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**NOVA SCOTIA**  
**MILITIA LAW.**

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## CHAPTER 16.

### An Act in reference to the Militia.

(Passed the 2nd day of May, A. D. 1865.)

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N. B.—The SMALL CAPITALS show the words omitted and the *Italics* indicate the additions made by the Act of May 7, 1866.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Governor of this Province is constituted the Commander-in-Chief of all the local forces thereof; and every man of the age of sixteen, and not over sixty years of age, except Clergymen, members of the Executive Council, Judges of the Supreme Court, and Judge of the Court of Vice Admiralty, shall be enrolled in the militia.

2. The militia shall be divided into first and second class, the first class to be men from sixteen to forty-five years of age, and the second class to be men from forty-five years of age to sixty. The first class shall be the first for training or service, and the second class shall not be called out in time of peace, but shall be a reserve in time of war.

3. Commissioned officers, over sixty years of age, may be relieved from further service in time of peace, and may be placed on the unattached list, to come in with the second class men, should their services be required, in war; and officers after twenty-one years service, provided they have reached the age of forty-five, shall be entitled to promotion to the next superior grade of the unattached list, to come in with the reserve on the appointment of the Commander-in-Chief.

4. Unattached officers, under sixty years of age, shall be liable to be called upon for duty in the counties where they reside, under the penalty of losing their commissions on refusal to perform service. No officer under forty-five years of age shall go on the unattached list.

5. Unless otherwise specially expressed, no part of this chapter shall apply to the second class of militia in time of peace.

6. If any difference shall arise between the captain and any man concerning his age, it shall be incumbent on the man to prove his age.

7. Every man shall enroll himself in the company district in which he lives, on or before the first day of May in each and every year, subject to a fine of two dollars for not having done so; and if any man shall not enroll himself, and shall in consequence be absent from any muster, he shall be liable to the fine for non-attendance at such muster, although he shall not have been warned to attend muster. Any man who shall have moved out of the limits of his company, shall, within ten days thereafter, give in his name, age, and place of residence to the captain of the district into which he shall have removed, or to the person appointed by the captain to command and enrol the squad division within which he shall reside, for the purpose of being enrolled therein, under a penalty of two dollars.

8. When any person has ceased to hold a commission, he shall be liable to perform militia service in the ranks in the reserve or in the first class, according to his age.

9. The militia in each county shall be formed into regiments, the regiments shall be divided into companies, and the companies shall be divided into squads.

10. Regimental districts shall be determined by the lieutenant-colonels in each county; companies divisions by the lieutenant-colonel of and captain in each regiment, and squad divisions by captains of companies—all subject to the orders and approval of the Commander-in-chief.

11. The Commander-in-chief shall appoint commissioned officers, adjutants, and commissioned regimental staff, and make regulations for their attendance at drill and their examination for appointment and promotion. Any officer neglecting his duty, and failing to give satisfactory reasons for such neglect when called upon, may be deprived of his commission by the Commander-in-chief, or at the option of such officer, be brought before a court martial for trial. Militia regiments failing to organize or train, may be called out for muster or training under officers or non-commissioned officers of contiguous or other districts, at the discretion of the Commander-in-chief; and the officers so employed shall be paid four dollars a day, and non-commissioned officers two dollars—to be levied by assessment on the regimental district.

12. Adjutants shall be divided into first and second class, the latter to be designated acting Adjutants, and the former Adjutants.

13. Adjutants shall be entitled to receive forty dollars per annum, and acting Adjutants twenty dollars, to be drawn from the Provincial Treasury on certificate from the commanding officers of regiments, to which Adjutants of either class are attached, that they have faithfully performed the respective duties required of them; but no Adjutant shall receive any pay or allowances until he is certified by the Adjutant-General of Militia, that all the returns of his regiment are in up to date, and Adjutants behind hand in periodical returns shall forfeit their pay for the year unless otherwise ordered by the Commander-in-chief.

14. Under the orders of their commanding officers, Adjutants shall attend to field duties, the enrolment and organization of their regiments and such correspondence and returns as they may be commanded to conduct.

15. Acting Adjutants shall attend to the acquirement of field duties on opportunity being afforded them, and shall conduct all the other duties required from adjutants, until qualified as field adjutants, when they rank as first class on approval.

16. The Lieutenant-Colonels may appoint acting adjutants.

17. No acting adjutants, not being qualified, shall stand in the way of the promotion to the first class adjutancy of any officer who is qualified and willing to take the duty, and adjutants of either class may, on the report of an inspecting field

officer, or the commanding officer, be removed, or superseded by order of the Commander-in-chief for incompetency or neglect of duty. First class adjutants detailed by head quarters for training at out posts, being beyond five miles from their place of residence, shall be entitled to \$1.50 per diem, but shall not claim this as additional allowance to that under section 14, when training in any other regimental district not being their own.

*("Adjutants employed under special authority from the Commander-in-Chief to carry on the annual training of the Officers, shall receive an additional sum of forty dollars for the course, they having first been duly certified by their Commanding Officer and the Inspecting Field Officer of the District, to be efficient and capable of performing the duty.")*

18. Lieutenant colonels may appoint officers with acting rank who, pending the pleasure of the Commander-in-chief, shall have the power and authority of their rank and shall be subject to the same penalties as commissioned officers for every breach of duty, and acting officers can be removed for neglect of training or duty by lieutenant colonels on reference to headquarters.

19. Lieutenant colonels shall appoint sergeant-majors, quarter-master sergeants, and other regimental non-commissioned staff, not attached to companies. They shall also appoint the non-commissioned officers of companies on the recommendation of their respective captains.

20. Every company, of not more than sixty men, shall have a captain, two subalterns, a color sergeant and a sergeant, and a corporal to every twenty men, larger companies may have an additional subaltern.

21. Any person refusing to serve as a non-commissioned officer shall be fined in a sum not less than ten and not more than twenty dollars, half to be paid to a substitute and half to the regimental fund, but shall not be subject to a fine for any subsequent like refusal within five years; but this section shall not apply compulsorily to effective volunteers. Effective non-commissioned officers shall drill with the regiments to which they have been attached, irrespective of the districts in which they reside, on the certificate of the adjutant of the regiment to which they are so attached.

22. To all non-commissioned officers of regiments, (*and Volunteer Companies*) who have attended twenty-eight days drill, prior to the annual regimental inspection, who have provided themselves with proper uniform, and recommended by the commanding officer for satisfactory performance of their duty, and who pass examination as properly drilled and competent instructors, before the inspecting field officers, the sum of ten dollars shall be granted.

23. The Commander-in-chief may organize detached companies in remote districts and may make regulations for their



enrollment, training, and discipline, until such time as it may be expedient to consolidate them into battalions, and may attach them to other battalions as detachments, or put them under the separate command of field officers or captains, and as far as practicable they shall be subject to general regulations and the provisions of this act.

24. The Commander-in-chief may organize militia Artillery (and Naval Brigades) by draft or otherwise, and make regulations for them, (but no man shall be drafted for these services who has received notice to attend the yearly regimental training, and until he shall have completed the same.)

25. Colored corps shall be under the special regulations of the Commander-in-chief, and in the absence of such special regulations, the colored population shall be enrolled and be subject to draft and service in the proportions laid down in this Act.

26. The Commander-in-chief may appoint officers to inspect all or any of the regiments of militia throughout the province, and such officers, when commissioned and published in general orders to the militia, shall be obeyed in all things lawful.

27. The Commander-in-chief may call out the militia for any number not to exceed twenty-eight days drill in each year, for squad, company, or battalion training, as he shall order, but no previous drill, performed by officers or non-commissioned officers, shall exempt them from such squad, company, or battalion training.

28. Officers and non-commissioned officers training, when their men are called out, may count their days drill on any subsequent officers or non-commissioned officers training, being ordered within the year.

29. No drill shall count unless ordered from headquarters by general regulations or express orders or sanction, nor unless proper diaries are sent in and approved of at headquarters.

30. The Commander-in-chief may cause commissioned officers to be examined at any time, by Boards or officers by him appointed, in order to test their military qualifications for the service. Officers not attending twenty-eight days' drill, when ordered so to do, including the annual drill with their regiments, shall be liable to be superseded or reduced, by order of the Commander-in-chief.

31. No man shall be required to attend squad or company drill for more than three hours in one day, nor to attend squad or company drill more than twelve miles, nor battalion muster or drill more than twenty miles.

32. Every colonel who shall not give the necessary orders for the assembling of his regiment, as required by law, and general orders for enrollment, muster, or training, shall forfeit eighty dollars; and every captain who shall not obey the orders of his superior officer in this respect, shall forfeit twenty dollars; and every squad commander who shall not obey the

orders of his superior officer for the assembling and training of his squad—two dollars for each neglect.

33. Every person who shall not attend squad drill, and shall not have a reasonable excuse, to be adjudged of by his captain, shall be fined in a sum not exceeding one dollar for every such non-attendance.

34. If any person shall misbehave or interrupt the proceedings in any way, at any meeting for militia purposes or duty, the commanding officer, by verbal order, without issuing any warrant, may place him in confinement until the duties of the day are over, and may impose, for each offence, a fine of not less than one, or not more than three dollars, to be recovered as hereinafter directed; or may send him to jail for three days, or, in his discretion, may in the first instance send him to jail for a term not exceeding three days, or until sooner discharged by the commanding officer of the regiment, and for that purpose shall issue his warrant according to the following form: "To the Sheriff or the Keeper of the Jail for the County of

"You are hereby required to receive C. D., of my \_\_\_\_\_, who was guilty of [state offence] on the day of \_\_\_\_\_, and him closely confine in your jail for the space of \_\_\_\_\_ days from the time of his being delivered into your custody; and at the expiration thereof, him the said C. D. to release from your custody in said jail, on payment of your fees, and for which this shall be your sufficient warrant.

"Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 186 \_\_\_\_\_

"Signed, \_\_\_\_\_ A. B."

(Here insert rank and command.)

35. If any non-commissioned officer, ordered to escort such person to jail, shall not do so, he shall be subject to a fine of eight dollars, and be liable to be reduced to the ranks; and any private who shall neglect to perform such duty, two dollars; and any sheriff or jailer who shall refuse to receive and detain any person for the time specified in the warrant, shall be subject to a fine of twenty dollars.

36. Each person of the escort shall receive five cents per mile for conveying the offender to jail, (going and returning), to be paid by the offender before he shall be discharged; and if he does not pay the same, he shall be detained in jail twenty-four hours extra for every dollar of the amount, in which case the quarter-master shall pay the escort the fee out of the fines; and in case there be no funds arising from the fines, the same shall be paid from the county treasury, on the order of the commanding officer of the regiment.

37. Any militiaman being drunk when on parade or duty, may be confined by the verbal order of the senior officer, or non-commissioned officer present, until the dismissal of the men, and shall for every such offence be liable to the penalties imposed by section 34. Any person who shall sell or introduce any intoxicating drink on any parade, practice, or exercise ground, or adjacent thereto, during the drill, shall be fined in

a sum of not less than two or more than ten dollars ; and the liquor may be spilled on the ground by any commissioned or non-commissioned office.

38. Any man using mutinous or insulting language or gestures to any of his superior officers on parade or duty, or interrupting any duty or drill, by blasphemous or obscene expressions, shall be liable to be fined in a sum not less than three nor more than twenty dollars, to be collected as hereinafter provided ; and such person may be placed in confinement and committed to jail, as prescribed in section 34, by the officer in command, for a period of not more than ten days.

39. Any man who, upon three days' notice, shall not attend any company or battalion parade, for muster, enrollment, or drill, for the first day shall pay two dollars ; for the second day, three dollars, and for every subsequent day within the year, four dollars ; and every man refusing to perform the duty required of him, or falling out without the permission of the senior officer on parade, shall be liable to a penalty of say not less than one nor more than four dollars, and should he quit the parade without leave he shall be liable to both penalties ; and any man upon whom a fine has been imposed, and in whose case it has been found necessary to collect such fine by legal process, shall be liable to make up duty or drill under the same penalties as if he had not been absent and fined or punished—provided that this section shall not extend to those who have paid fines previous to the issuing of the warrant for collection.

OF MUSTERS, BOARDS OF APPEAL, EXEMPTIONS, ETC.

40. The colonel or commanding officer shall form Boards of Officers to hear appeals from fines for not attending at muster or duty, to consist of four officers of the regiment, of whom two at least shall not be of lower grade than a captain—three of whom shall form a quorum, and shall, by regimental order, appoint a day for the meeting of said board, not to be longer than one hundred and twenty days after the conclusion of training or muster, and each and every commander of companies shall have six days' notice thereof, in order that he may have time to serve absentees with three days' notice. The board of appeal may adjourn from day to day, or for such time as they may find necessary, according to the decision of the president ; and should any member of said board, as originally constituted, be prevented by illness or otherwise from attending said board, the colonel or commanding officer may appoint an officer in his place, said absentee, however, satisfying his commanding officer as to the cause of his non-attendance, or otherwise to be held liable to the penalties imposed by section 34 of this Act.

41. The captain shall cause every person fined for non-attendance to be notified, either personally or by writing left at his place of business, or last place of abode, that at a certain time, the same not to be less than three days after such notice, and at a place therein to be mentioned, a board of officers will hear appeals.

42. The board of officers before entering on duty shall take and subscribe the following oath, which shall be administered by the senior officer to the other members, and afterwards by any sworn member to the senior officer.

"I, ———, do swear that I will well and truly investigate and determine the causes brought before this board without partiality, favor, or affection, and a true judgment give according to evidence; and I will not at any time, whatsoever, disclose or discover the vote or opinion of any particular member of this board, unless required to give evidence thereof as a witness, by a court of justice or a court martial in due course of law.

So help me God."

43. All witnesses shall be examined on oath, under the proceedings of the board, and the evidence shall be taken down in writing and be transmitted to the commanding officer of the regiment. After the conclusion of proceedings, and signature by the president, and the commanding officer shall carefully examine and revise the proceedings, annexing his signature and his approval or disapproval, and his remarks, in case of the latter, where it shall appear to him that any person so fined has not received the necessary notice to attend the board of appeal by causes over which he had no control, or that there have been other informalities in the proceedings of such board, shall have power to refer such proceedings back to the board for reconsideration before entering final judgment; and the written proceedings of boards of appeal shall be evidence before other courts; and the magistrate shall issue the necessary warrant for the collection of the penalty, and on non-payment thereof, for the imprisonment of the party so fined, upon presentation of the report of said board, and the affidavit of the quarter-master that it is the report furnished him by the commander of the regiment, and that it has been duly signed by such commander. Parties who have incurred a penalty which comes within the jurisdiction of the board of appeal, and who have had due notice of the sitting of such board, and who shall not attend thereat personally or by an agent, shall not be permitted in any subsequent prosecution for the recovery of any fine to allege as a defence, or in mitigation of such fine, anything which should properly have come within the consideration of such board; and the decision of the board in all cases within its jurisdiction, shall be final and conclusive.

44. Boards of Appeal shall not be entitled to any pay or allowances.

45. The Board may remit any fine, or any portion of a fine, on proof of sickness of the man or one of his family, requiring his attendance, or of an unavoidable necessity, or accident, really preventing his attendance at muster or duty, or for the want of due notice to attend.

46. All fines confirmed or remitted by the Board shall be certified in a schedule to be signed by the president.

47. Every man shall receive at least three days notice of

the squad, company, or battalion drill at which he shall be required to attend, to be given to him by any commissioned or non-commissioned officer, or under the written orders of the captain, by any private, or, if he cannot be found, to be left at his abode or place of business; but in the latter case, if the man shall not receive the notice, he may prove his ignorance thereof to the Board of Appeal; but a warning suppressed by any third party shall be taken as if the warning was regularly given; and any man making a vexatious, trivial, or unfounded appeal shall pay double penalties, at the discretion of the Board.

48. Militiamen late for muster, drill, or parade, but reporting themselves personally, within thirty minutes after roll call, shall be subject to half fines, and to make up duty, when required, within the year, as directed by the commanding officer of the regiment, or his orders.

49. The commanding officers at my muster may name any other day or days, for reassembling, at any kind of muster, and his orders thus given shall be a notice to every man who shall have been notified of the first day of meeting, or who shall not have been enrolled.

50. Temporary absentees on account of transient absence, sickness, or any other cause, on return or recovery, shall be liable to make up training or duty **WITHIN THE YEAR (at any time before the next annual training)**; unless in the case of absentees they can produce certificates from commanding officers, that they have performed the required annual duty in the district of some other regiment; and pilots and seafaring men may be called on under this section.

51. The crews of vessels about to proceed to sea, if warned for militia duty, shall not be liable to fine on account of sailing.

52. When a captain shall accept of an excuse for non-attendance at muster, he shall enter it in the company's records, and, if required by the colonel, make a written report thereof, and for neglecting to do either shall be liable to a fine, not exceeding ten dollars.

53. The colonel shall once in every year, and oftener if he shall think fit, require the officers to meet at such time and place as he shall appoint, to confer with him for the better regulations of their companies, for establishing the limits of the company districts, for appropriating fines under regulations, and making such rules as may be deemed proper for military dress and discipline. But all these proceedings shall be subject to the approval of the Commander-in-chief, unless they are in accordance with standing regulations not requiring reference to head quarters.

54. If any officer shall neglect to attend any court, board, or meeting for drill or otherwise, ordered by the colonel, without reasonable excuse, he shall be liable to a fine,—if a field officer, of twenty dollars; if a captain, twelve dollars; and if a subaltern, eight dollars,—and commanding officers may appoint the next available officer to perform duty in the place of the absentee.

55. When any man shall complain to his captain, or the senior officer of his company, that, by reason of sickness or infirmity, he is unable to perform militia duty, the captain or senior officer shall refer the case to the surgeon of the regiment, or, in his absence, to any other physician or surgeon, who shall thereupon examine him as to such sickness or infirmity, and shall, upon receiving from him the fee of fifty cents, give him a certificate of the nature and extent of such sickness or infirmity; and if the Board, or officers to be appointed by the colonel for that purpose, shall report that the man is unable to perform his duty, the colonel shall exempt him therefrom, until his disability shall cease, (*such Board shall meet on or before the first day of training, provided that nothing herein contained shall prevent the Commanding Officer of the regiment from appointing subsequent Boards to consider other cases, of sickness or appeals from fines.*)

56. Persons permanently disabled by accident, deformity, or confirmed chronic disorder, shall be entitled to standing certificates of exemption, which shall certify the nature and extent of such sickness or infirmity.

57. Sick certificates shall only be valid when signed by regularly qualified medical practitioners; and any person not being so qualified by law to practice who shall sign a certificate for militia exemption, or any practitioner who shall knowingly give a false certificate, shall be liable to a fine of twenty dollars, to be sued for by the commanding officer of the regiment.

58. Any medical man refusing a certificate under the preceding sections, after having been paid or tendered the fee of fifty cents, shall be liable to a fine of eight dollars.

59. The following persons shall be exempt from attending all musters, unless they hold commissions, namely: the members of executive and legislative council and the members of the house of assembly, the clerks of the executive and legislative councils and house of assembly, and the mayor of the city of Halifax; the judges of the supreme court and the court of vice admiralty; clergymen; registrars of deeds, sheriffs, the heads of the several public departments and clerks in their offices; lighthouse keepers; the principal and professors of the Normal school; officers of the customs; officers of the colonial revenue; all clerks, storekeepers, mechanics, laborers and others employed in the civil and military departments of the army and navy; ferrymen and toll-bridge officers; the persons regularly employed in the managing, working, and upholding the railway; telegraph operators; postmasters, and all mail carriers; engine men, axe men, and all FIRE WARDENS and members of the Union Protection Company; jailers, keepers of prisons and cemeteries, and persons employed in the lunatic asylum, Quakers certified by their societies, and all professors of colleges, teachers of academies, and licensed schoolmasters actually employed as such; all foreign consuls being aliens; (*one miller to each mill.*)

60. Persons not natural born or naturalized subjects of her Majesty, may be relieved from militia duty by paying into the regimental fund of the battalion or district in which they respectively reside, at any time before the day of training, the sum of three dollars and a receipt from the Quarter-master to that effect, shall constitute an exemption.

61. Militia officers, or volunteers in uniform and on duty, and the militia staff on duty, shall pass free by rail; also, militiamen going to regimental muster or returning therefrom, whether in uniform or not, when attending annual regimental or company training, to be certified BY THE CAPTAIN OF THE COMPANY, (*according to regulations.*)

62. Officers and militiamen going to and returning from duty shall be entitled to a free passage across any ferry or toll-bridge, and shall be free from arrest under civil process; and any officer arresting them shall be liable to an action for damages; and any toll-bridge officer or ferryman refusing such free passage shall be liable to a fine not exceeding three dollars in each case.

3. The Adjutant General and the Militia Head Quarter Staff shall be exempt from serving on juries, or in any civic office, and from statute labor or poll tax, and the correspondence of the Adjutant General (*and Inspecting Field officer's*) office, on militia duty, shall be exempt from postage.

OF MILITIA RETURNS OF STRENGTH, TRAINING, AND REGIMENTAL SERVICES.

64. All returns shall be in the forms prescribed by the Commander-in-chief.

65. Any officer wilfully making a false return, shall be cashiered by a general court martial in time of war, or be deprived of his commission in time of peace, by the Commander-in-chief, who may refer cases to court martial at his discretion, with or without appeal being made; when acquitted, shall reinstate the accused officer, and expenses of prosecution and defence shall be defrayed from the public funds; but in case of conviction, the defendant, in addition to being cashiered, shall be liable to full costs and expenses, including all charges for the assembling and sitting of the court.

66. Every captain shall, before the first day of November, in each year, and oftener if the colonel shall require it, make returns of the strength of his company, and of the arms thereof, which are to be addressed to the adjutant, and the colonel shall, before the first day of January next following, make out for and forward to the Adjutant General a return of the strength of his regiment, and of the arms and of the amount of fines collected, and of the expenditure thereof, with vouchers.

67. Any Colonel failing to make the return prescribed by the preceding section, shall forfeit a sum not exceeding forty dollars; and his adjutant shall not be entitled to any allowance for the current year, nor shall his command receive any gratuitous issues of any kind for the year next following.

68. Captains, subalterns, and officers in charge of squads,

shall be responsible for the accuracy of squad returns, of men and fines, the captain collecting them with his company returns, and superintending the proper performance of duty by his subordinates, who shall be accountable to the commanding officers and the commander-in-chief for any neglect of duty on the captain's report thereof.

69. The adjutants will collect from the captains, all the summary company statements of strength, musters, and drill,—and under the order of commanding officers, will compile the regimental statements in duplicate,—one copy for the information of the colonel, and the other through him, with his signature, for record in the Adjutant General's office, at Headquarters; and the adjutants of regiments shall have access to all regimental company and squad books, and documents at all times; but shall not interfere with financial matters without the express orders of the commanding officers, conveyed in writing, who may desire him or any of the field officers to investigate the quarter-master's accounts, or may hold boards of officers for that purpose, consisting of not less than two captains, presided over by a field officer. Neither the adjutant nor quarter-master shall be entitled to any pay or allowance until their returns and accounts are approved of.

The financial returns of the year (Sec. 66) shall be accompanied by the following certificate:—

“I certify that (*rank and name*) being first (*or second*) class adjutant of the regiment, under my command, has performed his duties to my satisfaction, and that all the periodical returns of my command have been sent in to this date. I also certify that (*rank and name*) being quarter-master of my command, has settled all his regimental accounts of the year, and that correct abstracts of these accounts have been furnished to head quarters.”

70. The quarter-masters and their sergeants shall, on the information of the respective officers, or other competent regimental authorities, collect and account to commanding officers for all fines, and shall have access at any time to any regimental or squad records having reference to the liability to or collection of fines; and it shall be their duty to collect all fines from the captains of companies, giving their vouchers and countersigning the captain's book when satisfied of their correctness, and reporting any inaccuracy of records of accounts that may come under their notice to their commanding officers, and they shall collect fines due from officers direct, in the name of the commanding officer, and give vouchers for the same on receipt.

71. It shall be the duty of the quarter-master to make out the financial returns in duplicate, one copy to be forwarded by the commanding officer with his signature thereto annexed, to the office of the Adjutant General, and the other to be kept at the regimental head quarters, and to be at all times open to the inspecting officers, and on application to the commanding officer, or the adjutant, to captains of companies, who may



examine, take copies of, or make abstracts from the same, in the presence of the adjutant or any field officer.

72. Quarter-masters of disembodied regiments of militia shall give bonds to the amount of two hundred dollars, with two approved securities, for the due performance of their duties in time of peace, and shall be entitled to five per cent on all fines collected after accounting for them, and paying in the aggregate to the lieutenant colonel, who shall hold an officer's meeting for final settlement, once or twice in each year, when company and squad books, and all other vouchers shall be produced, examined, and verified by the lieutenant colonel and the two senior officers, at the meeting, with their signatures attached.

73. In embodied regiments quarter-masters may be held to security at the discretion of the commander-in-chief, according to the amount of public property in their charge, and paymasters will be obliged to afford the same securities as are exacted in the line.

#### OF MILITIA COURTS IN TIME OF PEACE.

74. The commander-in-chief may assemble militia courts in accordance with the practice in the line, but no penalties not prescribed in this chapter shall be inflicted in time of peace.

75. Should it be inconvenient to assemble general court martials of a president and twelve members, they may be formed of a president, being a field officer, and six officers, not inferior in grade to the defendant. The commander-in-chief may assemble courts of enquiry, in accordance with the practice in the line.

76. Any officer guilty of conduct unbecoming the character of an officer and a gentleman, may be deprived of his commission by the commander-in-chief, or at the option of such officer, be brought before a court martial, when, if convicted, he shall be reduced, and be fined not less than twenty-five dollars, nor more than fifty, which shall go towards defraying the expenses of the court.

77. Financial defalcation of any kind connected with the militia service, shall be cognizable by the ordinary courts of judicature, and commanding officers may cause such cases to be handed over to such courts, to be dealt with according to law, and the provisions of this or any other act having reference to fraud.

78. No court martial shall adjudicate on any criminal case in time of peace; nor shall any proceedings in any militia court bar any ulterior proceedings in any other court: and in time of peace, conviction by a civil or criminal court, shall be cognizable by the Commander-in-Chief, who may act thereupon by depriving any officer of his commission for conduct unbecoming an officer and gentleman.

79. In courts martial the Commander-in-chief may appoint prosecutors and acting judge advocates, but no complainant or party to the suit shall prosecute.

80. The charges, finding, sentence, and reversal of all courts

martial on officers, shall be published in the "Royal Gazette"; and any officer who has been on trial may call for a full copy of all proceedings, which shall be furnished to him from the place of record without charge.

81. Any officer reduced by order of the Commander-in-chief may demand full copies of all correspondence connected with his case, which shall be furnished him free of expense from the place of record.

82. The Commander-in-chief may call of vouchers, and draw upon the treasury for the sums necessary to defray the expenses of the militia or volunteer courts; but no president or members of any court, nor any acting judge advocate, or prosecutor, shall be entitled to more than four dollars a day, travelling expenses included, when residing more than ten miles from the place of assembly of the court, or more than two dollars a day if residing on the spot, or within ten miles of it.

83. Witness fees in all military courts under this chapter, shall be the same as in the supreme court. Witnesses refusing to appear before any militia or volunteer court, or civil court, on being summoned for default before any civil court, shall be liable to the same penalties as if they had refused to appear before the court before which they may be summoned for non-appearance, with the same costs and expenses.

84. Persons objecting to oaths from alleged conscientious motives, may, upon the President being satisfied that the objections are sincere, be put upon the affirmation which the statute prescribes for such witnesses.

#### OF THE ORGANIZATION, DISCIPLINING, AND TRAINING OF THE VOLUNTEERS.

85. The Commander-in-chief may authorize the formation of artillery, rifle, and cavalry companies, in the several regiments or battalions, and may frame regulations for them.

86. Volunteer corps shall have their districts prescribed by their commanding officer; two or more companies, with the same head quarters, may be included in the same district; the City of Halifax and its suburbs, including Dartmouth, shall be one district.

87. Effective members of volunteer corps, of all ranks, shall be exempt from serving on juries, or in the office of constable, and the performance of statute labor, or poll-tax, except in cases of animals of draft, or assessment on property, provided they be certified, by the commanding officer of the company, to the clerk of the peace, yearly, at or before the first of May; and the clerk of the peace shall, when required, give to any party exempted a certificate that his name is included in the list of exemptions; and such certificate, when produced to the surveyor of highways or commissioner of streets, shall entitle the party to the exemption allowed him by law; and the overseers or commissioners of streets may call upon the commanding officers of any corps of volunteers to affix his list of effective subordinates at any specified public place, within ten days' notice, once in the year; and on non-compliance with

this requisition, his command shall not rank as effective for the year.

88. Members of volunteer corps shall be divided into three classes: effectives, non-effectives, and honorary members; the qualifications of effectives shall from time to time be prescribed by the Commander-in-Chief; but no volunteer who is not uniformed, has not taken the oath of allegiance, has not perfected himself in training, as far as instruction has been offered, or shall not maintain his efficiency in training to the satisfaction of the Commander-in-chief, the inspecting field officers, and his commanding officer, or shall fail to attend any inspection in uniform, without leave of absence, or shall not have attended twelve days' aggregate training in the year under the staff instructors, or the officers of his corps inclusive, irrespective of target practice, without leave of absence of sufficient excuse to his commanding officer, for the information of inspectors at head quarters, shall not be returned as an effective, or claim any exemption as an effective, or shall claim any privilege whatever as an effective volunteer. No volunteer rifle company, being under the strength of thirty-six members, exclusive of officers and non-commissioned officers, not being rank and file, shall be entitled to any privileges, exemptions, or allowances made, or paid for from the public grant.

*(All grants made in aid of volunteer companies shall be paid to the Captain for the benefit of the company's funds, and applied to such purposes as the majority of the company may decide upon, and not paid as hitherto to the individual volunteers.)*

89. No excuse of absence from inspecting field officers inspections shall be deemed sufficient except on leave given by the commanding officers of volunteer corps in writing or on account of unavoidable absence from the district of the corps, or on account of sickness, in which latter case a medical certificate must be forwarded to the officer commanding, and all leave given must be entered in the order books of corps.

90. No commissioned officer of volunteers, who shall permanently leave the district of his corps, or shall fail or cease to be effective, according to the definitions of this act, or the military regulations from time to time laid down at head-quarters, shall retain his commission; but in the case of officers of volunteers permanently removing from their districts, or whose companies have been disbanded, and after undergoing an examination from the inspecting field officer of the district into which they have removed, shall be entitled to rank in the militia; and if offered such rank, and shall refuse the same, or shall not on such examination prove effective, they shall, if not otherwise exempted, perform duty in the rank; and the Commander-in-chief, at his discretion, and upon authenticated military reports from inspectors, shall have power to summarily cancel the commissions of all officers who shall not fulfil the military condition of their rank, and may call together boards of examination, to be presided over by any inspecting officer or field officer of militia, to decide

whether such officers have the requisite military qualifications for command, and may act at discretion, according to the report.

91. Every person enrolled in any volunteer company shall take the oath of allegiance to Her Majesty, which oath any officer, or acting officer duly authorized by the Commander-in-chief, may administer.

1. (*Whenever any person above the age of sixteen years shall refuse to take the Oath of Allegiance, when required by law to do so, in order to qualify himself for any office, the duties of which he is by law required to perform, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding six months; and in case a militiaman, who shall be called out for militia drill or for actual service, or who shall have been enrolled or be liable to be enrolled as a militiaman, or be drafted or be liable to be drafted for actual service, shall refuse or neglect to take the oath of allegiance when tendered to him by a Justice of the Peace or any Commissioned Officer in command of the regiment or company to which such militiaman is attached, or in whose district he resides, he shall forthwith be lodged in the county jail on the warrant of the said Justice or Commissioned Officer as aforesaid, there to remain in close custody for the period of six months, and if guilty a second time of a like offence he shall be imprisoned in the Provincial Penitentiary for a period not exceeding twelve months.*)

92. Volunteer companies may make by-laws for their government in time of peace, and may impose fines for the breach of any such by-laws; but no such by-laws shall be in force until approved of by the Commander-in-chief.

93. Fines imposed under any by-laws, and dues and liabilities incurred by any volunteer, may be sued for in the name of the commanding officer of the corps, as a private debt, before one or more justices of the peace, or before the supreme court, or any other court, according to the amount claimed.

94. The dress of volunteer companies, and the horses of volunteer troops of cavalry, shall be provided at their own expense, and their uniforms and appointments shall be subject to the regulations and the approval of the Commander-in-chief.

95. The Commander-in-chief may combine the volunteer companies of any county with the militia regiments of the same, except in the case of all volunteer battalions, or may organize and drill them as a separate and distinct force, in companies, regiments, or brigades.

96. The Commander-in-chief may make orders for calling out the volunteer companies for drill, and may prescribe the number of days during the year on which such companies are to meet for the purpose, not being less than twelve days; and no volunteer drill or training shall count unless diaries of the particulars, in the form prescribed by the Commander-in-chief, be returned by the captain or officer commanding the corps, to the office of the adjutant general at head-quarters, retaining a duplicate of the same at the head quarters of the corps.

97. No volunteer corps shall be entitled to any issues from head quarters between returns, unless the periodical returns last called for by standing orders or special demand be sent in within ten days after the requisition from head quarters. Effective volunteers, certified as such by their commanding officers, shall be exempt from militia duty. No man shall be exempt as a volunteer unless he has joined the company thirty days before the militia turn out. Volunteers shall not be exempt from attending militia training in their regimental districts unless they have completed twelve days' training previous to the militia of their regiment being called out, and captains are to see that all defaulters at drill turn out with the militia. Neglect or evasion of this section shall disqualify the corps as effectives for the year.

98. The Commander-in-chief may appoint courts martial or courts of enquiry of volunteers, either as general or company courts, which shall have full power and authority to enquire into any matter or subject touching the organization, discipline, or conduct of volunteers, or touching any differences or disputes between volunteer corps which may be submitted to them by the Commander-in-chief; and all persons shall, when required by summons from the president of any court, be bound to attend and give testimony on any subject under enquiry, such testimony to be given in the mode practiced in Her Majesty's regular forces, and in default of appearance, shall be subject to the provisions of section 87 of this chapter.

99. Complaints relative to the misconduct of any volunteer while on duty, or on parade, may, when submitted to any such court, by the Commander-in-chief, be investigated before any such courts; and in case of such misconduct being proved, the court may recommend the expulsion of the offender, or may impose a fine not to exceed ten dollars.

100. The recommendation or sentence of any such court, if confirmed by the Commander-in-chief, shall be final.

101. The Commander-in-chief may constitute militia and volunteer courts of judicature or enquiry, according to local and numerical convenience, and may direct their proceedings to be carried on on oath, and may cause them to investigate and give their opinion, or to decide, subject to his revision. All their proceedings shall be in writing, and be signed by the president of the courts, and their sentences or opinions, and the revision, shall be published in the "Royal Gazette."

102. On the resignation of any officer having charge of arms or other government property, the Commander-in-chief may give up or return the bond given by such officer, whenever he is satisfied that the terms thereof have been complied with; and officers receiving or giving over government property shall exchange mutual vouchers, to be sent into head-quarters.

103. Mutual military debts, in militia or volunteer corps, may be recovered as common debts.

104. If any member of the volunteer force shall hereafter accept a commission in the militia, he shall thenceforward cease to become a volunteer, and the commanding officer shall strike him off the roll.

OF THE MILITIA STAFF IN TIME OF PEACE.

105. The Commander-in-Chief shall have the entire military command and control of the permanent militia staff of the Province, and in time of peace may direct the summary discharge or reduction of any officer, non-commissioned officer, or man who may be guilty of misconduct whilst receiving any pay or remuneration; and this rule shall extend to all regimental staff who shall be in the receipt of any pay, allowances, or emoluments. Militia staff officers shall not assume executive command on parade, without the express orders or request of the senior officer in actual command of the parade; and no officer of militia, staff, or other, shall assume command of forces composed of imperial and militia troops, without the order or consent of the general or other officer in command of the imperial forces, unless in cases where there may be no imperial commissioned field officer present, or there be standing or other orders issued by the officer commanding the imperial forces to the contrary.

106. The Commander-in-Chief may also direct the removal or reduction of any officer, non-commissioned officer or private, who may be employed in any capacity by the Province on pay, for neglect of duty, or inefficiency, in time of peace.

107. The militia authorities at head quarters shall not be held responsible for any debts contracted by staff sergeants being permanent instructors; nor shall any stoppage or conversion of their pay be made at head quarters on account of their debts; and they shall be under the same discipline as the line, and shall have similar exemptions from arrest for small debts, unless cashiered, when they shall be liable to civil process for antecedent debt, and the substance of this section shall be published in the "Royal Gazette," and by such other means as the Commander-in-Chief may direct.

108. Officers, non-commissioned officers, or men of the local forces, shall be eligible for the permanent militia staff of the Province, on inspection, examination and approval of the Commander-in-Chief.

OF ARMS, ARMORIES, MILITARY STORES, BUILDINGS, GROUNDS, AND TARGET PRACTICE.

109. When any battalion, regiment, district, company or county, shall have erected and completed an armory drill room, in any part of the province, under the direction and with the sanction of the Commander-in-Chief, and shall show to his satisfaction that such drill room or armory is completed and ready for use, and is of sufficient dimensions, ONE HALF (*two-thirds*) of the cost may be drawn from the provincial treasury on account, and vouchers, verified on oath, being produced at the Financial Secretary's office.

110. The storage, conservation, and distribution of all arms, military stores, and other government property, appertaining to the local forces of the province, and all issues or withdrawals of arms or stores, shall be subject to the regulations and orders of the Commander-in-Chief.

111. Persons having charge of any government property, shall be responsible for the same in full value, as for ordinary debts, and receipts and records in the adjutant general's office shall be proof of possession, and recipient may, at the discretion of the Commander-in-Chief, be held to bond in two sureties to the full amount of the property. Until receipts of bonds, persons shall be liable for loss or damage who have taken over government property as next seniors equally with the bondsmen, and may be sued singly, or together with the former, for recovery.

112. Any armory, drill room, or other building, on any ground, paid for or rented, in whole or in part, by any grant or any moneys drawn from the public treasury, shall, at the discretion of the Commander-in-Chief, be open to the occupation or use of the local forces without distinction; but this section shall not apply to volunteer armories, targets, or grounds rented expressly by volunteers for their own use, and for which they may receive a subsidy.

113. Drill grounds on which any money has been expended by the Provincial Government, shall be open to both militia and volunteers. Where there are no grounds, the commanding officers may hire them at a rate not exceeding three dollars per diem, (*for battalion drill*), and on failure thereof enter upon any grounds not under growing crops, and use the same as parade ground; and after annual drill, the commanding officer and the owner or occupant of such ground, shall each appoint an arbitrator, who may select a third, and these arbitrators shall award the damages sustained by said owner or occupant for the use of his ground, which damages or rent shall be assessed by the sessions of the several counties.

114. The Commander-in-Chief shall approve and regulate all target practice, and the construction of butts and their repair shall be subject to the supervision of the militia staff.

115. Any two justices of the peace may suspend target practice on any range, on information of danger, pending report to and enquiry by, the Commander-in-chief; and any person who shall, after notice of such suspension, use such targets, pending such enquiry, shall be fined a sum not exceeding five dollars for each offence.

116. The Governor in Council may, in case of any emergency, provide, at the expense of the province, such additional number of rifles and accoutrements for the use of the militia as shall be deemed advisable.

117. Militiamen of any rank receiving arms, accoutrements, or government property, may be required to give a subordinate bond to their commanding officer or captain, in the following form, executed by themselves and two securities :

“ Know all men by these presents, that we, A B and C D are held and firmly bound unto our Sovereign Lady the Queen, in the sum of fifty dollars, to be paid to Her Majesty, her heirs and successors; for which payment, well and truly to be made, we bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents.

“ Sealed with our seals, and dated at the  
day of \_\_\_\_\_, A. D. 186 .

“ The condition of this obligation is such, that if the above bounden A B shall at all times hereafter safely keep in good serviceable order and condition, and have ready to return when called for, by the commanding officer of the regiment, [*specifying the particular regiment to which such persons may belong,*] one rifle, or [*specifying the arms and accoutrements which may have been received by such person*] which have been issued to him under the laws relating to the militia, and shall in all things perform the provisions of such laws touching such arms and accoutrements, then this obligation shall be void.

“ Signed, sealed, and delivered } A B (L s).  
in presence of } C D (L s).”

118. The officer in charge shall lodge the arms and accoutrements in a suitable place, to be delivered to his subordinates as he shall order, and every recipient shall return such arms to the place of deposit within twenty-four hours after the performance of the service for which he received the same, if ordered, under a penalty of one dollar for every day's neglect; and shall produce his arms for monthly inspection under a penalty of one dollar for every day's neglect, and for staff and field officers' inspection, on three days' notice, under a penalty of two dollars.

119. Senior officers of corps shall be primarily responsible for arms and accoutrements delivered to them, for which they shall give a receipt or bond as required from head-quarters; but on the demise or resignation of any senior officer, his next senior shall become responsible by virtue of his command, until he either declines the command or sends in his bond or receipt, and he shall be empowered to exercise his authority over all the subordinate bonds and issues of the command and bring actions thereupon.

120. Every man who shall convey any arms, accoutrements or uniform, being government property, out of the limits of his regiment, except when on duty, or shall dispose thereof, and any person who shall knowingly receive the same, shall forfeit one hundred dollars for every musket or rifle, and ten dollars for every article of dress and accoutrements; and every person who, without authority, shall convey any such arms, accoutrements, or uniform, on board of any vessel, to carry them out of the country; and any person who shall receive them for such purpose, and any person having illegal possession of any government property, or not being able satisfactorily to account



for such possession, shall be liable to a fine not exceeding five hundred dollars, payable one-half to the informant and the other half to the use of the regiment; and in the event of inability to pay the fine, shall be imprisoned for a period not exceeding twelve months.

121. The colonel, when required by standing orders, or specially from head-quarters, shall order inspections of the arms, accoutrements, and government property of his command, making a return of their condition.

122. Whenever required, or before removing out of the limits of his company, every man shall return to the captain the arms and accoutrements he shall have received, in good serviceable condition, under a penalty of twenty dollars, and shall pay the whole value of the articles, in case of total loss, to the commanding officer.

123. Should any man's arms or accoutrements be in a dirty or unserviceable condition, he shall be answerable in full for cleaning, repairs, and all expenses, through his commanding officer to head quarters.

124. Commanding officers shall be legally liable in full for the safety and condition of all arms as well as other public property given over to their charge, or that of their subordinates, irrespective of bonds or securities, and shall be entitled to a receipt from the quarter-master-general on re-delivery, and the receipts or records at head quarters shall be proof of possession, unless vouchers of re-delivery can be produced.

#### OF FINES, AND PROCEEDINGS FOR THEIR RECOVERY.

125. All actions for anything done, or authorized to be done, or personally incurred under this chapter, shall be commenced within six months after the cause of action arose, and shall in time of peace be deemed and conducted as ordinary civil proceedings, subject to provisions of section 43 of this act, and the defendant may plead and give this chapter and the special matter in evidence.

126. All fines confirmed by boards of appeal, when not exceeding \$20, shall be recovered before one justice, and when above \$20, before two justices, who, upon the affidavit of the quarter-master, verifying the signature of the colonel or commanding officer, and on presentation to the justice or justices of the written proceedings of the board of appeal, approved of and signed by the colonel or commanding officer, shall immediately issue his or their warrant of distress for the recovery of the fines, as therein specified and imposed. The acts and decisions of the board of appeal shall be held and considered in all cases final and conclusive, according to section 43 of this act, and the amount may be levied, with costs of distress, and, for want of goods, the offender shall be committed to jail for twenty-four hours for every dollar of the penalty, and this commutation shall be applicable to all pecuniary dues or penalties under this act in time of peace; and justices may under this act charge twenty-five cents for each warrant issued according to the form hereinafter provided.

127. Militia fines incurred within the municipal jurisdiction of the city of Halifax shall be recoverable before one or two justices of the peace for the county, as in other parts of the Province. Parties committed to jail for non-payment of any fine under this act shall not be permitted the privilege of jail limits.

128. All fines collected by the quarter-master shall be applied, under the direction of the colonel and officers, towards defraying the expenses of the regiment, including stationery and postage of regimental letters, not being to head quarters.

129. An account of all fines, with their appropriation, shall be rendered to the office of the adjutant-general of militia, by the colonel, within three months after collection, under a penalty of twenty dollars for default.

130. All amounts voted for militia service shall be placed at the disposal of the Commander-in-chief, for the purpose of employing staff officers and drill sergeants, or specially examined and approved appointees belonging to the local forces; on the training and drilling of the militia and militia officers, and for the encouragement and maintenance of volunteer corps; for the storage and preservation of the arms furnished by the imperial government, and generally in such other services as may from time to time appear to the Commander-in-chief necessary for the effectual organization of the local forces.

131. Accounts, with vouchers, for all sums expended for the militia service, shall be rendered quarterly to the Financial Secretary, to be audited by him, and laid before the committee of public accounts.

132. The Commander-in-chief shall have power to cause a ballot to be made of the first class of militiamen in time of peace as well as in time of war, agreeably to the sections of this act, as is hereinafter mentioned and provided.

133. The following terms, used in this act, shall be construed thus: "Commanding officers," "colonel," or "lieutenant-colonel," shall mean any officer, non-commissioned officer, or other person lawfully ordered, delegated, or put in command of any regiment, company, or squad, or smaller party of men, in permanent, temporary, or acting command, by his superior officer, whose authority he shall have during the continuance and until the performance of the required duty; "man," or "militiaman," shall mean any person enrolled in the militia; "year," unless the context and meaning be clearly to the contrary, shall mean from the first day of January to the last day of December; and "returns" shall mean all statistical information.

*Form of Magistrate's Warrant.*

"COUNTY OF \_\_\_\_\_

"To the County Constables or any of them :

"Whereas \_\_\_\_\_ has been fined by the Board of Appeal of the \_\_\_\_\_ Regiment of Nova Scotia Militia the sum of \_\_\_\_\_ for non-attendance at muster or drill [*as the case may be*], and has omitted to pay the said fine, after full notice requiring him so to do, you shall forthwith distrain the goods and chattels of

the said ——— for the said sum of ———; and if within seven days after distress made the amount of the said fine and necessary charges be not paid you, you shall sell the goods and chattels so distrained upon, to satisfy the same; and for want of goods and chattels you shall arrest the said ——— and commit him to the County Jail, there to remain and be kept imprisoned one day for each dollar of the fine so due, and for which this shall be your sufficient warrant.

Given under my hand this ——— day of ——— A. D. 186 .”

OF THE MILITIA IN TIME OF WAR.

134. The executive command, in time of war, is hereby vested in the officer commanding Her Majesty's imperial forces in this Province. Whenever the militia shall be called out for actual service, in case of invasion, or imminent danger thereof, every officer and man, belonging to it, shall be subject from the time he has been ordered or drafted for actual service, to the officer commanding Her Majesty's forces in this province, and to Her Majesty's regulations for the army, to the articles of war, and to the act for punishing mutiny and desertion, and to all other laws there applicable to Her Majesty's troops in this province, except that no militiaman shall be subject to any corporal punishment, except death or imprisonment, for any contravention of such laws; and except also that the Commander-in-chief may direct that any provisions of the said laws may not apply to the militia. No militiaman shall be flogged, except such punishment be commuted from the penalty of death.

135. No militiaman shall be entitled to dismissal from duty, or discharge from service, when on the line of march, or before the enemy, notwithstanding the termination of any period of service, limited either by special agreement, or by this or any other Act.

136. When on actual service, the officers, non-commissioned officers, trumpeters, drummers, fifers, buglers, and privates, shall be entitled to the same pay, allowances, and rations, as Her Majesty's regular troops, to be received from the day they march on actual service, until dismissed by competent authority; and at the time of their dismissal, they shall be allowed a number of days' pays to defray their expenses to their places of abode, according to their distances, at the rate of fifteen miles a day.

137. If any person, in actual service, be wounded or disabled, while on duty, he shall be supported out of the public funds of the province, as long as the disability shall continue.

138. In case of the loss of any officer, or man, while on actual service, provision shall be made for his wife and family out of the public funds.

139. When on the line of march, or escort duty, or any other service, or in camp, or quarters, the Governor in Council may make regulations for the billeting or rationing of the militia; such regulations to assimilate, as far as practicable, to similar regulations for Her Majesty's other forces.

140. Captains of companies (*if required so to do*) shall cause a ballot to be made of the first class for forming a roster, or list, whereby the men may be called into actual service in manner following:—

First.—Each name shall be written on a piece of paper, which shall be rolled up and put into a box or hat, and well mixed; all pieces of paper, so used, to be of equal size and rolled up in the same manner.

Second.—Pieces of paper, of the same size, rolled up in the same manner, to the extent of the number of men, shall be mixed together in another box or hat.

Third.—Two persons, nominated by the captains, shall publicly draw all the names alternately, numbering them from one upwards as drawn, and a consecutive list of the names and numbers shall be made as the former are drawn, which shall be a service roster, the first names drawn and numbered being first for service; artillery and cavalry shall be balloted for service rosters in like manner.

141. When the Commander-in-chief shall order any number of men for actual service, they shall be furnished, in as exact proportion as possible, to the number of effective men; and every company, or troop, shall furnish its proportion from the first class, according to the roster; and every man liable to serve, unless prevented by sickness, or other sufficient cause, shall go or find an approved substitute; and in default, shall be liable to penalty of forty dollars; and if the same shall not be paid, may, by the commanding officer, be imprisoned for three months, and the next man on the roster shall serve in his place, who shall have the whole of the fine, (if paid), and shall go or find a substitute; but if he refuse, or neglect to go, he shall be liable to the same fine and imprisonment; and the next man shall be called out, and he shall have the last mentioned fine, (if paid), if he, by himself, or a substitute, shall serve, and so on, as each case may happen; but no man shall receive more than one fine, if paid.

142. If any part of the company shall be called out oftener than once in four years, no man who had served shall be liable to serve again until all the available effective men shall have served personally or by substitute.

143. When any man shall remove from the limits of his company to any place within the limits of another company, he shall fall in on the roster immediately before the man who has drawn the same number.

144. Upon calling out any of the militia into actual service, the Commander-in-chief may direct necessary measures to be adopted to ascertain the ability of every officer and man to perform his duty; and if any man shall be found unable to serve, his place shall be supplied by the colonel; and if such person shall be a substitute, the person in whose stead he is, or stands, shall procure another substitute, under the same penalty, as for refusing to go into actual service, or finding a substitute; or if the man has been originally drafted for the

regiment, the colonel shall take the next man drafted for actual service, in the same company, who shall go or find a substitute, under the same penalty.

145. Militiamen drafted and notified by the commanding officer or captain, to serve in war, shall be deemed to be enlisted; and any militiaman who shall not voluntarily appear at any appointed place within twenty miles of his abode, in person, or by substitute, within ~~NINETY-SIX~~ *(twenty-four)* hours, (any intervening Sunday, Christmas Day, or Good Friday, not included), shall be proceeded against, under the mutiny act, and articles of war, notwithstanding the non-receipt of enlistment money, and the fact of being drafted, shall, to all intents and purposes, be an enlistment within the meaning of the articles of war, with or without attestation or the formalities of enlistment practiced in Her Majesty's regular forces; and militiamen, or their substitutes, if absent, shall be prosecuted as deserters. Non-commissioned officers of militia shall return to the ranks on transfer or joining an embodied corps.

146. The Commander-in-chief may order drafts to be selected, the names returned to him, and the men to be drilled and disciplined without calling them into actual service; and may select officers to command such men, and may direct the measures to be adopted, and make such orders as may be necessary for that purpose; but the number of days of battalion training shall not exceed fifteen in one year.

147. When the Commander-in-chief shall order any number of men for actual service, from any regiment or battalion, they shall be drafted from the volunteer companies; and when such volunteer companies shall have been formed, they shall, in all cases, be considered the first class for actual service; and no draft shall be made from other than volunteer companies, until the whole of such companies have been called into actual service.

148. Whenever a proportion of the militia of Halifax shall be called into actual service, the colonel of the regiment to which clerks, storekeepers, mechanics, or laborers belong, who are employed in any department of the army and navy, may apportion the number of drafts which they ought to furnish, and procure substitutes in their places on the most reasonable terms, and the expenses shall be assessed on them in proportion to their daily pay by the colonel, with the assistance of two captains.

149. Every person assessed under the preceding section shall, on notice, pay the amount to the colonel, and on refusal, any justice of the peace, upon complaint of the commanding officer, may issue his warrant of distress upon the offender's goods, and sell the same; and for want of goods, may commit him to jail until the amount assessed be paid; but any such person may procure a substitute or serve personally, and may, on receiving due notice of the duty required of him, declare such intention, but shall serve until a substitute be procured.

150. In any district exposed to attack by water, the Sessions, on presentment of the Grand Jury, may assess the sum necessary for providing armed boats for defence, to be under the direction of the commanding officer; and when no longer necessary, they may be disposed of by the Sessions.

151. If, upon any emergency arising from invasion, made or threatened in this Province, or in the Province of New Brunswick, it shall be necessary to call any of the militia into actual service, the Commander-in-chief may order the colonel of any regiment to furnish one hundred men for every six hundred of the first class, or the like proportion for any greater or less number, such men to be furnished either from draft of the regiment or by volunteers.

152. The Commander in-chief may select captains and subalterns to command the men furnished under the last section, and may form any of the men furnished by the different regiments into a regiment or battalion for actual service, and appoint field, staff, and other officers for the same; and order such regiment or battalion into barracks or camp, and adopt measures to render them efficient for actual service.

153. The Commander-in-chief may accept the voluntary service of any of the embodied militia, for the defence of New Brunswick, against the common enemy.

154. In case of invasion made or threatened, the Commander-in-chief may call the militia into actual service, and may order any part thereof to march from one part of the Province to another.

155. In case of any sudden attack made or threatened, when the Commander-in-chief cannot be immediately consulted, the commanding officer shall, if he thinks it necessary, call out the militia of his regimental district for active service; and if any invasion or attack shall be made or threatened, in any place where the officers commanding regiments in the county cannot be consulted, the militia may be called out by any officer on the spot, who shall forward a report to the Commander-in-chief, notifying the danger, and strength, and motives of the enemy; and such officer may impress men, horses, boats, and carriages, as the nature of the case may require, a reasonable compensation for which shall be made to the owners; and the Governor in Council, on the certificate of the commanding officer and any two captains, shall draw on the treasury for the amount.

156. Any demands under the last section considered exorbitant, may be arbitrated by the next grand or special sessions of the county.

157. When any part of the militia shall be called into active service, all duties, except in cases of great emergencies, shall be regulated by rosters.

158. When there are two or more sons residing in the family of their father or mother, for one year preceding, who shall be liable to be ordered for service at the same time, under this Act, one shall be excused, and the first on the list shall be called.

159. If any person, aged sixty years, or upwards, or any widow, shall have a son, grandson, or an apprentice, on whom solely he or she shall be dependant for support, living with him or her for twelve months preceding, he shall be exempt from being ordered for service, so long as he resides in the family and contributes to the support of the same.

160. Local duties shall be equally distributed among able-bodied men of districts; the able-bodied men of the second class of the militia shall form a local reserve, under the directions of the Commander-in-chief, in war, when they may be organized, officered, trained and disciplined by him for service in the Province, and he may select the officers from the most effective ones on the unattached list, seniority of rank not giving any prior claim for employment, according to an alphabetical roster, to be kept by the captain of every company, and every person refusing to perform his term of duty shall be punished according to law.

161. When by the directions of the Commander-in-chief, guards shall be kept so that the local duties performed by any one man shall exceed six days or nights in one year, the Commander-in-chief may pay every such man for the excess over that time, according to the rate in this Act mentioned, upon certificate of the colonel.

162. Every person wilfully making a false alarm shall forfeit forty dollars.

163. Chapter 29 of the Revised Statutes (third series) "Of the Militia," is repealed.

14. *When any Regiment or Company of Militia in any part of this Province, shall have subscribed one-third of the expense of a uniform, according to regulations, two-thirds of such expense may be drawn from the Provincial treasury by vouchers, verified on oath, being produced at the Financial Secretary's Office.*

15. *Officers of the Volunteers and Militia shall take precedence according to the respective dates of their commissions.*

The foregoing enactments were further amended on 7th May, 1867, as follows:

Sect. 17, for 14 read 13.

22, substitute "serjeants" for "non-commissioned officers" and add "and the serjeants of Volunteers shall be paid five dollars in addition to ten dollars."

50, for "shall be liable to make up training within the year" read "shall pay a fine of one dollar."

100, for "one half" read "three quarters."

164. When the men of a Regiment have been provided with a uniform, they shall, when ordered, be compelled to wear it, and shall not be at liberty to wear it at any other time, subject to a fine in either case of one dollar for omission or transgression of duty.

165. The Commanding officers of the Brigades and Regiments of the local forces shall be exempted from serving on Juries.