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RULES
AND
REGULATIONS

OF THE
1ST VOLUNTEER

Militia Rifle Company,

OF TORONTO.

TORONTO:

PRINTED FOR BROWN, BROTHERS,
22, KING STREET, EAST.

1857.

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RULES
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ARTICLE I.

Uniform.

The full dress uniform to remain as at present, with the addition of a shako head dress for summer.

ARTICLE II.

Meetings.

Sec. 1. A Special Meeting, Drill or Parade, may be called at any time by order of the Captain.

Sec. 2. At all meetings one officer, one

non-commissioned officer and ten privates shall constitute a quorum.

Sec. 3. Full Dress Meetings shall be held for the transaction of business on the first Monday of each month, at 8 o'clock, P. M. The Meeting in January shall be designated the Annual Meeting, when the election of Civil Officers and the presentation of the Annual Report of the Board of Management shall take place.

The Meetings in April, July and October shall be termed Quarterly Meetings, when a Quarterly Report shall be presented by the Board.

ARTICLE III.

Non-Commissioned Officers.

Sec. 1. Whenever a vacancy may occur by resignation, death or dismissal, rendering the appointment of a non-commissioned officer necessary, the Company shall recommend to the Captain for such appointment that mem-

ber of the Company they may consider most eligible for such office. The member recommended must have the plurality of votes and be free from indebtedness to the Company. Any member of the Company detected in canvassing for votes shall be disqualified from becoming a candidate for any such Office.

Sec. 2. The Color Sergeant shall keep the Roll, which shall be called at every Regular Meeting, and it shall be his duty to hand over to the Board of Management a monthly statement, of all absentees and delinquents for their consideration.

All excuses for non-attendance shall be addressed to the Color Sergeant in writing, and shall be by him laid before the Board at each of its Monthly Meetings.

ARTICLE IV.

Civil Officers.

Sec. 1. The Civil Officers of the Company shall be, as President, the Captain, (in whose

absence the next senior Officer shall preside,) a Secretary and Treasurer, and a Board of Management, consisting of six Members of the Company, the whole of which officers shall be elected at the Annual Meeting; the Lieutenant, Ensign and Color Sergeant being (*ex officio*) members of the Board.

Sec. 2. The Secretary (as Secretary) shall keep correct minutes of all proceedings at Meetings of the Company and Board of Management and shall conduct the correspondence, (as Treasurer) shall collect all monies due to, and pay all accounts due by the Company, as authorized by the Board.

Sec. 3. Board of Management.—The Board of Management (five of whom shall form a quorum) shall have complete control in all civil matters. All Assessments upon members, voted by the Company, shall be levied by the Board. It shall receive and report upon all matters laid before it for consideration, shall make all purchases, contracts and

bargains in the Company's behalf, and shall present one Annual and three Quarterly Reports of its proceedings and the state of the finances.

On receiving a monthly statement of the absentees from Meetings handed in by the Color Sergeant, it shall have power to place the fines imposed to the debit of each absentee, in the books of the Secretary.

Sec. 4. Any vacancies occurring amongst the Civil Officers of the Company shall be filled at the next monthly meeting after such vacancy may have taken place.

ARTICLE V.

Honorary Members.

Sec. 1. All persons becoming *Honorary Members* of the Corps, shall be entitled to acquire a knowledge of military discipline, and will be allowed to fall in with the regularly enrolled men of the Company, providing they are in the proper uniform of the Company.

Sec. 2. Many gentlemen may be disposed to become *Honorary Members* merely to assist and forward the welfare and efficiency of the Corps; consequently they need not, unless so disposed, render any military services whatever.

Sec. 3. Each *Honorary Member* shall contribute a Monthly, Quarterly or Yearly subscription towards the funds of the Company, the amount of such subscription being discretionary.

Sec. 4. *Honorary Members* desirous of doing duty with the Company and acquiring a knowledge of the various duties of the soldier, while under arms or in uniform will be subject to the By-Laws, Regulations and Discipline of the Corps.

Sec 5. On all holidays, celebrations, balls, dinners, and other convivial meetings of the Corps, *Honorary Members*, not in uniform, will be distinguished by a piece of scarlet ribbon, tied in the button hole, on the left breast.

Sec. 6. No person can be placed on the list of Honorary Members without the approval of the commanding officer.

ARTICLE VI.

Duty of Members.

Sec. 1. Members shall be required to attend all Drills of the Company in either full dress or fatigue, as the Captain shall in orders direct.

Sec. 2. A member wearing any portion of the uniform shall be responsible to the Captain and Company for his conduct.

Sec. 3. No member shall be permitted to lend his uniform or any portion thereof, to any gentleman not a member of the Company.

Sec. 4. Each Member shall pay to the Secretary 7½d. currency, at each monthly meeting, to meet current expenses. An entrance fee of 2s. 6d. shall be paid by each candidate admitted.

Sec. 5. Any member absenting himself for four consecutive meetings, without ad-

ducing sickness, absence from the city, or urgent business as an excuse, and complying with the directions contained in these rules for furnishing said excuse, shall be returned by the Board for expulsion.

Sec. 6. No member shall be expelled except by a vote of two-thirds of the members present at any regular meeting. When a member shall be returned by the Board for expulsion, his case shall lie over until the next meeting. In the interval, the Secretary shall notify him of such return and summon him to appear and show cause why expulsion should not ensue. Should he neglect said summons he shall be declared by the Captain or presiding officer, duly expelled by default.

Sec. 7. Any member appearing at drill, deficient in equipment, accoutrements, or uniform, shall be returned to the Board as a delinquent by the Color Sergeant, and the Board shall inflict such fine as it shall deem suited to the offence.

ARTICLE VII.

Fines and Penalties.

Sec. 1. Any member absenting himself from a meeting of the Company, without furnishing such excuse as hereinbefore provided, shall be fined 1s. 3d. currency, the officers fines to be doubled.

The Board shall have the power of deciding upon the validity of the excuse offered.

Sec. 2. Absence from an ordered parade of the Company without complying with this article, shall be fined 2s. 6d., currency.

Sec. 3. Any delinquency noted by the Color Sergeant shall be decided upon by the Board.

ARTICLE VIII.

Rules of Order.

Sec. 1. When a member wishes to speak on any subject, he shall rise and address the Chairman, and no member shall be permitted to speak more than twice on the same motion

(except in explanation and by special permission of the Chairman.)

The President shall open all business meetings of the Company, by calling the members to order and desiring the Color Sergeant to call the Roll.

The Order of Business shall be as follows :

1.—Minutes of preceding Meetings.

2.—Liquidation of Accounts.

3.—Reports of the Board.

4.—Motions pursuant to notice.

5.—New Business.

6.—Adjournment.

Sec. 2. All motions shall be in writing, when requested by the Chairman, accompanied by the names of the mover and seconder, and no discussion shall be permitted thereon, until the Chairman shall have formally read and declared the motion to be before the meeting. In case of an amendment or amendments, the vote shall be first taken upon the last offered, and if lost, retrogressively towards the main motion.

Sec. 3.—When two members shall rise to address the Chair, the Chairman shall name the first speaker.

An appeal against the decision of the Chair on any point of order, can be made at the request of five members present. In a case of appeal, one of the appellants shall have the privilege of explaining his reasons for said appeal. The Chairman shall then state his reasons for so deciding. No further discussion shall take place on said subject. The vote shall then be taken, and the result declared by the Chairman.

Sec. 4. A motion for adjournment shall be always in order (except when a member is speaking in order).

ARTICLE IX.

Should any amendment, addition to, deduction from, or substitution for any of the above rules be deemed expedient, the member wishing so to alter shall give one week's notice of his intention; said notice to be accompanied by the proposed alteration.

It shall require a vote of three-fourths of the members present to adopt such alteration; and for reference the Secretary shall keep a Minute Book with copy of any alteration that may hereafter be carried into effect.

The foregoing Rules were adopted at a General Meeting of the members of this Company, held on Monday Evening, the 2nd day of March, 1857.

GEORGE BROOKE,
Captain and Chairman.

J. H. PATTISON,
Color Sergeant and Secretary.

Approved by order of His Excellency the Governor General and Commander in Chief.

DEROTTENBURG, COL.,
Adjutant General.

ADJUTANT'S OFFICE,

Toronto, 9th March, 1857.

OFFICERS, NON-COMMISSIONED OFFICERS AND
MEMBERS OF THIS COMPANY.

GEORGE BROOKE, *Captain.*
 JESSE THOMPSON, *Lieutenant.*
 WM. G. MACDONALD, *Ensign.*
 J. GRANT, *Surgeon.*
 J. H. PATTISON, *Color Sergeant.*
 JOHN PATERSON, } *Sergeants.*
 JOHN YOUNG, }
 WILLIAM DILLON, *Lance Sergeant.*
 DOUGLAS G. MACDONALD, } *Corporals.*
 JOHN CHESHIRE, }
 WM. ASHFIELD, *Armourer.*

WM. CREIGHTON,
 JOHN BROWN,
 H. COWIE,
 PETER PATERSON,
 THOMAS MORPHY,
 EDWIN HARRIS,
 F. P. JOHNSON,
 F. NESBIT.
 B. B. TOYE,
 S. H. STEELE,
 GEORGE KNAPMAN,
 C. C. DAY,
 R. FLOOD,
 JAMES SPIERS,
 T. C. BOWES,
 E. W. DILLON,
 R. MORRISON,
 C. C. SMALL,
 WM. TAYLOR,
 J. M. COOPER,
 GEORGE MEUDELL,
 WM. HARDING,
 C. E. McELDERNEY,
 J. H. JACKSON,
 JOHN BURNS,
 R. S. BROWN,
 A. G. LEE,
 WALTER LEE,

A. J. NUTHALL,
 JAMES COWAN,
 J. E. ELLIS,
 J. H. STUBBS,
 THOS. GODSON,
 A. GOOCH,
 J. A. GRANT,
 JOSEPH DAVIDS,
 JOHN JOHNSTON,
 JAMES SUMMERS,
 C. W. ALLEN,
 C. W. DOWNE,
 J. W. EARL,
 F. H. RAE,
 JOHN McEWAN,
 JOHN SEGSWORTH,
 A. COULSON,
 WM. SIMPSON,
 THOS. ROSS,
 WM. WATSON,
 N. POTTER,
 WILLIAM SMITH,
 EDWARD THOMAS,
 ARTHUR MABBS,
 JOHN STIRLING,
 WM. BALLARD,
 HENRY BALLARD,

E X T R A C T S

From "An Act to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose."—CAP. 77, 18 VIC.

Commander-in-Chief.

Sec. 2. The Governor or other person administering the Government of this Province, for the time being, shall, by virtue of his office, be Commander-in-Chief of the Provincial Militia.

Volunteer Companies to be formed.

Sec. 21. The Active Militia of the Province, in time of peace, shall consist of Volunteer Troops of Cavalry, field Batteries, foot Companies of Artillery, and Companies of Infantry armed as Riflemen, to be formed at places to be designated by the Commander-in-Chief, but not exceeding in the whole sixteen Troops of Cavalry, seven field Batteries of Artillery, five foot Companies of Artillery, and fifty Companies of Riflemen; the total of such Volunteer Corps not exceeding five thousand Officers and Men.

Force of Volunteer Companies, respectively.

Sec. 22. Each Volunteer Troop of Cavalry, Company of Foot Artillery, or Company of Riflemen, shall consist of a Captain, a Lieutenant, a Cornet, Second Lieutenant or Ensign, three Sergeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-three Privates, except in Companies of Riflemen wherein the number of Privates may be any number from forty-three to seventy-five; and each Field Battery of Artillery shall consist of a Captain, two First Lieutenants, a Second Lieutenant, a Sergeant Major, three Sergeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty-nine Gunners and Drivers, including Wheelers, Collar-maker and Shoeing-smith, fifty-six horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service.

On what authority formed and disbanded.

Sec. 26. All Volunteer Companies shall be formed and may be disbanded by authority of the Commander-in-Chief, as may in his opinion best tend to further the purposes of this Act and the public good.

Arms, &c., of Volunteer Companies.

Sec. 27. The arms and accoutrements of the officers and men of the several Volunteer Companies,

shall be such as the Commander-in-Chief shall from time to time direct, but of the best and most serviceable kind, without unnecessary ornament; such arms and accoutrements shall be furnished to the non-commissioned officers and privates of the said Volunteer Corps at the expense of the Province, but shall always remain Provincial property, and the parties receiving them shall be accountable for them; and the Commander-in-Chief may direct such security as he may think proper to be taken for the safe keeping in good order of such Arms and Accoutrements, and the re-delivery thereof to such Officer as may be appointed to receive them, whenever the Commander-in-Chief shall for any purpose direct such re-delivery.

Repairing of Arms, &c.

Sec. 28. The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province, whenever such renewal or repair shall become necessary from wear in service or other cause than the fault or neglect of the person having charge thereof, in which last named case they shall be renewed or repaired by such person, or, if renewed or repaired at the cost of the Province, the cost may be recovered from such person as a debt due by him to the Crown.

By whom and where they shall be kept.

Sec. 29. The arms and accoutrements of non-commissioned officers and men of Volunteer Companies shall be kept by them, except in cases where the Commander-in-Chief shall direct them to be kept in Armouries, as he may do; in which case, if there be no Public Armoury in which he shall direct them to be kept, the Captain of the Company shall provide a proper place, and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of such arms and accoutrements.

Officers' Arms.

Sec. 30. Commissioned Officers of the said Companies shall furnish their own arms and accoutrements.

Exemption of Arms, Horses, &c., from seizure.

Sec. 31. The arms and accoutrements of the Officers and men of such Volunteer Companies, and the Horses used by them as such, shall be exempt from seizure in execution and from distress and assessment, nor shall any such horse be disposed of by any officer or man without leave of the officer commanding the Company.

How Volunteer Companies shall be drilled and exercised.

Sec. 32. The Volunteer Militia Companies shall

be drilled and exercised, at such time in each year and at such places as the Commander-in-Chief may from time to time appoint; the Volunteer Field Batteries being so drilled and exercised during twenty days in each year, of which twenty days ten shall be continuous, and the other Volunteer Corps once in each year during ten continuous days, (Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander-in-Chief shall see fit.

Adjutant General to draw up Code of Instructions.

Sec. 33. The Adjutant General shall draw up, under the direction of the Commander in Chief, a code of instruction, drill and exercise, for the said Volunteer Companies, based on that in use in her Majesty's Regular Army, and each Commissioned Officer of a Volunteer Company shall be furnished with a copy, and shall be governed by the said code in drilling and exercising the corps to which he belongs.

Volunteers to be paid while so at drill; and at what rates.

Sec. 34. For each day on which they shall be so drilled, the Officers and men of the said Volunteer Companies shall be paid by the Province the following sums:

	£	s.	d.
Captains, per diem	0	10	6
Lieutenants	0	7	6
Second Lieutenants, Cornets or Ensigns,	0	6	6
Non-Commissioned Officers and Privates,	0	5	0

and a further sum of five shillings per diem for each horse actually and necessarily present and used for such drill, whether belonging to officers or to privates.

Volunteers may be drilled at other times according to their articles of engagement.

Sec. 35. Nothing herein contained shall be construed to prevent any such Company from assembling or being ordered out by the Officer commanding it for drill or exercise, without receiving any pay therefor from the Province, according to any articles of engagement or regulations of such Company, previously approved by the Commander-in-Chief; and any such articles, in so far as they are not inconsistent with this Act, shall be enforced and the penalties which may be thereby imposed shall, whenever they are incurred, be recoverable in the manner hereinafter mentioned, by the person or officer designated for that purpose in such articles, to such uses as may be therein directed.

Ammunition for practice.

Sec. 36. Sufficient ammunition for practice at

drill shall be supplied to the Volunteer Companies at the expense of the Province, in such manner as the Commander-in-Chief shall direct.

Pay of Sergeant Major of Artillery Companies.

Sec. 37. Each Sergeant Major of a Volunteer Field Battery of Artillery shall, on account of the great responsibility attached to the office, be paid by the Province at the rate of fifty pounds per annum; and competent persons shall be appointed by the Commander-in-Chief to drill the other Volunteer Companies, and shall be paid by the Province seven shillings and sixpence currency per diem, when so employed.

Volunteers may be called out in aid of the Civil Power.

Sec. 38. The said Volunteer Companies shall be liable to be called out in aid of the ordinary Civil power in case of riot or other emergency requiring such services, and shall when so employed receive from the Municipality in which their services shall be required, the rates of pay above mentioned, and a further sum of two shillings and six-pence per man per diem for additional expenses, and shall be also provided with proper lodging by such Municipality; and the said sums, and the value of such lodging if not furnished by the Municipality, may

be recovered from it by the Captain of the Company, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

How they may be called out, and their duty in such cases.

Sec. 39. It shall be the duty of the Captain or Officer commanding any such Volunteer Company to call out the same, or such portion thereof as may be necessary, for the purpose of quelling any Riot, when thereunto required in writing by the Mayor, Warden, or other Head of the Municipality in which such Riot should be, or any two Magistrates therein, and to obey such instructions as shall be lawfully given him by any Magistrate in regard to the mode of quelling such Riot; and every Officer, Non-commissioned Officer and man of such Company shall on every such occasion obey the orders of his Commanding Officer; and Officers and men when so called out shall, without any further or other appointment, and without taking any oath of office, but Special Constables, and may and shall act as such so long as they shall remain so called.

Exemptions in favor of Volunteers.

Sec. 40. The Officers, Non-commissioned Officers and men of Volunteer Companies shall, while they

shall continue such, be exempt from serving as Jurors or Constables; and whenever they shall have served as such in one or more Volunteer Companies during a term of seven years, such exemption shall continue after the expiration of the said term.

Notice to be given before leaving any Volunteer Company.

Sec. 41. No Non-commissioned Officer or man of any Volunteer Company, shall, in any case, unless legally discharged, leave the same without giving at least one month's notice in writing to the Commanding Officer thereof of his intention to leave the same; nor shall he, at any time, leave the same contrary to the engagement contained in any article of engagement he shall have signed.

Field Officers to inspect Volunteer Companies.

Sec. 42. The several Volunteer Companies shall be subject to inspection from time to time by Field Officers, to be appointed by the Commander-in-Chief for that purpose, one for Upper and one for Lower Canada, and paid by the Province, who shall report fully to the Governor on the state of such corps and their arms, and act generally according to the instructions they shall receive from the Commander-in-Chief, and shall be paid by the Province at the

rate of four hundred pounds per annum each, and reimbursed their travelling expenses.

Commissions by whom Granted.

Sec. 43. All Commissions of Officers in the Provincial Militia shall be granted by the Commander-in-Chief and during pleasure.

Non-Commissioned Officers.

Sec. 44. All non-Commissioned Officers in the Provincial Militia, shall be appointed by the Officer commanding the Battalion to which they belong, except in Volunteer Companies where they shall be appointed by the Captain thereof, and shall hold their rank during pleasure.

Officers must be H. M.'s subjects.

Sec. 45. No person shall be an Officer of Militia unless he be one of Her Majesty's subjects by birth or naturalization, and shall have taken the oath of allegiance.

Existing Commissions to remain until cancelled.

Sec. 46. Existing Commissions in the Provincial Militia and appointments of non-Commissioned Officers, shall remain in force, such Commissions being subject to be cancelled by the Commander-in-chief, and such appointments by the Officer commanding the Battalion: but no person shall be bound to serve in the Provincial Militia in a lower grade than he

once held, unless he shall have resigned his commission or be reduced by sentence or order of some lawful Court or authority, nor shall any person who has been a non-commissioned Officer in Her Majesty's Army, be bound to serve in the Militia in a lower grade than he held in the Army, unless he have been reduced as aforesaid.

Militia Offences.

Sec. 51. All contraventions of this Act and of Regulations or Orders lawfully made or given under it, when the Militia or that portion thereof to which the offender belongs, is not called out for actual service, shall be furnishable by penalties to be imposed by one or more Justices of the Peace, and in a summary manner as hereinafter provided. And Courts Martial shall not be held.

Calling out the Militia.

Sec. 56. When the whole Militia of the Province are called out, all the Volunteer Companies shall be included, and shall immediately obey the orders they may receive.

Volunteer Companies may be embodied.

Sec. 64. Any Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander-in-Chief shall think fit so to order.

Disobeying orders, &c.

Sec. 90. Any Officer, non-Commissioned Officer or Militiaman who should disobey any lawful orders of his superior officer, or shall be guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty of one pound five shillings, for each offence.

Not keeping Arms in proper order.

Sec. 91. Any Officer, non-commissioned Officer or Militiaman, who shall fail to keep any arms or accoutrements delivered or entrusted to him in proper order, or shall appear at drill, parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of one pound for each such offence.

Volunteers refusing to turn out in aid of Civil power

Sec. 94. Any Officer or Man of a Volunteer Militia Company who, when such Company shall be lawfully called upon to act in aid of the Civil power, shall refuse or neglect to go out with such company, or to obey any lawful order of his Superior Officer or of any Magistrate, shall thereby incur a penalty of five pounds for each offence.

Recovery of penalties.

Sec. 99. All penalties incurred under this Act or

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

On whose complaint penalties may be sued for.

Sec. 100. No prosecution against an Officer of Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant General; and no such prosecution against any non-commissioned officer or private of the Sedentary Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Captain of the Company to which such

non-Commissioned Officer or private shall belong ; and no such prosecution against any private, non-Commissioned Officer of a Volunteer Company, shall be brought except on complaint of the Captain or Commanding Officer thereof ; but the Adjutant General may authorise any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant General.

Limitation of time for such prosecutions.

Sec. 101. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms or accoutrements delivered to the Militia.

Application of penalties

Sec. 102. The penalty when recovered shall, if the offender belong to the Active or Volunteer Militia, be paid over to the Officer commanding the Company, for the purposes thereof, and shall be applied by him to such purposes and accounted for by him to the Adjutant General ; and if the offender belong to the Sedentary Militia, then the same shall be paid over to the Assistant Adjutant General, who

shall account for and pay it over to the Receiver General for the public uses of the Province and it shall make part of the Consolidated Revenue Fund.

Evidence of Commission, Warrants, &c.

Sec. 106. The production of a Commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order.
