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EXTRACTS

MILITIA LAW,

OF THE

PROVINCE

OF

NOVA-SCOTIA :

Passed in the Year

1821.

And from an Act to alter and continue
the Acts for the Regulation of the

MILITIA :

PASSED IN

1826.

J. MUNRO, PRINTER.

EXTRACTS FROM THE
Militia Laws

OF THE
PROVINCE.

BE 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 hereafter 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.

Persons liable
to be enrolled

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 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.

Lodgement of
Arms.

XXVII. Of the several and respective days of assembling the Militia for training, previous notice shall be given, at least three days, by notice or warning

Notice to be
given.

to every Militia Man, from the Commanding Officer or any other Commissioned 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 whereas a Militia Man, is not found at his own usual place of Dwelling, to receive personal notice, the leaving notice either verbally or in writing with such Militia Man's master, parent or wife or with his child or servant, 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."

Fines for non-attendance at Training.

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-attendance will 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.

Improper conduct of Militia Men.

XXVIII. And every Militia Man, enrolled, 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.

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 his 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.

Improper
conduct of
Militia Men.

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.

Notice of 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. 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.

Appeal
against fine.

Appeals
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 that 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.

Drunk Officers or
contemptuous
behaviour.

XII. *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 person, 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 mainprize; 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 Warrent, under his hand and seal, for the receiving and keeping the said offender in the words following, that is to say:

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
expiration 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, for each and every offence; and that Serjeant 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.

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