Officer may be deprived of his Commission, and shall not thereafter be entitled to any exemption from being enrolled, and performing all the duties of a private Militia Man.

XVII. *And be it further enacted,* That all Arms to be issued in pursuance of this Act, shall be distinctly numbered and marked with a brand on the left side of the broad part of the butt, with the name of the County or District to which the Militia-Man, who shall receive the same, shall belong, and with the letter *M.* immediately following the same: such brand to be provided by the Treasurer of the respective Counties or Districts, and the Commanding Officer of each Regiment or Battalion shall cause the Arms to be marked and numbered before they are issued to such Regiment or Battalion. Issue of arms

XVIII. *And be it further enacted,* That the Captain or other Officer commanding a Company, shall lodge the Arms and Accoutrements so received by him, in some suitable and convenient place or places, within the limits of his Company, where they may be delivered out to persons, for whom they are intended, upon all days of training, or muster, or such other times as the said Captain Lodgement of Arms

Captain or Officer shall direct; and the Minors, or other Persons, who shall receive any of the said Arms and Accoutrements, for the purpose of training, muster or otherwise, shall return the same, and every part thereof, to the place of deposit, within twenty-four hours after such training, muster or other service shall be over, under the penalty of five shillings for every day's neglect, to be recovered in the manner, and for the purposes, hereinafter directed.

Embezzle-  
ment of Arms  
&c.

**XIX.** *And be it further enacted,* That every person having such Arms or Accoutrements in his possession, under the provision of this Act, who shall vend, pledge, or exchange the same, or any part thereof, or shall convey, or cause the same, or any part thereof, to be conveyed out of the limits of the Regiment or Battalion to which such Arms and Accoutrements were issued, (except when ordered on real service) and every person who shall buy, receive, or accept in exchange any such Arms and Accoutrements, shall severally forfeit and pay a fine of five pounds for each Firelock, and a fine of ten shillings, for each Accoutrement, so sold, purchased, exchanged, or conveyed out of the limits of the Regiment or Battalion; and every person or persons who shall convey, or cause to be conveyed, any such Arms or Accoutrements, on board of any boat, ship, or vessel, with intent to have the same carried out of the County or Province; and the Master of any such boat, ship or vessel, who shall knowingly receive into his boat, ship or vessel, any such Arms or Accoutrements, so intended to be conveyed out of the County or Province, shall, for each and every offence, forfeit and pay the sum of ten pounds, which fines shall and may be recovered, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace for the County or District wherein such offence shall be committed; and, in case of non-payment,

payment, of any such fines, the said Justice shall, by his Warrant, cause each and every offender to be committed to the County or District Jail, for the term hereinafter mentioned, that is to say— for each fine of ten shillings, four days; for each of five pounds, forty days; and for each fine of ten pounds, three months; unless such fine shall sooner be paid; and one fourth part of all fines recovered by virtue of this clause, shall be paid to the Informer, and the residue thereof shall be applied, first of all, to make good all deficiencies of Arms or Accoutrements, and the residue to the purpose of defraying the expenses incurred in repairing such Arms and Accoutrements.

**XX.** *And be it further enacted,* That it information shall be given, on oath, to the Justice, that the person or persons so offending (not being a Freeholder) is about to leave the Province, or to remove out of the County or District with such Arms or Accoutrements, it shall and may be lawful for the said Justice, before whom such information, on oath, shall be made, to issue his Warrant to the Deputy-Sheriff, or either of the Constables of the County or District, to apprehend such person or persons, and to bring him, her or them, forthwith, before such Justice to answer such complaint.

Information  
against such  
as eu bezzle  
Arms, &c.

**XXI.** *And be it further enacted,* That any person or persons charged with selling, purchasing, or receiving, any Arms or Accoutrements as aforesaid, who shall immediately restore such Arms or Accoutrements, and cause the same to be delivered to such Justices, shall be entitled to a remission of one half the fine, or imprisonment, hereinbefore imposed for such offence.

Recovery of  
Arms

Remission of  
punishment

**XXII.** *And be it further enacted,* That the Colonel or Officer commanding any Regiment or Battalion, shall, once in every year, or as often as he may think necessary, besides the usual day of training, order an inspection of the Arms, Accoutrements.

Inspection of  
Arms, &c.

coutrements and Ammunition, of the several Companies under his command, to be made at one and the same time, by one Subaltern from each Company, attended by the Clerk thereof, and by calling on each and every man of the said Company at the usual place of his or their abode; which Subaltern shall make an exact return of such Arms, Accoutrements and Ammunition, describing the state and condition thereof, and every person required by Law to be provided with Arms, Accoutrements and Ammunition, who shall, at such Inspection, have such Arms in unservicable condition, or shall be deficient in any of the appurtenances abovementioned, shall forfeit and pay, for each deficiency, the like sum, as if such deficiency had happened at a muster or training.

Arms to be returned by Militia-Men removing from Province or District

**XXIII.** *And be it further enacted,* That any Militia-man, who hath, or may hereafter receive, Arms and Accoutrements, under the provision of any Act relating to the Militia of the Province, and shall remove out of the District of the Company in which he may be enrolled, shall, before such removal, return to the Captain or Officer commanding the Company, in good and perfect order, the Arms and Accoutrements so received by him, under the penalty of five pounds.

Arms issued under the late Act

**XXIV.** *And be it further enacted,* That every person who has received Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, under the provision of any of the Acts heretofore in force relating to the Militia of the Province, and any person who shall have in his possession any of the Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, for the use of the Militia, and all persons liable to account for such Arms, Ammunition and Accoutrements, under the said Acts, shall be liable, and are hereby made liable, for the same in the same manner as if the said Acts had not been repealed;

repealed : any thing herein contained to the contrary notwithstanding.

~~XXV.~~ *And be it further enacted,* That if any person enrolled in the Militia of this Province, shall appear on the respective days of Muster and Training, with Arms and Accoutrements, any of which in the opinion of the Captain or Officer commanding a Company to which he belongs, are dirty and not in good and serviceable order, such person shall forfeit and pay a sum not less than two shillings and six-pence, nor more than ten shillings.

Arms not in order

XXVI. *And be it further enacted,* That if any person enrolled as aforesaid, who has received, or shall hereafter receive, Militia Arms and Accoutrements, shall use the said Militia Arms or Accoutrements for fowling, or the like private purposes, shall forfeit and pay for each offence, the sum of five shillings.

Improper use of Arms, &c. Notice to be given

[SECTION XXVII. REPEALED.]

XXVIII. *And be it further enacted,* That every Field Officer, Commanding a Regiment or Battalion, neglecting to give orders for assembling his Regiment or Battalion, by Companies or otherwise, the number of days mentioned aforesaid, for the purpose of training, disciplining, and improving the Men, belonging to his Regiment or Battalion, shall forfeit and pay the sum of twenty pounds, and every Officer commanding a Company, having received orders from the Commanding Officer of the Regiment or Battalion to which he belongs, to call out and discipline his Company, in the manner prescribed by this Act, and neglecting so to do, shall, for each and every offence, forfeit and pay the sum of five pounds; which said sums shall and may be recovered as hereinafter provided: the one half thereof to go to the person prosecuting, and the other half to be applied as hereinafter directed; and every person enrolled as aforesaid, who shall

Officers commanding Regiments, &c. neglecting to call out their Men for training

refuse



refuse or neglect to appear, agreeably to the provisions of this Act, when called upon, by warning or notice, as hereinbefore prescribed, to attend any Company, Regiment or Battalion, meeting, not being prevented by sickness, unavoidable accident, or other reasonable excuse, satisfactory to the Commanding Officer of his Company, shall be subject, for the first offence, to a fine of five shillings, for the second offence, to a fine of ten shillings, for the third offence, to a fine of fifteen shillings, and for every subsequent offence, to a fine of twenty shillings. And every Militia-man, enrolled as aforesaid, appearing on Parade, who shall refuse or neglect to perform such Militia duty as shall be required of him, or shall, on the day of muster or training, depart from such Company, without leave from the Commanding Officer of the Regiment, Battalion or Company, to which he shall belong, shall forfeit and pay, for each and every offence, a sum not exceeding twenty shillings, and not less than five shillings, which fine shall be imposed by the Commanding Officer of the Company present, and on Parade.

Improper  
conduct of  
Militia-Men

Notice of fine

**XXIX.** *And be it further enacted,* That notice of the imposition of the fines aforesaid, shall be given by the Clerk or non-commissioned Officer, or such person as shall, for the time being, perform the duty of Clerk of the Company such Militia-man shall belong to, either personally, or in writing, left with the master, parent or wife, or with his child or servant, of the age of discretion.

Appeal a-  
gainst fine

**XXX.** *And be it further enacted,* That it shall and may be lawful for every Militia-man, upon whom a fine shall be imposed as aforesaid, within the period of four days, if he shall adjudge himself aggrieved, to appeal to a Board of Officers, to be formed as hereafter is directed, and any person or persons so appealing, shall give notice thereof to the Clerk, or person doing the duty of Clerk, within the period hereinbefore limited.

**XXXI.**

**XXXI.** *And be it further enacted,* That all Officers under the rank of Lieutenant-Colonel, who shall fail to attend any meeting of the Regiment, Battalion or Company, of Militia, to which they respectively belong, without reasonable excuse, to be adjudged by a Board of Officers, to be appointed as is hereinafter directed, for the purpose of hearing and determining appeals, shall respectively forfeit and pay, for each and every default, according to their rank, that is to say, if a Major, five pounds; if a Captain, three pounds; and if a Subaltern Officer, two pounds; which fines shall be sued for by the Adjutant of the Regiment or Battalion, and recovered in like manner as fines are that are imposed upon Militia-men for non-attendance. And out of the said fines, the said Adjutant shall deduct to his own use one fourth part for his trouble of collecting, and the other three fourths parts he shall pay over to the Quarter Master of the Regiment or Battalion, to the use of the Regiment or Battalion.

Officers neglecting to attend trainings

[SECTION XXXII. REPEALED.]

**XXXIII.** *And be it further enacted,* That all fines incurred by this Act for non-attendance, and imposed upon any Militia-man conformable to the provisions of the same, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company to which the Militia-man belongs, which Justice of the Peace shall have no power to remit any such fine, but, on proof that the delinquent Militia-man had the notice by this Act required of the imposition of the fine, and that he had not been relieved upon appeal, the said Justice shall issue process for collecting the same, as in cases of debt.

Recovery of fines

*And Whereas, great inconvenience is experienced by reason of the frequent changing of the Militia-men of the Flat-fax Regiments of Militia, out of one Company thereof, into another:*

**XXXIV.**

Removal of  
Militia-Men  
from one  
Company to  
another

**XXXIV.** *Be it further enacted,* That each and every Militia-man, of the Halifax Regiments of Militia, shall be bound to do and perform his several Militia Duties in and with that Company of Militia in which he is properly enrolled before the first day of April, in each and every year; to which Company he shall be deemed as belonging for the year next following such enrolment, any transfer of his residence within the limits of his Regiment or Battalion notwithstanding.

Militia-Men  
to give notice  
of removal

**XXXV.** *And be it further enacted,* That any Militia-man of the said Regiments or Battalions, who shall remove from the limits of the Company District, in which he is enrolled, shall, one week after the removal to another Company District, give notice to the Clerk of his Company of his new place of residence, and in like manner shall notify the said Clerk of any removal, and in case of neglect the said Militia-man shall for each offence, forfeit and pay a fine of ten shillings.

Watching &  
Warding

**XXXVI.** *And be it further enacted,* That where Militia Guards shall be appointed for the purpose of watching and warding, that the said duties shall be equally and fairly distributed to and amongst, and equally and fairly borne by, each and every able-bodied Man of the District, as well Officers and those exempted from Militia Trainings, as others in his turn, according to a list or roster, to be kept by the Commanding Officer of each Militia Company, and every person refusing or neglecting by himself, or sufficient Substitute, to perform his fair term of watching and warding in manner, and at the time directed by the Commanding-Officer of his Company, shall forfeit and pay, for each and every neglect or refusal, a fine of ten shillings, to the use of the Company, and to be disposed of for the use and benefit of the Company in such manner as the Commanding-Officer of the said Company shall direct.

*Provided,*

*Provided always,* That nothing in this Act contained, shall extend or be construed to extend the number of days required for training, to be performed by Militia-men between the ages of forty-five and sixty years, or to subject any Militia-man above forty-five years of age, to any of the fines imposed by this Act for non-attendance at Company or Battalion trainings. Proviso

**XXXVII.** *And be it further enacted,* That where, from the exposed situation of the District, and the appearance or threatenings of the enemy, or by direction of the Governor, Lieutenant-Governor or Commander in Chief for the time being, Militia Guards shall be so appointed and kept, as that any Militia-man's duty of watching and warding shall exceed the number of six days or nights in any one year, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to cause every such Militia-man's service, over and above the said number of six days or nights, to be paid for out of the Treasury of the Province, according to the rate of Militia Pay, by this act allowed, upon such, over service being duly stated and certified by the Commander of each Battalion or Regiment of Militia, respectively in manner and form as shall be prescribed by the said Governor, Lieutenant-Governor or Commander in Chief. Watching & Warding by Militia-men over six days to be paid for

**XXXVIII.** *And be it further enacted,* That every person or persons, who shall wilfully make, or cause to be made, any false alarm, shall forfeit and pay, for each and every offence, the sum of ten pounds, to be recovered by Bill, plaint or information, in any Court or Record in this Province: one half thereof to the person who shall prosecute for the same, the other half to the use of the Battalion, in the District of which the offence shall be committed. False alarms

**XXXIX.** *And be it further enacted,* That it shall

Militia  
Courts of In-  
quiry

shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to draw, by Warrant, from the Treasury of the Province, such sum and sums of money as may be necessary to defray the expense attending such Militia Courts of Inquiry, as the Governor, Lieutenant-Governor or Commander in Chief may, from time to time, think proper to form, for the purpose of enquiring into such charges and allegations as may be exhibited against Militia Officers.

Exemptions  
Militia Duty

*XL. And be it further enacted,* That no established or licensed Clergyman, or regularly ordained Minister of the Gospel, shall be liable to any of the provisions of this Act; and that the persons hereinafter named shall be exempted from all muster and trainings, (except such as shall receive commissions in the Militia) viz. The Members of His Majesty's Council; the Members of the Assembly, for the time being; the Chief Justice, and Judges of Courts; the Attorney and Solicitor-General; Justices of the Peace, who have taken the Oath of Office; High-Sheriffs, Coroners; the Secretary, Surveyor-General, and Treasurer of the Province; Officers of His Majesty's Customs, and of the Excise, and established Waiters; the Naval Officer and his Deputies; Physicians, and Surgeons, and Attornies at Law, Clerks, Storekeepers, and other persons, actually employed in the Civil and Military Departments of the Army, constant Ferry-men, (being licensed as such,) one Miller to each Grist Mill, Postmasters and Carriers, actually appointed and employed as such, and persons usually called Quakers, and duly certified as such by their Society. *Provided always,* that all persons so exempted from training, shall be at all times furnished with Arms and Ammunition, in manner prescribed by this Act, and under the like penalties, for neglect thereof, and shall be liable to attend all other duties, directed by this Act,

Act, for persons enrolled in the Militia, by themselves, or sufficient substitutes, excepting only the following persons, viz: the Members of His Majesty's Council, the Judges of the Supreme Court, the Secretary of the Province, and persons commonly called Quakers, certified as such by their Society, for which exemptions, every such Quaker shall pay annually the sum of twenty shillings.

**XLI.** *And be it further enacted,* That if any non-commissioned Officer or Private of any company of Militia shall be guilty of drunkenness or contemptuous behaviour, disobedience of orders, or shall otherwise misbehave himself at any muster or training, whether in Regiment, Battalion or Company, in such case it shall and may be lawful for the Officer commanding the Regiment, Battalion or Company, to cause such persons so offending, to be immediately apprehended and committed to the County Jail for a time not exceeding three days, nor less than twelve hours, there to remain without bail or main-prize; and the Captain or Officer commanding such Regiment, Battalion or Company, shall, with the person to be committed, send to the Sheriff of the County or his Jailor, a Warrant, under his hand and seal, for the receiving and keeping the said offender in the words following, that is to say:

Drunkenness  
or contemptuous behav-  
iour

To A. B. Sheriff of the County of     or his Jailor  
You are hereby required to receive C. D. of  
my     who was guilty of     on the  
day of     in the year of our Lord 18     at a  
muster or training, and him closely confine in your  
Jail for the space of     hours from the time of his  
being delivered into your custody, and at the ex-  
piration whereof, you are to release the said C. D.  
on his paying your fees, and this to you, or either  
of you, shall be your sufficient Warrant.

And on refusal or neglect of the said Sheriff or  
Jailor, to receive such person so committed, into  
his custody, he shall forfeit and pay the sum of five  
pounds,

pounds, for each and every offence; and the Sergeant or Corporal, who shall be ordered by the Officer commanding the said Regiment, Battalion or Company, to escort the said offender to Jail, shall in case of neglect or refusal, be reduced to the ranks, and shall, for each and every such offence, forfeit and pay the sum of forty shillings; and each and every private, who shall be ordered by the Commanding Officer as aforesaid, for the purpose of escorting the said offender; as aforesaid, who shall neglect or refuse to do the same, shall forfeit and pay the sum of ten shillings:

Appointment  
of Adjutant

**XLII.** *And be it further enacted,* That there shall be an Adjutant appointed to each Regiment or Battalion in the Province, whose duty it shall be to attend at the place of assembling each Company, Regiment, Battalion and Detachment, of the Regiment or Battalion, when called out as aforesaid, then and there, under the direction of the Officer commanding, to inspect their Arms, Ammunition and Accoutrements, to superintend their exercise and manœuvres, and introduce a proper system of military discipline, agreeable to such orders as he shall receive, from time to time, from the Colonel or Commanding Officer of the Regiment or Battalion, and to do and perform such other duties and services suitable for an Adjutant, as the Colonel or Commanding Officer of the Regiment or Battalion shall, from time to time, order and direct, and that every such Adjutant shall be allowed, as a full compensation for all the service he is required to perform by this Act, the sum of fifteen pounds per year, to be paid out of the Provincial Treasury by Warrants from the Governor, Lieutenant-Governor or Commander in Chief for the time being, on the Certificate of the Field-Officer, and a majority of the Captains of the Regiment or Battalion, and of the Inspecting Field-Officer, if any, of the District for which the Adjutant may be appointed,

His duty

Compensa-  
to Adjutant

appointed, that such Adjutant is duly qualified, and has attended all the Regimental and Company trainings, distributed the orders, and made up the returns of the Regiment or Battalion, and faithfully performed the other services prescribed by this Act.

**XLIII.** *And be it further enacted,* That the Captain or Officer commanding each Company, shall, and is hereby fully empowered, with the approbation of the Officer commanding the Regiment or Battalion, to nominate and appoint proper persons to serve as Sergeants, Corporals, Clerks, Drummers or Fifers, in the Company which such Captain or Officer commands, and so to displace them, and appoint others in their room; and if any person, so appointed, shall refuse to accept such appointment, he shall forfeit and pay a fine of forty shillings, and another shall be appointed in his room, who, in case of refusal, shall be liable to the same fine, and so on until one do accept; and in case any Sergeant, Corporal, Drummer or Fifer, accepting such appointment, and refusing or neglecting the duty thereof, shall forfeit and pay, for each offence, forty shillings.

Appointment  
of Sergeants  
Corporals,  
Clerks, &c.

**XLIV.** *And be it further enacted,* That all Clerks of Companies, before they enter on the execution of their duty, shall take an oath before some one of His Majesty's Justices of Peace, who is hereby authorised to administer the same. The form of the Oath to be as follows, viz.

Clerks to be  
sworn

I do swear truly to perform the Office of Clerk of the Militia Company, under the Command of A. B. to the utmost of my skill and power in all things appertaining to my Office, according to Law. So help me God.

Form of oath

And the duties of Clerks of Companies shall be, to keep Registers of their respective Companies, to furnish the Non-Commissioned Officers with lists of the men whom they are directed to warn

Duty of  
Clerks

warn



warn for training, and other duties prescribed by this Act, and to take lists of the Companies as often as required by the Officers Commanding them; to attend Commissioned Officers making inspection of Arms; to attend all musters, and to prosecute for all fines, and sue for all penalties, incurred by this Act, applicable to the use of their respective Companies, when so ordered by the Officers commanding such Company; and such Clerk shall be allowed and paid one fourth of all fines and forfeitures he shall recover by virtue of this Act, as a reward for his trouble in doing the duties enjoined thereby, and shall be exempt from being drafted or ballotted for actual service.

Refusal to  
serve as  
Clerks

**XLV.** *And be it further enacted,* That if any Clerk of a Militia Company shall refuse or neglect to perform the duties hereinbefore enjoined, he shall forfeit and pay for each offence, or neglect of duty, a fine not exceeding five pounds, nor less than twenty shillings, to be prosecuted for by the Officer commanding the Company.

Appointment  
of Sergeant  
Major, and  
Clerk to each  
Battalion

**XLVI.** *And be it further enacted,* That it shall and may be lawful for the Colonel, or Officer commanding any Regiment or Battalion of Militia, to appoint a Sergeant-Major and Clerk, for such Regiment or Battalion (and in those Counties or Districts where, from local circumstances, the Regiment or Battalion cannot be assembled entire, one additional Clerk for such Division of said Regiment or Battalion, which cannot be assembled at the place of general rendezvous,) provided there be but one additional Clerk to any Regiment or Battalion, and to displace such Sergeant-Major and Clerks, and appoint others in their room, as he shall see occasion; and the Sergeant-Major and the Clerks, so appointed, shall be exempted from all balloting for actual service; and the Clerks, so appointed, shall take the Oath for the faithful discharge

discharge of their duties, in manner as is hereinbefore prescribed for Clerks of Companies, and shall be subject to the same penalties as the Clerks of Companies for any neglect of duty.

**XLVII.** *And be it further enacted,* That twice in every year, viz: on or before the last day of March and November, the Colonels or other Officers commanding Regiments or Battalions shall make out, and transmit to the Adjutant General of the Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, returns of the strength of their Regiments, Battalions or Companies; and also returns of Arms, and an account of all fines, collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure; and all Captains or Officers Commanding Companies are hereby required to make out and transmit to the Officer commanding the Regiment or Battalion to which such Companies belong, twice in every year, viz: on or before the fifteenth days of March and November, annually, and as often further as required by the Commanding Officer of the Regiment, returns of the strength of their respective Companies, with fair rolls thereof, and also returns of Arms: all forms of returns prescribed by the Adjutant-General to be uniformly adopted; and any Officer guilty of wilfully making any false returns, shall be cashiered by the sentence of a General Court-Martial, to be appointed as is hereinafter directed, and shall moreover be liable to a fine not exceeding twenty pounds; and if any Colonel or other Officer commanding a Regiment or Battalion, shall neglect to make the returns required of him as aforesaid, he shall for every such neglect, forfeit and pay a fine of twenty pounds; and if any Captain or other Officer commanding a Company, shall neglect to make the return required of him as aforesaid, he shall forfeit

Return of  
strength of  
Battalions

Return of  
Arms, &c.

Account of  
Fines collect-  
ed and their  
application

Return of the  
strength of  
Companies  
with their  
Arms, &c.

forfeit and pay a fine of five pounds, for every such neglect.

Interruption  
of Militia in  
their exercise

**XLVIII.** *And be it further enacted,* That if any person shall wilfully interrupt any Regiment, Battalion, Company or Detachment, of Militia, at exercise, or on any duty prescribed by this Act, it shall and may be lawful for the Officer commanding such Regiment, Battalion, Company or Detachment, to confine such persons during the time of such exercise or duty, (if necessary) to prevent the continuance of such insult or wilful interruption; and the person so offending shall forfeit and pay the sum of ten shillings for each and every offence.

Infirmities

**XLIX.** *And be it further enacted,* That when any person enrolled in the Militia shall complain to the Officer commanding the Regiment or Battalion to which he belongs, that, by reason of sickness or accidental or natural infirmity, he is unable to perform the Militia duties required by this Act, it shall and may be lawful for the Colonel, or other Field-Officer, to order a Board of one Field-Officer and two Captains to enquire into, and decide on, the said complaint; and it shall be lawful for such Board to apply, or to cause the party complaining to apply, to any able Physician or Surgeon, residing within the County or District to which the Regiment or Battalion belongs, for his certificate or opinion respecting the nature and extent of the sickness or infirmity of the complainant, which opinion or certificate the said Physician or Surgeon is hereby required to give forthwith without fee or reward, under penalty of forfeiting forty shillings for each refusal or neglect; and, if after a full consideration of the said complaint, the Board shall report thereon to the Officer commanding the Regiment or Battalion, that the party complaining is really unable to perform the said Militia duties, the said commanding Officer shall  
grant

grant a certificate thereof accordingly, which shall exempt the complainant from such duties so long as the disability shall exist, and every Physician or Surgeon who shall give a certificate or opinion of the actual existence of any sickness, complaint or disability, of any Militia-man, knowing that such sickness, complaint or disability, is false or pretended, shall forfeit and pay a fine of ten pounds for every such offence.

*L. And be it further enacted,* That the Colonel, or Officer commanding any Regiment or Battalion, shall, once in every year, within the first fourteen days of the Month of March, and as often further as, with the advice of three Captains of his Regiment, he shall judge fit, require the Field-Officers, Captains, and Officers commanding Companies, to meet at such time and place as he shall appoint, and there, with them, confer and take order for the better regulation of their Companies; for establishing and altering the limits of Company Districts; and prescribing the number of men in each Company; appropriating such fines as, by this Act, are to be applied to the service of the Regiment or Battalion; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and military discipline, in the Regiment or Battalion to which they belong; and all Officers shall yield obedience to the warrants or commands of their superior Officers, and shall observe such regulations, being in writing, as may be made at the Meetings herein prescribed, under a penalty not exceeding five pounds, to be adjudged at the next Meeting as aforesaid. *Provided always,* That no Officer shall be bound by any regulation regarding his dress or appointments, unless two thirds of all the commissioned Officers of the Regiment or Battalion shall have concurred therein; *and provided also,* that an account of all fines, with their appropriations

Conferences  
of Officers,  
for better re-  
gulation of  
Militia

Dress of Offi-  
cers

appropriations as aforesaid, shall, from time to time, be rendered to the Secretary's Office, by the Colonels, or other Officers commanding Regiments or Battalions, and subject to the like penalty for defaults; and that no rule or regulation made at any of the aforesaid meetings (excepting only such as may relate to the establishing the limits of Districts, and numbers of men in each company or to the appropriation of fines) or any warrant or command thereupon, shall be of any force or validity, until the same shall have been transmitted to the Governor, Lieutenant-Governor or Commander in Chief, and shall have received his approbation.

Officers removing from the District to which their Battalions belong

**LI. And be it further enacted,** That every Militia Officer who shall remove from the County or District to which his Regiment or Battalion belongs, or who from other causes is not attached to any Regiment or Battalion, but retains a commission in the Militia, shall be liable to sit on Courts-Martial, and to perform the other duties of his rank when thereto required by his Superior Officer, and may in cases of necessity or vacancy, be ordered to take his station in the Regiment or Battalion of the County or District in which he shall reside, and in case of refusal or neglect to obey such orders, such Officer shall be tried by a General Court Martial, and on conviction of such offence be deprived of his Commission.

Reduced Officers

**LII. And be it further enacted,** That no Officer who has been, or hereafter may be, cashiered by the sentence of a General Court-Martial; no Officer who may hereafter resign his commission in the Militia; and no Officer who has been heretofore dismissed His Majesty's Service, or who shall neglect within six months after the publication of this Act, to qualify himself for the duties of his station, (and shall upon the representation of the Commanding Officer of the Regiment

Regiment or Battalion to which he belongs, and the Inspecting Field-Officer of the District, be on that account deprived of his Commission by the Governor, Lieutenant-Governor or Commander in Chief) shall be entitled to any rank or privilege from having held such Commission, or exempted from enrolment, or the performance of the duties of a private Militia-man.

**LIII.** *And be it further enacted,* That the Governor, Lieutenant-Governor, or Commander in Chief, shall be, and is hereby authorised and empowered, in case of any invasion or sudden attack made or threatened by His Majesty's Enemies, to call into real service, the Militia of the several Counties, or any part thereof as he in his discretion shall think fit; and that the Militia or any part thereof so called into real service, by virtue of the Provisions of this Act, shall and may be ordered to march from one County or part of the Province to another; on any necessary service occasioned by any such invasion or sudden attack made or threatened.

**LIV.** *And be it further enacted,* That in case of any invasion or sudden attack made or threatened to be made as aforesaid, in any County where the Commander in Chief cannot be immediately consulted, the Commanding Officer of the Militia in such County shall have power, if he in his discretion shall think it absolutely necessary, to call out the Militia of such County, or any part thereof, into real service; and in case of any such invasion or sudden attack being made or threatened to be made, in any Town, Parish or District, in any County where the Colonel or Commanding Officer of the Militia of such County cannot be immediately consulted, the Officer commanding the Militia in such Town, Parish or District, shall have power, if he, in his discretion, shall think it absolutely necessary or expedient, to call out the Militia under his command, or any part

Actual Sergeant  
vice

When the Governor cannot be consulted on any sudden attack

part thereof, into real service ; and such Officer, last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the Colonel or Commanding Officer of the Militia of the County, who is hereby empowered and required, in case he shall call out, or continue in real service, any part of the Militia under his command, forthwith to dispatch, if necessary, an express to the Governor, Lieutenant-Governor or Commander in Chief, for the time being, notifying the danger, and the strength and motions of the enemy, and the said Colonel or Commanding Officer is hereby empowered to impress men and horses, boats, carts or waggons, as the service may require; and all expresses, so ordered, and the men so impressed, or owners of such horses, shall be allowed a reasonable compensation for such service, to be paid out of the Provincial Treasury, by Warrant from the Governor, Lieutenant-Governor or Commander in Chief, for the time being, with the advice of His Majesty's Council, and on certificate of such Colonel or Commanding Officer, and two Captains of the Militia of such County, that such expenses have been justly incurred.

Regulation  
of duty in ac-  
tual service

**LV.** *And be it further enacted,* That when, in consequence of the order of the Commander in Chief, or in the cases hereinbefore mentioned, of the Colonel or Officer commanding the Militia of any County, or any part thereof, shall be called into real service in the County to which they belong, all duties to be performed, except in cases of great emergency, shall be regulated by rosters, to be kept of the Militia fit for duty, so that such service may be equitably distributed; and every Officer or person enrolled in the Militia, when called into actual service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting Guards, erecting Works, and other Military Services,

Services, for repelling, resisting or guarding against the attacks of the Enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of Orders.

**LVI.** *And be it further enacted,* That, as soon after the publication of this Act as the Governor, Lieutenant-Governor or the Commander in Chief for the time being, shall appoint, and thereafter in the time of War, between the tenth and twentieth days of March, in each and every year, unless otherwise directed by the Governor, Lieutenant-Governor or Commander in Chief for the time being, the Officers commanding the several Regiments or Battalions of Militia; shall cause the Captains or Commanding Officers of Companies, in their respective Regiments or Battalions, to divide the men enrolled in such Companies into two classes: the first class to consist of all the able men, from the age of eighteen to the age of forty-five years, inclusive, which is to be considered as the first class for service; and the second class to consist of men above the age of forty-five, and under the age of eighteen years, which is to be considered as the second class for service; and in case a sufficiency of Arms and Accoutrements shall not be provided, at the expense of the Province, or otherwise, for arming the whole of the Militia, the men of the first class shall be completed with Arms and Accoutrements, before any other persons shall be furnished therewith.

Companies to be formed into two classes

**LVII.** *And be it further enacted,* That as soon as the classes shall be formed as aforesaid, the Commanding Officers of the respective companies shall cause a draft or ballot to be made of the first class, as hereinafter mentioned; for the purpose of framing a list or roster, by which the men of such class may be called into actual service, when required, that is to say: the names of each and every person in such class shall be written on separate pieces of paper, all, as near as may be, of equal size, which shall be rolled or folded

Rosters to be formed by ballot



folded up, as near as may be, in the same manner and put into a hat, and therein be well mixed and shaken together; and in like manner, numbers from one to the extent of the number of men contained in such class, shall be written on distinct pieces of paper of equal size, as near as may be, and separately rolled or folded up, as nearly alike as possible, and put into another hat, and well mixed or shaken together; and two indifferent persons shall be nominated by the Commanding Officer of the Company, publicly to draw the same, and the said persons shall respectively begin by drawing out of each hat one of the said papers; and the Clerk of the Company, if present, or otherwise a person appointed to officiate as Clerk, shall form a list on a paper, to be provided for that purpose, and shall first set down thereon the name of the person first drawn out of the hat, and opposite to such name the number first drawn out of the other hat, and then the person appointed to conduct the drawing, as aforesaid, shall draw another name and another number, respectively, and the Clerk shall set down, as aforesaid, such name so secondly drawn, and opposite thereto the number secondly drawn; and the drawing shall proceed in like manner, until the whole of the names and numbers of such first class shall be drawn, and set down in writing, as aforesaid; and, from such list, the Clerk of the company shall from a new list or roster, beginning with the name of the person against whom the number one stands in the list, and proceeding in numerical order to the name of the person who drew the last or highest number.

Cavalry and  
Artillery  
Companies  
to be classed

**LVIII.** *And be it further enacted,* That the Men enrolled in any Troop of Cavalry or Company of Artillery, shall be drafted and classed for service in the manner hereinbefore prescribed for Companies of Regiments or Battalions.

**LIX.** *And be it further enacted,* That when the

The Commanding-Officers of any Regiment or Battalion, or of any Troop of Cavalry or Company of Artillery, shall be ordered by the Governor, Lieutenant-Governor or Commander in Chief, to furnish or embody any number of Men of his Regiment, Battalion, Troop or Company, for actual service, they shall be furnished in as exact proportion as possible to the number of effective Men of each Company or Troop; and each Company or Troop shall furnish its proportion of Men  $\frac{1}{2}$  of the first class, beginning with number one, in the list or roster formed by draft as aforesaid, and proceeding in the order as the names stand in such list or roster, until the numbers required are complete; and each and every person so liable to serve, unless prevented by sickness or other sufficient cause, shall go in his proper person, or find a sufficient substitute, to be approved of by the Officer commanding the Detachment, or the Field-Officer of the Regiment; and, in case of any wilful absence, neglect or disobedience herein, of any person so liable to serve, he shall be confined by the Commanding-Officer, and shall pay a fine of ten pounds, or remain in jail three months; and the person next on the list or roster shall be called out to serve in his place, who shall have the whole of the said fine, if he shall not neglect or refuse to go, or to find a sufficient substitute in his room, to be approved of as aforesaid; but if he also shall refuse or neglect, he shall be subject to the like fine and imprisonment; and the person then next in rotation on the list or roster, shall be called out to serve, who shall have the whole of the last mentioned fine, if he shall not neglect or refuse to go, or find a sufficient substitute as aforesaid, and so as often as such case shall happen. *Provided always, and be it hereby declared,* That the fines, if more than one, shall accumulate and be recoverable

Drafts for  
actual service

Fines  
to

to the use of the Regiment or Battalion, Troop or Artillery Company, wherein they have been incurred. *And provided,* That if any part of the Militia, in any Company, shall not be called out oftener than once within four years, no man who has been called out, and served in person, or by sufficient substitute, shall be liable to serve again, until all the other effective Men of his Company shall have served in their turns, personally or by substitute. *Provided also,* That no Quaker, duly certified as such, shall be liable to the foregoing fine, but in case he shall stand for service on the list, and shall refuse to go, or find a proper substitute, it shall be lawful for the Officer commanding the Company to which such Quaker belongs, to procure a substitute in his place, and such Quaker shall be liable to pay the expense of such hiring, so as the same do not exceed ten pounds, to be recovered before any two Justices of the Peace.

Quakers

Removal of  
Militia-men  
from one  
Company  
District to  
another

**LX.** *And be it further enacted,* That when any Militia-man shall remove from one Company District to another, and shall be enrolled in the Company of the District to which he has removed, he shall fall in immediately before the person who has drawn the same number as the said Militia-man held in his former Company, and shall stand there ready to be called on for actual service, as if he had originally drawn such number in the Company to which he has so removed.

**LXI.** *Provided always, and be it further enacted,* That when it shall happen that there are two or more sons residing in the house or family of their father or mother, and who shall have resided therein for one year preceding, then in case such sons shall stand on the list or roster aforesaid, so as to be liable to be ordered for service at the same time, one of the said sons shall be excused from serving; and the next on the list or roster shall be called out in his stead; and

if

if any person aged sixty years or upwards, or any Widow having a son, grandson or an apprentice, on whom he or she depends for support, living with such aged person or widow for the space of twelve months before the ordering of any draft as aforesaid, such son, grandson or apprentice, shall be exempted from serving so long as he resides in the House or Family of such aged Person or Widow, and contributes to his or her support.

AND WHEREAS, *the drafting of Militia-men employed as Clerks, Storekeepers, Mechanics or Labourers, in His Majesty's Ordnance Stores, and Naval or Careening Yard, and in the Civil and Military Departments of the Army, is frequently injurious to His Majesty's Service; for remedy thereof,*

**LXII.** *Be it further enacted,* That, whenever a proportion of the Militia of the Town of Halifax shall be called into service, it shall and may be lawful for the Colonel or Officer commanding the Regiment or Militia to which Clerks, Storekeepers, Mechanics or Labourers, belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Careening Yard, or in the Departments of the Army, to apportion the number of drafts such Clerks, Storekeepers, Mechanics and Labourers, which each of the said Departments respectively ought to furnish, and to procure good and sufficient substitutes in the place or stead of such Clerks, Storekeepers, Mechanics and Labourers, on the most reasonable terms, the amount of which cost and expense for procuring such substitutes shall be duly assessed by the Colonel, Lieutenant-Colonel or Officer commanding the Regiment, with the assistance of two Captains of the said Regiment, on each Clerk, Storekeeper, Mechanic or Labourer, so employed in each of the aforesaid Departments respectively, in proportion to the daily pay of each and every of the said Clerks, Storekeepers, Mechanics and Labourers.

Exemption of  
Clerks &c in  
Government  
employ

**LXIII.**

Refusal of  
Clerks. &c. to  
pay assess-  
ment,

**LXIII.** *And be it further enacted,* That each and every such Clerk, Storekeeper, Mechanic or Labourer, so assessed as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment to the Officer commanding the Regiment, or to any person by him duly authorised to receive the same; and if any such Clerks, Storekeeper, Mechanic or Labourer, shall refuse or neglect to pay such rate or assessment, it shall and may be lawful for any of His Majesty's Justices of the Peace for the Town of Halifax, on complaint of the Officer commanding the Regiment, and on due proof of such Clerk, Storekeeper, Mechanic or Labourer, having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his Warrant to any of the Constables of the Town of Halifax, directing them to levy by distress and sale of the Goods and Chattles of such Clerk, Storekeeper, Mechanic or Labourer, the sum so proved to be by him due and owing as his proportion, rate or assessment, aforesaid, with costs of suit, and for want of Goods and Chattles to commit such Clerk, Storekeeper, Mechanic or Labourer, to Jail, there to remain until the amount so specified in the Warrant be duly paid. *Provided always,* That nothing in this Act contained, shall extend, or be construed to extend, to prevent the said Clerks, Storekeepers, Mechanics or Labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeably to law, or performing the aforesaid Militia duty in person, on due notice given to them of such duty, and on their declaring such their intention at the time of notification and carrying the same into effect.

Proviso

Refusal of  
Militia, when  
ordered into  
actual service

**LXIV.** *And be it further enacted,* That whenever, agreeably to the authority granted by this Act, the Governor, Lieutenant-Governor, or Commander in Chief, or the Colonel or Officer commanding

commanding any Regiment or Battalion, or Officer commanding in any Township, shall order any part of the Militia into actual service, any Non-commissioned Officer or Private, enrolled in the Militia, who shall neglect or refuse to obey such order, or shall not by himself or sufficient substitute, march and proceed to perform such service as may be legally required of him, that such Non-commissioned Officer or Man shall be confined by the Officer commanding the Battalion, Regiment or Company, to which such person belongs, and shall be subject to a fine of ten pounds, to be recovered before any two of His Majesty's Justices of the Peace for the County wherein the offence is committed, to be levied of his Goods and Chattles, by warrant of distress under the hands and seals of such Justices, or, in default of such distress, to be liable to three months close imprisonment.

LXV. *nd be it further enacted*, That whenever any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, of His Majesty's regular Troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies, to go on actual service, until they shall be dismissed by order of the Governor, Lieutenant-Governor, or Commander in Chief; and at the time of their dismissal they shall be allowed respectively a number of days pay to defray their expenses to their usual places of residence, according to the distance, at the rate of fifteen miles per day. And the Militia, when called out into actual service, shall on their arrival at the first Military Post, or at the place of general rendezvous, where they are to be embodied

Pay of Militia when ordered into actual service

died into Regiments, Battalions or Companies, be furnished with rations in the same manner, and on the same terms, as they are supplied to His Majesty's Troops.

Pay of Ser-  
geants, Cor-  
porals,  
Trumpeters,  
Drummers  
and Fifers

**LXVI.** *Provided always, and be it further enacted,* That if the pay so to be allowed to persons under the rank of Commissioned Officers shall not amount to the rates of pay hereinafter mentioned, clear of all deductions, that is to say, to every Serjeant two shillings per day, to every Corporal, Trumpeter, Drummer or Fifer, one shilling and six pence per day, and to every private Man one shilling and three pence per day; it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, at the monthly or other periods of paying the Militia, to cause the said deficiency to be made up to the Non-commissioned Officers, Trumpeters, Drummers, Fifers, and Private Men, out of the Treasury of the Province, and to draw his Warrants therefor accordingly, by and with the advice and consent of His Majesty's Council.

Armed Boats  
may be pro-  
vided

**LXVII.** *And be it further enacted,* That in any County or District exposed to the attack of the Enemy, by water, it shall and may be lawful for the General Sessions of the Peace, on presentment of the Grand Jury of such County or District, to assess such sum or sums of money, as may be so presented, for the providing of one or more armed Boats for the defence of such County or District; such Boat or Boats to be under the direction of the Officer commanding the Militia in such County or District, until by the Sessions, and on presentment of the Grand Jury aforesaid, such Boat or Boats shall be judged no longer necessary, when they shall be at the disposal of such Sessions, on the presentment of the said Grand Jury, for the benefit of such County or District.

**LXVIII.** *And be it further enacted,* That  
whenever

whenever the Colonel of Commanding Officer of the Militia in any County or District where such Boats are provided, shall find it necessary to order the Boats so provided, or any other Boats or Vessels with which he may be furnished, to proceed, in repelling the Enemy, or to the assistance of any neighbouring District or Place, or to be stationed as a watch for the defence of any such place, the Militia of such County shall, on the orders of such Commanding Officer, proceed in such Boats accordingly. *Provided always*, that the Officer commanding the Party of Militia on board such Boat or Boats shall have the command also of such Boat or Boats, and that the Militia shall not be obliged to proceed more than three leagues from the Land when so ordered.

Armed Boats  
how employ-  
ed

**LXIX.** *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the Enemy, he shall be taken care of at the expence of the Province, during the time of such disability.

Persons  
wounded or  
disabled by  
the Enemy

**LXX.** *And be it further enacted*, That in case of invasion of an Enemy, or imminent danger thereof, when any part of the Militia shall be drawn out and embodied for actual service in the manner hereinbefore directed, from the time that such part of the Militia shall be so embodied until they shall be discharged by order of the Governor, Lieutenant-Governor, or Commander in Chief, such of the Articles of War now in force for the Government of His Majesty's Forces in this Province, as the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice and consent of His Majesty's Council, shall consider applicable, and shall alter so as to render the same conformable to the restrictions hereinafter mentioned, shall be printed agreeable to such alterations, and such of the said Articles when so altered and printed (until otherwise provided for by the Legislature) shall be judicially taken

Articles of  
War



taken notice of by all Judges and all Courts whatsoever, and shall be binding on, and extend to, all the Officers, Non-commissioned Officers, and private Men, of the Militia embodied as aforesaid, in all cases whatsoever not provided for by this Act; which Articles of War, the Governor, Lieutenant-Governor or Commander in Chief, may cause to be made and published, as soon after the publication of this Act as he may think

Courts-Martial

proper.

**LXXI.** *Provided always, and be it further enacted,* That no officer serving in His Majesty's Regular Forces shall sit on any Court-Martial, upon the Trial of any Officer, Non-commissioned Officer or private Man, serving in the Militia; nor shall any sentence of any General Court-Martial extend to death, unless for desertion to the Enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to the Enemy, any Garrison, Fortress, Post or Guard; nor shall any man, serving in the Militia, be subject to be whipped, or otherwise corporally punished, in any case whatsoever, except by imprisonment, nor shall the sentence of any General Court-Martial be carried into execution until it has been approved of by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

**LXXII.** *And be it further enacted,* That the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall have power, and is hereby empowered, by Warrant under his hand and seal, to constitute and appoint General Courts-Martial, for the trial of all offences made cognizable by such Courts, by virtue of this Act, or which shall be made cognizable by such Courts, under such Articles of War as shall be published for the government of the Militia, as hereinbefore mentioned; which Court shall consist of not less than thirteen commissioned Officers, the President

dent whereof shall not be under the rank of Field Officer.

**LXXIII.** *And be it further enacted,* That in all trials by General Court-Martial, every Officer, before my proceedings be had, shall take the following Oath, and the Judge Advocate is hereby authorised to administer the same, viz :

Members of  
Courts Mar-  
tial to be  
sworn

I, A, B, do swear that I will duly administer Justice, according to the Laws of this Province, now in force for the better regulating the Militia, without partiality, favor or affection; and I further swear that I will not divulge the sentence of this Court until it shall be approved by His Majesty, or some person duly authorised by him; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law. So help me God.

Form of Oath

And no sentence of death shall be given against any offender, by such General Court-Martial, unless twelve Officers shall concur therein, and the Governor, Lieutenant-Governor, or Commander in Chief, shall have power to appoint any one of His Majesty's Justices of the Peace for said Province, or other, a fit person, to act as Judge Advocate at any such General Court-Martial; and *Provided always*, that the Judge Advocate, previous to any proceedings had on the trial of any Prisoner, takes the following Oath, to be administered by the President of the Court Martial, to wit :

Judge Adve-  
cate to be  
sworn

I, A, B, do swear that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness by a Court of Justice in a due course of Law. So help me God.

Form of Oath

**LXXIV.** *And be it further enacted,* That no person

Persons sentenced to death by a Court-Martial

person shall be put to death under the sentence of a General Court-Martial, until a Warrant, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief, shall issue for the execution of such sentence: which Warrant shall direct the time and place, when and where the person sentenced to death shall be executed, and all sentences of death shall be executed by either shooting or hanging the offender, as the same may be directed and ordered in the said Warrant, which Warrant shall be a sufficient justification to the Officer or Officers to whom the same may be directed, and to all those lawfully employed under them in executing such sentence. *Provided always*, that previous to any persons being put to death, pursuant to the sentence of a General Court-Martial, such sentence, and the Warrant for the execution thereof, shall be publicly read in the hearing of the by-standers, at the time and place appointed for such execution.

Rank of Officers composing Courts-Martial

**LXXV.** *And be it further enacted*, That no Officer under the rank of Captain, shall sit upon a Court-Martial for the trial of any Field Officer.

Power of Regimental Courts-Martial

**LXXVI.** *And be it further enacted*, That General Courts-Martial shall have power, and they are hereby empowered, upon a appeal being made from the sentence of Regimental Courts-Martial, to enquire into, and to confirm or annul, the said sentence, as to the same Court shall appear fit and right; and in case it shall appear to the Court that an appeal hath been made without any sufficient cause by a person sentenced by such Regimental Court-Martial, then and in that case the said General Courts-Martial shall have power, and they hereby empowered, to increase the punishment of such appellant by imprisonment in the Jail of the County, where such appellant doth reside, for a time not exceeding thirty days.

**LXXVII.** *And be it further enacted*, That Officers

Officers commanding Regiments, Battalions or Detachments, not under the rank of Captains, shall have power, and they are hereby empowered, to order a Regimental Court-Martial for the trial of all offences cognizable by such Court, under and by virtue of this Act, or any other Act made; or that shall be made, for the better regulating the Militia, and that such Regimental Court-Martial shall consist of five members at the least, the President whereof shall not be under the rank of Captain.

Regimental-  
Courts-Mar-  
tial

LXXVIII. *And be it further enacted,* That the said Regimental Courts-Martial shall have power, and they are hereby empowered, to fine or imprison offenders for offences, made by Law cognizable by such Court, in their discretion, according to the nature of the offence, provided that the fine, to be by them imposed, shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed thirty days.

Sentence of  
Regimental  
Courts-Mar-  
tial

LXXIX. *And be it further enacted,* That no sentence of a Regimental Court-Martial shall be executed, until the same shall be approved of, and confirmed, by the Officer commanding the Regiment, Battalion or Detachment of Militia, in which the person prosecuted shall serve, nor shall the same be executed without an order under the hand of such commanding Officer, for that purpose.

Execution of  
Sentence

LXXX. *And be it further enacted,* That all Courts-Martial shall have power, and they are hereby empowered, to administer an Oath to Witnesses, in the same manner as is accustomed by the Court-Martial in the British Regular Army; and to punish all and every person or persons for contempt of the Court, by disobedience of its orders, made in pursuance of the power and authority vested in them; or gross abuse of the said Court, in presence of the said Court, by fine or imprisonment, so as the said fine by them imposed

Witnesses to  
be sworn

posed shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed twenty days.

Consanguini-  
ty of Mem-  
bers of Courts  
Martial to  
delinquents

**LXXXI.** *And be it further enacted,* That no person shall sit as a Member of any Court-Martial for the trial of any offender, who shall be related, within the fourth degree, either to the prosecutor, or to the person or persons prosecuted; not shall any accuser sit as a Member of the Court for the trial of the person accused.

Quarter-  
Masters

**LXXXII.** *And be it further enacted,* That the Quarter-Master of every Regiment or Battalion shall, before he commences the duties of his office, give bond with two sufficient sureties to the Colonel or Officer commanding such Regiment or Battalion, for his faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all Provisions and Stores he may receive as Quarter-Master of such Regiment or Battalion; and the Quarter-Master of every Regiment or Battalion shall receive all fines and forfeitures applicable to the service of his Regiment or Battalion, for collecting, receiving and paying over, which he shall be entitled to a commission of ten per cent. to be allowed in his General Accounts; and such Quarter-Master shall annually, at the General Meeting of the Commissioned Officers of the Regiment or Battalion to which he belongs, and three times further if thereto required by the Officer commanding such Regiment or Battalion, exhibit fair accounts of the receipt and disbursement of all monies coming into his hands for the use of his Regiment or Battalion, and it shall and may be lawful for every Quarter-Master with the approbation of the Officer commanding the Regiment or Battalion to which he belongs, to appoint a Quarter-Master Sergeant, and with the like approbation to remove him, and to appoint another in his stead; and the Quarter-Master  
hall

shall be, and he is hereby made, responsible for all monies applicable to the use of the Battalion or Regiment which shall come into the hands of such Quarter-Master Sergeant.

[SECTIONS LXXXIII & LXXXIV, REPEALED].

**LXXXV.** *And be it further enacted,* That if any person or persons whomsoever, shall encourage, persuade, entice, procure, or endeavour to encourage, persuade, entice, or procure any Non-Commissioned Officer or Private Man of the Militia on actual service, to desert, or shall harbour, conceal or assist, any deserter from the Militia, on actual service, knowing him to be such, it shall and may be lawful for the Commanding Officer of the Regiment, Battalion, Company or Detachment, to which such Non-Commissioned Officer, Private Man or Deserter, may belong, at his option, to cause the person or persons so offending, to be prosecuted, by information, in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case. And if the person or persons, on such prosecution in the Supreme Court, shall, by a verdict of a Jury, be convicted of any or either of the foregoing offences, such person or persons shall severally forfeit and pay, for each and every offence, a sum not exceeding twenty pounds, or be liable to close imprisonment for a term not exceeding the term of three months; and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace the person or persons who, on the oath of one or more credible witnesses, shall be convicted by such Justices, of any or either of the said offences, shall severally forfeit and pay, for each and every offence, the sum of five pounds, and in default of such payment, such offender or offenders shall, by such Justice, be committed to Jail, and closely confined for a term of twenty days, or until he, she or they, shall pay and discharge the said penalty of five pounds, together with the cost of prosecution.

Desertion  
from actual  
service

Prosecution  
for any thing  
done in pur-  
suance of this  
Act

**LXXXVI.**

**Actions**

**LXXXVI.** *And be it further enacted,* That if any Action shall be brought against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such Action or Suit, may plead the general issue, and give this Act, and the special matter, in evidence at any trial, to be had thereupon.

**Sections of the Act, and Articles of War, to be read**

**LXXXVII.** *And be it further enacted,* That so many Sections of this Act as the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall, from time to time, order and appoint, together with the Articles of War, when made and published, shall be read so many times in each year as the Governor, Lieutenant-Governor or Commander in Chief shall direct.

**Appointment of Inspecting Field Officers**

**LXXXVIII.** *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, from time to time, to commission and appoint proper Officers, to inspect and command all the Regiments or Battalions of the Militia throughout the Province, or to limit the command and inspection of such Officers to a particular number of Regiments or Battalions, or to the inspection and command of all the Militia in particular divisions of the Province, or particular Counties or Districts, as may be considered most convenient, fit and proper; and all such Officers, when so commissioned and published in General orders to the Militia, shall be obeyed in all things lawfully by all persons who shall be so placed under their respective commands.

**Volunteering in defence of New-Branswick**

**LXXXIX.** *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to accept the voluntary service of any one or more of the embodied Militia-men of this Province,

vince, for the defence of the neighbouring Province of New-Brunswick, against the common Enemy ; and such Militia-men, while serving in the said Province of New-Brunswick, shall be subject to, and governed by, the Laws and Regulations made for the ordering and government of the embodied Militia of this Province, and to none other.

**XC.** *And be it further enacted,* That all Negro Militia-men, or People of Colour, commonly so called, shall be set apart by the Commanding Officer of each and every Regiment or Battalion respectively, and formed into District Companies, or Bands of Pioneers, as their numbers may admit, to be commanded by such trusty non-commissioned Officer of Colour or otherwise, as the said Commanding Officer may appoint ; under which non-commissioned Officer such Companies, or Bands of Pioneers, shall assemble and train at such times as the Commanding Officer of the Regiment or Battalion shall direct, so as that no greater share of Militia Training, or other Militia Duty, be imposed on such Men of Colour, than is or may be authorised by this or any subsequent Acts to be imposed on other Militia-men.

**XCI.** *And be it further enacted,* That all persons enrolled in, and belonging to, the Fire-Engine Companies, and Fire Men, of the Town of Halifax, certified by the Captains of such Companies respectively, shall, in consideration of their services as Engine and Fire-men, be exempt from the performance of Militia Trainings, during the continuance of this Act.

**XCII.** *And be it further enacted,* That all and every Act and Acts heretofore made and passed relative to the Militia of the Province, together with all additions to, and amendments and alterations of, the said Acts, shall be, and the same are hereby repealed ; and the Militia, raised by virtue of the said former Acts, shall be subject to

Negro Militia-Men

Fire Engine Men exempted from Militia Trainings

Repeal of all other Militia Laws



to all the provisions and regulations herein contained, in lieu thereof.

Continuation  
of Act

**XIII.** *And be it further enacted,* That this Act shall be and continue in force for one year from the publication hereof, and from thence to the end of the next Session of the General Assembly, and no longer.

An ACT to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.

Troops or Mi-  
litia on a  
march  
Amended by  
Act 51. Geo.  
III. Cap. 5

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That whenever any Regiment or Detachment, of His Majesty's Forces, or the Militia Forces of this Province, shall be ordered to march from one District of this Province to another, it shall and may be lawful for the Justices of the Peace inhabiting in or near any town, village or place, at or through which such Forces shall arrive or pass, to quarter and billet the Officers and Soldiers of the forces so on their march as aforesaid in inns, taverns and ale houses, and where there shall not be found sufficient room in such inns, taverns and ale houses, then to quarter and billet the remainder of such Officers and Soldiers in the houses of persons selling spirituous liquors by retail, and in the houses of persons who have, within one month previous to the marching of such Forces, kept an inn, tavern or ale house, and all persons upon whom such forces shall be quartered and billeted as aforesaid, shall and are hereby required to furnish the said officers and soldiers so billeted on them as aforesaid, with lodging, and good and sufficient provisions, consisting of bread, flesh and vegetables, and the Officers commanding each and every detachment of His Majesty's forces, or of the Militia, shall give to the person or persons on whom such detachments shall have been so quartered

Billeting

tered and billeted, receipts or certificates of the number of meals furnished to his detachment, which receipts or certificates shall entitle such person or persons to receive, as is hereinafter mentioned, one shilling for every meal, and three pence for every night's lodging which shall have been furnished as aforesaid; and if any Militia Officer shall give any certificate or receipt for a greater number of meals or nights' lodgings than have been actually and *bona fide* received for the use of his detachment or command, such Militia Officer, on conviction thereof before a General Court Martial, shall be cashiered, and shall moreover, forfeit and pay a fine of five pounds, to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this Province, one half whereof shall go to the informer, and the remainder shall be paid into the Treasury of the Province, for the use of the Province.

Allowances  
for Billeting

False receipt  
for billeting

II. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, to draw by warrant or warrants on the Treasury of the Province for the payment of all such meals of provisions, and nights' lodgings, as shall have been furnished to the Militia Forces on their march, and for which receipts or certificates shall be produced as aforesaid; and that whenever a route shall be granted by the Governor, Lieutenant-Governor, or Commander in Chief, for the march of any body of his Majesty's regular Troops, who are to be removed from one Garrison or Post to another, within the Province, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to draw by warrant on the Treasury, for so much money as shall be sufficient to pay the full price of the Soldier's dinner, to be estimated at the rate aforesaid for each

Payment of  
billeting re-  
ceipts

each Soldier, every day he shall be on such march. *Provided*, That the sum to be drawn for in one year for such service, shall on no account exceed the sum of five hundred pounds; the payment to be made agreeable to such regulations and certificates as the Governor, Lieutenant-Governor, or Commander in Chief, shall from time to time make, touching the premises, such regulations and the forms of such certificates to be delivered, with the said route, to the Commanding Officer of the party to be removed.

Person providing lodging &c. entitled to pay from officer commanding detachment

III. *And be it further enacted*, That the receipts and certificates of the number of meals and nights' lodgings, which shall be furnished to any regiment or detachment of His Majesty's troops, quartered and billeted on their march as aforesaid, and for which the payment is not herein otherwise provided, shall entitle the person or persons who shall have furnished the same, to receive payment therefor from the officer who shall grant such receipts or certificates, or from the person or persons appointed by the Commander in Chief to make payment for the same.

Where there are not a sufficient number of Inns for billeting troops

IV. *And be it further enacted*, That in places and situations where there may not be a sufficient number of public Inns, Taverns, Ale Houses, and licenced Shops whereon to billet the whole of any detachment of Soldiers or Militia that may be on a march, it shall and may be lawful to billet a part of such detachment on other housekeepers in the discretion of the Magistrates giving billets for the same.

V. *And be it further enacted*, That it shall and may be lawful for any two of His Majesty's Justices of the Peace for the County where any march of His Majesty's regular forces or of the Militia forces, is to commence, or for the County through or to which any such march is to be continued, upon the application of the Commanding Officer of such forces, and a route signed by the Governor,

Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order a suitable number of horses, carts and waggons, to be furnished for conveying upon such route, the baggage of such forces, and to determine what persons shall provide the same; and the person or persons who shall accordingly carry or convey any such baggage shall be entitled to receive payment for the same, at the rate of one shilling per mile for the hire of one horse and cart, with one suitable driver, to carry a load not exceeding five gross hundred weight, for a distance not to exceed twenty miles, and for every additional horse or horses to be added to the draught of such cart, nine pence more per mile for each horse. *Provided* the additional load to be carried, shall not exceed five gross hundred weight for each additional horse. And if any such waggons or carts so employed to carry any baggage as aforesaid, shall be required and ordered by the commanding Officer of any detachment of such forces, to halt at any particular stages or places, and for that cause shall be delayed in their route, such detention shall be computed and paid for at the rate of two shillings and sixpence for every hour of the day such detention may last; and the Commanding Officer shall give certificates to the respective owners or carriers of such waggons and carts, of the weights of the baggage, and the distance which the same shall have been so carried and conveyed by them, specifying also therein, the time and cause of the detention of such waggons or carts, according to which receipts, the owners of such horses, waggons or carts, shall be entitled to demand and receive payment forthwith of the Officer commanding such detachment.

VI. *And be it further enacted,* That if any person or persons shall refuse or neglect to furnish any such horses, carts, or waggons, upon the order of any two of His Majesty's Justices

Horses, carts,  
&c.

Persons refusing to furnish horses, &c.

of the Peace given as aforesaid, without a reasonable excuse to be allowed by said Justices, on complaint thereof made by said Justices, or either of them, to the next Court of General Quarter Sessions of the Peace for such County, the said Court shall order the party complained against, to be brought before them, and shall hear and determine such complaint; and if the person or persons so complained against, shall be convicted of wilfully disobeying the said order, he or they shall severally forfeit and pay forty shillings for such offence; to be levied by warrant of distress and sale of the goods and chattles of such offender, and be paid to the Officer commanding the Militia in such County of District, and applied to the services hereinafter mentioned. And if any Officer commanding such detachment shall force or constrain any waggon or cart to travel more than twenty miles, or one day's journey, or shall refuse or neglect to discharge the same in due time to return home, or shall overload, or suffer to be overloaded, any such waggon or cart, either by permitting soldiers, their wives or children, to ride therein or otherwise, or shall force waggons, carts, or horses, from the owners thereof, by themselves, servants or soldiers, every such Officer shall forfeit the sum of forty shillings, and be liable also to the party injured for his reasonable damages; and no loaded waggon or cart, passing from town to town, nor any horse or horses employed in travelling by or for the owner, shall be liable to be taken or constrained to transport such baggage as aforesaid.

Recovery and  
application of  
fines

**VII.** *And be it further enacted,* That all fines and forfeitures, recovered by virtue of this Act, shall be applied to the repairing of arms and for the providing of drums or colours, or for other contingent expenses of the Militia, in such manner as shall be recommended by the Field Officers and Captains of the Militia of such County or District at the annual meetings. [In

[In the 51st George III. an Act, (Cap. V.) was passed, in addition to, and amendment of, the foregoing Act, as follows.]

51, Geo. III.  
Cap. 5.

**W**HEREAS the price of lodging of Troops on their march from one District to another in this Province, is regulated and established by the said Act of which this is an amendment, but no provision is made for the payment thereof:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to draw by Warrant or Warrants upon the Treasury, for all such lodging money for the Troops on their march, as shall be certified under the provisions of the said Act, so as the same money so to be drawn from the Treasury in one year shall not exceed one hundred and fifty pounds.

Billeting paid  
by warrants  
on the Treas-  
ury

[In the 53d George III. an Act was passed (Cap. 17,) to amend and continue the preceding Acts, as follows:]

53, Geo. III.  
Cap. 17

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the said Act, passed in the forty-eighth year of His present Majesty's Reign, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops or of the Militia when on their march from one part of the Province to another, except such part thereof as is amended by this Act; and the said Act, passed in the fifty-first year of His said Majesty's Reign, in amendment thereof—be, and the same is hereby, continued until the fifteenth day of March, which will be in the year of Our Lord one thousand eight hundred and fourteen, and from thence until the end of the next Session of the General Assembly, and no longer.

Billeting Act  
continued

II.

Allowance  
for Billeting

II. *And be it further enacted*, That, instead of one shilling allowed by the said Act to the Innkeepers for each meal furnished by them to Soldiers when on their march, there shall be allowed and paid fifteen pence for each meal which shall be by them furnished to Soldiers, under the provisions of the said Act, of which this is an amendment, and no more, any law, usage or custom, to the contrary notwithstanding.

[4TH GEO. IV. CAP. 4.]

An ACT to alter and continue an Act, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

Act 1st and  
2d Geo. IV.  
continued,  
except cer-  
tain parts al-  
tered by this  
Act

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the first and second year of His present Majesty's reign, entitled, An Act to provide for the greater security of this Province by a better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered, be continued, and the same is hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

Parts of the  
11th and 15th  
Sections of  
Act 2d Geo.  
IV. may be  
suspended

II. *And be it further enacted*, That it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, by General Order, or otherwise, to suspend, during his pleasure, the operation of so much and such part of the eleventh and fifteenth sections of the Act of which this is an Amendment, as respects every person enrolled in the Militia furnishing himself with straps, for a great coat, pricker and brush, knapsack and straps, flints, ball cartridges and buck shot.

III. *And be it further enacted*, That when the

the Captain or Officer commanding any Company of Militia, shall accept of an excuse offered by any man of the company for not attending any Company or Battalion meeting, he shall, if required by the Officer commanding the Regiment or Battalion to which such Company belongs, make a report to him in writing of the nature of the excuse so offered and received by the said Captain or Officer commanding the said Company, and upon neglect or refusal to make such report, he shall forfeit and pay the sum of two pounds ten shillings.

Excuses for non-attendance at Company or Battalion meetings

IV. *And be it further enacted,* That if any Field Officer of any Regiment or Battalion, or Captain or Officer commanding any Company, shall neglect to attend any Board or Meeting of Officers, established and required by the Act of which this is an amendment, when ordered by the Officer Commanding the Regiment or Battalion to which such Officer belongs, without reasonable excuse, to be adjudged by the Board of Officers appointed under the said Act, shall, for each offence, forfeit and pay the sum of two pounds ten shillings.

Non-attendance at appointed meetings of Officers

V. *And be it further enacted,* That it shall be lawful for the Clerks of the Peace for the several Counties and Districts of the Province, and they are hereby directed, to deliver to the Officers commanding the Regiments or Battalions, respectively, in the said Counties and Districts, the Bonds for the return of Arms lodged with them; and all Bonds, hereafter to be taken, relating to Arms, shall be lodged with the Officer commanding the Regiment or Battalion to which such arms belong; any law to the contrary notwithstanding.

Bonds--Arms

VI. *And be it further enacted,* That in case any Bond given by any Militia Man, for the return of Arms, shall be lost or misplaced, it shall and may be lawful for the Captain or Officer commanding the Company, upon such Militia

Bonds lost or misplaced



Man returning the Arms and Accoutrements for which such Bond was given, in good order, to give a receipt for the same, which receipt, so given, shall cancel and make void the said Bond; and if in case the said Militia-man shall refuse to deliver up such Arms and Accoutrements, upon such receipt being tendered to him, he shall forfeit and pay the sum of Five Pounds.

[SECTION VII. REPEALED.]

Exemption  
in favor of  
the Servants  
of Officers

Continued  
by 7, Geo.  
IV, Cap. 16.

VIII. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by special order, to exempt such persons as he may deem proper, who are actually in the constant employ of the Officers, of the Civil and Military Departments of the Army or Navy, as Servants, receiving Rations by His Majesty's Order, from the provisions of the said Act, of which this is an amendment.

[9TH GEO. IV. CAP. XXVI.]

An Act to alter, continue and amend, the several Acts for the Regulation of the Militia.

Acts 1st. 4th.  
7th Geo. IV.  
continued  
with excep-  
tions

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the First year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-seventh, Thirty-second, Eight-third and Eighty-fourth Clauses or Sections of the said Act, and except so far as the same is hereinafter altered and amended; and also the Act, passed in the Fourth year of his present Majesty's Reign, to alter and continue the said Act, and every matter, clause and thing, therein contained, except the

the Seventh Clause of the said last mentioned Act, and except so far as the same may be hereinafter altered or amended; and also the Act, passed in the Seventh year of His said Majesty's Reign, in alteration and continuation of the said Acts, and every matter clause and thing, in the said last mentioned Act contained, except the Second Clause or Section thereof, and except so far as the same may be hereinafter altered or amended, shall be continued, and the said Acts, except as before excepted, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted,* That the Book mentioned in the Second Clause or Section of the said first mentioned Act, passed in the said first year of His present Majesty's Reign, and therein and thereby directed to be kept by the Clerk of each Company of Militia, for the registry of the Names of the Men belonging to such Company, shall be ready at all times, as well for the Inspection of the Commanding Officer of the Regiment to which such Company belongs, as for the Inspection of the Captain and other Officers of such Company.

Book of Registry of Names of Companies

III. *And be it further enacted,* That in all cases hereafter, where any person liable by Law to do Militia Duty within any County, District, Town or Place, in this Province, shall neglect to enrol himself, or cause himself to be enrolled, in some Company, in manner as by Law is now directed, and shall, by reason and in consequence thereof, be absent from any Militia Muster or Training, which such person ought to have attended, and would, if his name had been enrolled as aforesaid, been summoned to attend, such person shall be liable not only to the fines and forfeitures by Law imposed on any person so neglecting to enrol or cause himself to be enrolled

Persons neglecting to enrol themselves

led in some Company of Militia, but shall also, over and above such fines and forfeitures, be liable to all fines and forfeitures by Law imposed on any Militia Man, for non-attendance at any Militia Muster or Training, in the same manner, as if such person had received due and legal notice and warning of such muster and training.

Notice to be given Militia men of Trainings

IV. *And be it further enacted,* That every Regiment, Battalion, or Company of Militia, shall be called out and assembled twice in each and every year, either entire, or by such detachments, and at such times and places, as the Commander in Chief may direct, for the purpose of training, disciplining, and improving in Martial Exercises, of all which several and respective days of assembling for the purposes aforesaid, previous notice shall be given at least three days, by notice or warning to every Militia Man, from the Commanding Officer, or any other Officer, or Non-commissioned Officer of the Regiment, Battalion, or Company, to which such Militia man may belong, or by any private Militia man; provided such private Militia man hath the written orders of the Commanding Officer of such Regiment, Battalion, or Company, to that effect, or public notice at one meeting of the time of holding the next meeting; and when a Militia man is not found at his own usual place of dwelling to receive personal notice, the leaving notice in writing with such Militia man's master, parent or wife, or with his servant, or child, of the years of discretion, or giving him notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed a sufficient notice, until the delinquent Militia man shall fully satisfy the Commanding Officer of his Company, or a Board of Officers, that he was ignorant of such notice having been given him.

Ferries free to Militia

V. *And be it further enacted,* That when it shall or may be necessary for any person or persons,

sons, in going and returning to and from his or their place or places of abode, for the purpose of attending any Militia Muster or Training, or any other Militia Duty, to cross any Ferry, where there shall be a Licensed Ferryman, such person or persons shall be entitled to, and have, a passage across such Ferry, in the Boat or Boats there usually plying, free and exempt of and from all cost, charge or expense, whatsoever.

VI. *And be it further enacted,* That it shall be lawful for the Lieutenant-Colonel, or Commanding Officer, of each Regiment or Battalion, from time to time, as occasion may require, to form a Board of Officers of his Regiment or Battalion, consisting of three Captains, or of one Field Officer and two Captains, or of two Captains and three Subalterns, or one Captain and four Sabalterns, for the purpose of hearing and determining all appeals, which shall be made by any Militia man, under the provisons of this Act, or of any or either of the several Acts, hereby altered, continued, and amended, the said Board only to have power to excuse the fine, on proof of sickness of the Individual, sickness in his Family requiring his personal attendance, unavoidable accident, rendering it impossible for him to reach the place of muster, or the occurrence of business of importance, the neglect of which would prove of serious injury to his affairs, and which could not *bona fide* be as well attended to at any other period; and if the said Board shall confirm the proceedings of the Officers, who shall have imposed the fine or fines upon the Militia man, the said Board shall certify the same in a Schedule, signed by the Field Officer, or President of the said Board, and the said fines shall be levied and collected as, in and by the said Act herein first mentioned, and hereby altered, continued and amended, is directed.

Board of Officers for hearing appeals against fines

VII. *And be it further enacted,* That no Justice

Justices of the  
Peace allow-  
ed no Fees

tice of the Peace shall hereafter take, have, demand or receive, any Fee, charge, or reward whatsoever, for any service done and performed by him in that capacity, under, and by virtue of the provisions of this Act, or of any or either of the several Acts hereby altered, continued and amended.

*And whereas*, it is expedient to provide for the punishment of any misbehaviour or ill conduct of Militia Men, when engaged on Militia Duty, on other occasions than when at a Muster or Training.

Disobedi-  
ence of or-  
ders, or other  
improper con-  
duct by Mi-  
litia Men

VIII. *Be it therefore enacted*, That if any Non-Commissioned Officer or Private, in any Regiment, Battalion or Company of Militia, shall be guilty of disobedience of orders, drunkenness, contemptuous or insulting behaviour to any Officer, or Officers, while engaged in Militia Duty of any kind, on any occasion whatsoever, the commanding Officer, then present, shall apprehend, or cause to be apprehended, such Non-Commissioned Officer or Private, and commit him to Jail for the time, and in the manner, prescribed in the Forty-first clause or Section of the Act herein first mentioned, and of which this is an amendment; and any Sheriff or Jailor, on neglect or refusal to receive such offender so committed into his Custody, or any Serjeant, Corporal, or Private, on neglect or refusal to escort such offender to Jail, shall be liable to the like pains, penalties and forfeitures, to which they are now severally liable for the like offence, under the said Forty-first Clause or Section of the said Act.

*And whereas*, it may be difficult in some places to procure one Field-Officer and two Captains, to compose a Board of Officers, as directed by the forty-ninth Clause or Section of the said Act, herein first mentioned.

Board for  
hearing ap-  
peals

IX. *Be it therefore enacted*, That it shall and may be lawful on complaint of any Militia-man,

as

as mentioned in the said Forty-ninth Clause or Section of the said Act herein first mentioned, for the Colonel or other Field-Officer therein mentioned, to appoint a Board of two Captains and three Subalterns, or one Captain and four Subalterns, instead of a Board of one Field-Officer and two Captains, if he shall see fit, who shall have the like power and authority as by the said Forty-ninth Clause or Section of the said Act, is granted to the Board of one Field-Officer and two Captains.

X. *And be it further enacted*, That all fines and forfeitures incurred by this Act, or by any or either of the several Acts herein and hereby altered, continued and amended, not exceeding three pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company in which such fine shall be incurred; and all fines and forfeitures above three pounds, and not exceeding five pounds, shall be recovered before two Justices not being Officers of the said Company; and all other fines and forfeitures above five pounds, shall be recovered in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided for by this Act, or by any or either of the Acts hereby respectively continued and amended. *Provided*, That no person or persons whosoever shall be prosecuted by virtue of any Clause in this Act, or of any Clause in any or either of the said several Acts, hereby altered, continued and amended, for any breach thereof, after the expiration of three months from the commission of the offence; and all fines, penalties, and forfeitures, received by virtue of this Act, or of any or either of the several Acts hereby continued, altered, and amended, shall, after deducting one fourth part allowed by the provisions of the said Act, herein before first mentioned, for the trouble of recovering and collecting the same, be paid into the hands

Recovery  
and applica-  
tion of fine

Application  
of Fines

hands of the Quarter-Master of the Battalion, to be applied, in the first instance, to defraying the contingent expenses of such Battalion, under the direction of the Commanding Officer, and the surplus to be disposed of as the Commander in Chief shall from time to time direct.

Establishment of Depots for Arms

**XI.** *And be it further enacted,* That the Commanding Officers of Battalions, when thereunto required, by the Governor, or Commander in Chief, are hereby authorised, and required, to appoint fit and convenient places within their respective Districts, to serve as Depots for Arms, for the use of their respective Battalions; and all Fines, Penalties and Sums of Money, received under and by virtue of this Act, or any or either of the Acts hereby severally continued, altered, and amended, from any Battalion of Militia, shall after defraying the contingent expenses of such Battalion, be appropriated by the Commander in Chief to such an amount as may be necessary for cleaning and keeping in repair the Arms placed in the Depots appointed for the use of such Battalion; and in case the said Fines, Penalties, and Sums of Money received from any Battalion, after paying the contingent expenses thereof, shall be found insufficient to defray the expense incurred in clearing and keeping in repair the Arms placed in Depot for the use thereof, then such further sum as the Commander in Chief may think proper, shall be paid by the Treasurer of the Province, to the Commanding Officer of such Battalion, to be by him appropriated in the cleaning and keeping in repair the Arms of the same, by Warrant of the Governor or Commander in Chief. *Provided nevertheless,* That no greater sum than twenty pounds, over and above the fines, penalties and sums of money, received from such Battalion, after deducting the contingent expenses thereof, shall be paid to the Commanding-Officer of any Battalion, in any one year, for the purpose aforesaid.

Keeping Arms in re-

An Act to alter and continue the Acts for the regulation of the Militia.

PASSED IN 1826.

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force; and also, an Act, passed in the fourth year of His said Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, in the said Acts contained, except so much thereof as may be hereby altered, shall be continued, and the same is hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

Act of 1 and 2 Geo. 4, cap. 2, and 4 Geo. 4 cap. 4, continued

**II.** *And be it further enacted,* That hereafter, instead of the four meetings of Militia, for the purpose of training, as directed by the twenty-seventh section of the first mentioned Act hereby continued, the Militia shall be called out and assembled twice in the year and no more, either by the entire Regiment or Battalion, or by such Detachments as the Commanding Officers of the respective Regiments or Battalions shall direct, on such days as the Governor may appoint for that purpose.

Militia to assemble twice in each year

**III.** *And be it further enacted,* That, instead of the fines imposed by the twenty-eighth Section of the said Act, for non-attendance at any regiment or battalion meeting, each and every militia-man, not attending such meeting, conformably to law, shall, for the first offence, be subject to a fine of ten shillings, and for the second like offence, in the same year, to a fine of twenty-shillings: which fines for non-attend-

Fines for non-attendance at Trainings.



ance shall be sued for, prosecuted and recovered, and be applied, conformably to the provisions of the said continued Acts, by the Clerk of the Company to which the offender may belong, but in the name of the commanding officer of such company, instead of the clerk thereof ; and that such clerk shall be a competent witness, upon such prosecution : any law, usage, or custom, to the contrary notwithstanding.

Appeal  
against Fines

IV. *And be it further enacted*, That in all cases of appeal, to a Board of Officers, against any fine according to the provisions of the Acts hereby continued, the notice of such appeal thereby prescribed, shall be given in writing ; which notice shall be laid before the Board of Officers appointed to consider such appeal, at their meeting, for the purpose ; and no appeal shall be by them considered, unless such notice of the same shall have been so given in writing ; and notice of the time of meeting of the Board to consider the appeals, shall be given by the Clerk to the Appellant.

Improper  
conduct of  
Militia Men  
on Parade

V. *And be it further enacted*, That the fine to which every enrolled Militia-man appearing on parade, who shall refuse or neglect to perform Militia duty, or shall depart from the Company without leave from the Commanding Officer of the Regiment, Battalion, or Company, to which he shall belong, is made subject, under and by the twenty-eighth Section of the said first-mentioned continued Act, shall be imposed by the then present Commanding Officer of the regiment or battalion, or detachment thereof, on parade, in place of the Commanding Officer of the Company, as provided in and by the said section.

Militia pro-  
tected from  
arrest, on  
days of  
training

VI. *And be it further enacted*, That each and every Militia-man, duly enrolled according to the provisions of the said continued Acts, and

who shall have received notice of any Militia muster or training, conformably thereto, shall be wholly free and exempt from arrest, under and by virtue of any civil process during the days on which such muster or training shall take place: *Provided*, He shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every Sheriff or other officer, actually making such arrest, shall be subject and liable to an action for damages at the suit of the party who shall be so arrested.

---

An Act to continue and amend the several Acts for the regulation of the Militia.

PASSED IN 1829.

**B***E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Laws now in force, and every matter, clause and thing, therein contained, except the twenty-seventh, thirty-second, eighty-third and eighty-fourth clauses or sections of the said Act; and also the Act passed in the fourth year of His present Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, therein contained; except the seventh clause or section of the said last mentioned Act, and also the Act, passed in the seventh year of His said Majesty's reign, in alteration and con-*

Militia Act continued except the 27th, 32d, 33d and 34th clauses of the Act of 1st George IV.

tinuation of the said Acts, and every matter, clause and thing contained in the said last mentioned Act, except the second clause or section thereof; and also the Act passed in the ninth year of His said Majesty's reign, to alter, continue and amend, the said several Acts, and every matter, clause and thing therein contained, shall be continued, and the said Acts, except as before excepted, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That every regularly licensed Teacher or School Master, be exempt from duty under the Acts hereby continued.

III. *And be it further enacted*, That no private Militia Man shall be compelled to travel to any training or Militia meeting, more than twelve miles from his place of abode to such place of training or meeting.

*Wm. H. H. H. H. H.*

