

N^o. 109.

1st Session, 8th Parliament, 27 Victoria, 1863.

(2nd Session.)

BILL.

An Act respecting the Volunteer Force.

**Received and read first time, Tuesday, 8th
September, 1863.**

Second reading, Friday, 11th September, 1863.

Hon. Mr. Atty. Genl. J. S. MACDONALD.

G. Desbarats & M. Cameron, Queen's Printer.

An Act respecting the Volunteer Force.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The Governor shall, by virtue of his Office, be Commander in Chief of the Canadian Volunteer Force. Governor to be Commander in Chief.
2. The Commander in Chief may raise, organize, arm, uniform and equip a Volunteer Force to serve within the Province for the defence of the same in case of need, and in aid of the civil power as hereinafter mentioned ; and such force shall consist of not more than thirty-five thousand men, exclusive of Commissioned Officers ; and the Commander in Chief may call out the Volunteers or any part thereof for actual service, whenever it is in his opinion advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them ; Provided that the several Corps of Volunteers organized and gazetted prior to the passing of this Act, shall be and continue as if organized and gazetted under this Act, and shall constitute part of the Volunteer Force before mentioned. He may raise a Volunteer Force not exceeding 35,000 men.
Calling out.
Present corps continued.
3. The Volunteers may consist of Troops of Cavalry, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, and Battalions or Companies of Rifles and of Infantry, and Naval Companies, to be armed and equipped according to their respective services, and to be formed at such places and in such manner as may from time to time be ordered by the Commander in Chief. Of what corps Volunteers may consist, &c.
4. All Companies or Battalions of Volunteers 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. Power to disband Volunteers.
5. Each Troop of Cavalry, Military Train, Garrison Battery of Artillery, Company of Engineers, or Rifles, or Infantry, shall consist, according to its respective service, of a Captain, a Lieutenant, a Cornet, Second Lieutenant or Ensign, three Serjeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-eight Privates, except in cases where the Commander in Chief may specially sanction a greater number of Privates not exceeding seventy-five : Force of Volunteer companies respectively, Cavalry and Infantry.

Artillery.

2. Each field Battery of Artillery shall consist of a Captain, two, first Lieutenants, a Second Lieutenant, a Serjeant Major, three Serjeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty-nine Gunners and Drivers, including Wheelers, Collarmaker and Shoering-smith, forty-five horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service. 5

Naval companies.

3. Each Naval Company shall consist of one Captain and such other officers and such number of seamen not exceeding seventy-five as may be appointed by the Commander in chief, and may be armed in such manner as the Commander in Chief directs, and may be trained and drilled as well to the use of small arms, as in the management of gun-boats and vessels, and the working of great guns on board vessels, and the Captain shall have power to appoint such Warrant and Petty Officers as may be authorized by the Commander in Chief. 10 15

Companies of Volunteers may be formed into Battalions.

6. The Commander in Chief may constitute any number of Companies of the Volunteers at any one locality, not being less than six or more than ten Companies of the same arm of the service, into a Battalion, and may assign or appoint thereto, a Lieutenant-Colonel, one Major, one Adjutant, one Pay-Master, one Quarter-Master, one Surgeon and one Assistant Surgeon, and, may also, where no greater number than four Companies of the Volunteers are organised in any one locality, constitute the same into a Provisional Battalion and appoint thereto a Major and Adjutant, and the rank and authority of the several Officers hereinbefore mentioned, shall be the same as in the relative positions in Her Majesty's service;—And such Battalions shall be subject to the Queen's Regulations for the Army published by authority in so far as the same are not inconsistent with the provisions of the Militia Laws of this Province, or with any General Order from time to time to be issued by the Commander in Chief; and any such Lieutenant-Colonel of a Battalion or Major of a Provisional Battalion shall have authority to appoint the usual number of Staff Sergeants for his Battalion; but in case at any one locality there are no sufficient number of Garrison Batteries of Artillery, or of Companies of Rifles or of Infantry, as hereinbefore required to constitute a Battalion of such arm of the service, the Commander in Chief may attach, but for purposes of Battalion drill only, any one or more Companies of whatever arm of the service hereinbefore mentioned, to the senior Company of whatever other arm of the service in the locality, and the same shall be commanded on all Battalion parades, by the Officer of Volunteers highest in rank then present, and in uniform. 20 25 30 35 40 45

Provisional Battalions.

Queen's regulations to apply, where not inconsistent with this Act, &c.

Staff Sergeants.

Different arms may be united for Battalion drill only.

Who to command.

Uniforms for Volunteers to be supplied to

7. Such of the several Corps of Volunteers heretofore or hereafter to be organized, as may, for that purpose, be named

and specified in any General Order by the Commander in Chief, shall be supplied by the Province with uniform clothing of such one and similar colour, pattern and design, as may be ordered by the Commander in Chief, for each arm of the service

5 designated in the third section of this Act; and if necessary, such uniform clothing may be replaced in every successive period of five years from the original issue; and the said uniform clothing shall be delivered to the Officer Commanding the corps, to be by him delivered to the non-commissioned officers

10 and privates, on such conditions and upon such security as the Commander in Chief may direct; And the Commander in Chief may, from time to time, by General Order, make such rules or regulations in respect to the uniform clothing as he may think necessary or expedient; but nothing herein con-

15 tained shall prevent the re-supplying of clothing within the period aforesaid in such special cases as may appear to the Commander in Chief to require it.

the men by the Province.

How replaced.

How distributed.

Governor may make special regulations.

Proviso.

8. The several Corps of Volunteers shall be furnished by the Province with arms and accoutrements, whether the same

20 be the property of the Province or the property of the Imperial Government; and the same shall be kept in public armouries, wherever there are such; and where there are no such public armouries, and until the same are provided, the Officer Commanding such Corps shall himself actually keep the arms and

25 accoutrements in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personally responsible for such arms and accoutrements; and the Officer Commanding any such Corps may, in the discretion of the Commander in Chief, be allowed annually,

30 such sum for the care of such arms and accoutrements as may appear proper for the same; and no Arm shall, nor shall any Accoutrements be taken or removed from any such public armoury or from the care of such Commanding Officer, except

35 under such regulations as may be made in respect to the same by any General Order of the Commander in Chief.

Arms to be furnished by the province; where to be kept where no armouries.

Allowance for keeping.

Arms not to be removed except under regulations.

2. Nothing herein shall be construed to relieve the Officers or men of the Volunteers, of any liability in respect to the Uniform or Arms or Accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other

40 respect,—under the Acts eighteenth Victoria, chapter seventy-seven, and nineteenth and twentieth Victoria, chapter forty-four, and the thirty-fifth chapter of the Consolidated Statutes of Canada and the Act twenty-fifth Victoria, chapter one,—but notwithstanding the repeal of the said Acts or any of them any

45 proceedings thereto relating may be brought within twelve months after the discovery of any breach of the provisions thereof.

Officers and men to remain responsible for them.

Notwithstanding repeal of former Acts.

9. The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province, whenever such

Repairing and renewing arms.

renewal or repair becomes necessary from wear in service or other cause than the fault or neglect of the person charged with the temporary possession thereof, in which last named case they shall be renewed or repaired by and at the cost of 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. 5

Volunteers to appear armed or in uniform on certain occasions only.

10. No Corps of Volunteers and no non-commissioned officer or private thereof, shall at any time appear in uniform or armed or accoutred, except when on duty or *bonâ fide* at parade or drill or at target practice, or at Reviews or on Field-days or inspections, or for receiving distinguished persons or rendering funeral honors to deceased comrades, or when required to act in aid of the civil power under due authority; nor shall the arms and accoutrements be taken out of this Province. 10 15

Exemption of clothing, arms, horses, &c., from seizure.

11. The uniform Clothing, Arms and Accoutrements of the officers, non-commissioned officers and men of Volunteer Corps, and the Horses used by them as such, shall be exempt from seizure in execution and from distress and assessment; nor shall any of such horses be disposed of by any officer or man without leave of the Officer commanding the Corps: and the clothing except that of Officers, shall be deemed to be the property of the Crown; and each non-commissioned officer or man who fails to keep in proper order the uniform entrusted to his care, or who may wear the same or any part thereof on any other occasion than when on duty or specially authorized or permitted so to do by his commanding officer, shall incur a penalty of for each offence, to be recovered as hereinafter mentioned. 20 25 30

Penalty for not keeping uniform in proper order.

Ammunition for practice.

12. Sufficient ammunition for exercise and target practice may be supplied to the Volunteers at the expense of the Province, in such manner as the Commander in Chief may direct; and the Commander in Chief may make such regulations in respect to the annual course of Target practice by Corps of Volunteers, and the mode of conducting the same and of registering the results thereof, as may appear to him expedient. 35

Regulations for Target practice.

How Volunteers shall be drilled and exercised.

13. The Volunteers shall be drilled and exercised, in such manner and at such times in each year, and for such periods and at such places, and either encamped or otherwise, and under such rules and regulations and subject to such returns or certificates of performance of drill as the Commander in Chief may from time to time order; but nothing herein contained shall be construed to prevent any Corps from being assembled or ordered out at any time by the officer commanding it for parade or drill or target practice or exercise. 40 45

14. The Commander in Chief may cause to be provided, where expedient, drill grounds, drill sheds and ranges for target practice, to be subject to such inspection and regulations for the use thereof, as may by him be deemed necessary.

Drill grounds, sheds and ranges.

5 15. A sum of money, not exceeding dollars, per annum, may be appropriated to the purchase of prizes or for distribution in various sums to be competed for by corps of volunteers for proficiency in drill and discipline or target practice, at such times and places and under such regulations as the Commander in Chief may from time to time order.

Prizes for proficiency.

16. For the safe keeping of the arms and accoutrements furnished to any Corps, the Corporation of the Municipality, within which the Head Quarters of such corps may be, may provide, at the expense of such Municipality, a good, safe and commodious Fire Proof Armoury, fitted with arm racks and other necessary and proper storage, and for the heating thereof; and for providing moneys for such purpose, the several Municipalities throughout Upper Canada shall have all and every the powers conferred upon them in respect to the raising and levying the same as are provided by the two hundred and twenty-third and two hundred and twenty-fourth sections of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada; and the several Municipalities in Lower Canada shall have all the powers conferred on them by the Lower Canada, Consolidated Municipal Act and the Acts amending it, or by the Special Act or Acts incorporating and governing the Municipality (if any such there be) with regard to the raising of money for any purpose for which such Municipalities are by law empowered to raise the same.

Municipality to provide fire proof armouries.

Power to levy money for providing armouries.

17. The Volunteers 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 are required, the following rates of pay; that is to say: Officers, such pay as is the daily pay in Her Majesty's Service of officers of corresponding rank, with an additional sum to each mounted Officer of *two dollars* per day, and non-commissioned Officers and Privates the sum of *one dollar* each, 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 Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

Volunteers may be called out in aid of the civil power, and shall in such cases be paid and lodged by the Municipality.

18. It shall be the duty of the Officer commanding any Corps of Volunteers to call out the same, or such portion thereof as is necessary, for the purpose of quelling any Riot, when thereunto required in writing by the Mayor, Warden or

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

other Head of the Municipality in which such Riot takes place, or by any two Magistrates therein, and to obey such instructions as may be lawfully given him by any Magistrate in regard to the mode of quelling such Riot ;--And every Officer, non-commissioned Officer and man of such Corps shall on every such occasion obey the orders of his Commanding Officer ;--
 And the Officers and men when so called out shall, without any further or other appointment, and without taking any oath of office, be special constables and shall act as such so long as they remain so called out.

To be special Constables.

Volunteers exempt from serving as Constables on certificate.

19. The Officers, non-commissioned Officers and men of Corps of Volunteers, shall, while they continue such, be exempt from serving as Jurors and Constables ;--And a certificate under the hand of the Officer Commanding any such Corps shall be sufficient evidence of the service in his Corps of any officer, non-commissioned officer or man for the then current year, and of his exemption as aforesaid ; And officers, non-commissioned officers and men of the Volunteers being in proper staff, or regimental uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle) shall be exempt from the payment of any duty or toll on passing any turnpike or toll-gate or any road or bridge in this Province.

Not to leave the Corps during term of service, unless discharged, or after due notice ; term of service.

20. No non-Commissioned Officer or Private of any Volunteer Corps shall, in any case, unless legally discharged, leave the same during the term of his engagement to serve, without giving two months previous notice of his intention so to do, in writing, to the Commanding Officer of the Corps, and the term of engagement shall not be less than five years.

Volunteers may agree to articles, rules, &c.

21. Any Corps of Volunteers may make, agree upon and enter into, such articles, rules and regulations for the discipline and good management of the same as they may think proper, to be sanctioned by the Officer Commanding such Corps and to be by him transmitted for the approval of the Commander in Chief ; and any such articles, rules and regulations, in so far as they are not inconsistent with this Act, shall, when so approved, but not before, be enforced, and the penalties which may be thereby imposed shall, whenever they are incurred, be recoverable in the manner mentioned in any of the sections of *An Act respecting the Militia* incorporated with this Act, by the Officer designated for that purpose in such rules and regulations, to such uses as may be therein directed.

Subject to approval and then binding.

Inspection of Volunteer Corps, their arms, clothing &c., by proper Officers.

22. The several Corps of Volunteers, and the clothing, arms, accoutrements and armouries, shall be subject to inspection, from time to time, by such Officer of Her Majesty's Service as may be appointed for that duty, by the Officer Commanding Her Majesty's Forces in this Province, with the sanction of the Commander in Chief ; and shall also be subject

- to inspection, from time to time, by such Officer or Officers (not being under the rank of Field Officer) of Volunteers as shall be temporarily appointed by the Commander in Chief for that purpose, and who shall report fully to the Commander in Chief on the state and efficiency of each Corps, and of its clothing, arms and accoutrements, and of the armouries, and who shall be reimbursed by the Province, his or their actual travelling expenses, and paid for such service at a rate not exceeding *four dollars* per diem whilst so engaged. Officers to report on their state. Pay.
- 15 **23.** The Volunteers when called out, by the Commander in Chief, may be marched to any part of the Province, or to any place without the Province but conterminous therewith, where the enemy is, and from which an attack on this Province is apprehended. To what places Volunteers called out may be marched.
- 20 **24.** The Volunteers so called out, by the Commander in Chief, and every Officer or man belonging to it, shall, from the time he has been called out for actual service, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act; except that no man 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 or regulations shall not apply to the Volunteer Force. Volunteers called out to be subject to articles of war, &c. Exception. Exception.
- 25 **25.** No Officer, non-commissioned Officer or private in the Volunteers, shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—And no sentence of any General Court Martial shall be carried into effect until approved by the Commander in Chief. For what offences only Volunteers may be sentenced to death. Sentence must be first approved.
- 26.** No Officer of Her Majesty's regular Army on full pay shall sit on any Volunteer Court Martial. Officer of regular Army on full pay not to sit, &c.
- OFFICERS.**
- 35 **27.** All Commissions of Officers in the Volunteer Force shall be granted by the Commander in Chief and during pleasure; no person shall be an Officer in the Volunteer Force unless he is one of Her Majesty's subjects by birth or naturalization. Commission, by whom granted. Officers must be Her Majesty's subjects.
- 40 **28.** Commissioned Officers of the Volunteer Force shall furnish their own uniform, arms and accoutrements. Officers arms and uniform, &c.
- 29.** Commissions held by Officers of Volunteers, existing immediately before the passing of this Act, shall remain in Existing Commissions conti-

nued, until cancelled, &c.
No rank above Lieut. Colonel, in peace.

force, the same being nevertheless subject to be cancelled by the Commander in Chief;—Provided that no rank in the Volunteer Force shall be higher in time of peace than Lieutenant-Colonel, any appointments heretofore made to the contrary notwithstanding.

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Colonels when Volunteers are called out.

30. The Commander in Chief may, whenever the Volunteer Force is called out, and the exigencies of the service so require, appoint Colonels in the same.

Who shall command volunteers on duty or parade; or militia called out.

31. All Corps of Volunteers, whenever on duty or parade, shall be commanded by the Officer of Volunteers highest in rank then present on duty and in uniform, who shall be responsible for the due maintenance of order and discipline among the Corps of Volunteers then present, but if the Militia or any part thereof be called out for actual service, all Corps of Volunteers and Militia on duty or parade shall be commanded by the officer of Her Majesty's Army or of the Volunteers or Militia highest in rank then present on duty and in uniform; and officers of Volunteers shall always and in all cases be reckoned senior to all Officers of Militia of the same rank, whatever be the dates of their respective Commissions;— And Colonels appointed by Commission signed by the Officer Commanding Her Majesty's Forces in Canada, shall command Colonels of the Volunteer Force whenever hereafter appointed, (except the *Adjutant General* of the Militia), whatever be the dates of their respective Commissions.

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Volunteer Officers senior to Militia of same grade.

Colonels.

Examination of officers hereafter appointed or promoted.

32. After the passing of this Act, no Officer shall be appointed to or promoted in the Volunteer Force except provisionally, until he shall have satisfactorily passed an examination before the Board hereinafter mentioned, and received a certificate thereof.

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Officers of Naval Companies.

33. A Commodore may be appointed to command the whole of the Naval Companies of the Province, and to rank as a Lieutenant-Colonel of the Canadian Militia; and Captains of Naval Companies shall rank as Majors, and First Lieutenants as Captains in the Canadian Militia.

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Boards for examination of Volunteer officers.

34. The Commander in Chief may, by General Order, from time to time, appoint a Board or Boards, to be constituted of three or more Officers of the Volunteers, of whom one shall be a Field Officer, and to be held at such place as is therein specified, to examine any such Officers of the Volunteers as may desire to have investigated their knowledge of and proficiency in drill and military duties generally; and upon any such examination, the said Board or Boards shall report the result thereof to the Commander in Chief and shall, after the approval thereof by him, deliver to any such Officer as may have satisfactorily passed such examination, a certificate thereof, which said certificate shall be recorded in a book to be kept for that

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Certificates.

purpose in the Office of the *Adjutant General* of Militia, and the certificate thereafter delivered to the officer so examined; and the fact of such examination and certificate shall be notified in General Orders.

- 5 **35.** The Commander in Chief shall, whenever he may think requisite or necessary for the efficiency of the Volunteers, have full power to appoint Staff Officers of the Volunteers; and any such Staff Officers shall have such rank and authority as are held relatively in Her Majesty's Service, and their duties shall be the same for the Volunteers as prescribed for Her Majesty's Service by the Queen's Regulations.

Staff officers of
Volunteers.

- 15 **36.** Each of the Brigade Majors heretofore appointed shall continue to act as such during pleasure in the several Regimental Divisions which formerly comprised the Military District for which he was so appointed: and the Commander in Chief may when necessary from time to time appoint a Brigade Major, for one or more Regimental Divisions, and may from time to time regulate and prescribe his duties; and each Brigade Major shall be paid by the Province at a rate not exceeding
20 *six hundred dollars* per annum, and his travelling expenses and half a dollar a day in lieu of forage for a Horse.

Brigade Majors
duty and pay.

- 25 **37.** The Commander in Chief may, from time to time, appoint drill and musketry instructors, from Her Majesty's service or from the Volunteers to be employed in drilling and instructing the officers, non-commissioned officers and men in the several Corps of Volunteers or drill associations, and each of such drill and musketry instructors, when so employed, shall be paid by the Province at a rate not exceeding *one dollar and fifty cents* per diem, and the cost of their transport; but no such
30 drill or musketry instructors shall be appointed from the Volunteers unless and until he has passed satisfactorily through the School of Military Instruction hereinbefore referred to and received a certificate thereof.

Drill and
musketry
instructors.

Pay.

Subject to ex-
amination.

- 35 **38.** Each Sergeant Major of a Volunteer Field-Battery of Artillery may, on account of the great responsibility attached to the Office, be paid by the Province, at the rate of *two hundred dollars* per annum.

Serjeant Major
of Field-Bat-
teries.

- 40 **39.** Whenever the Volunteers or any part thereof shall be called out by reason of war, invasion, insurrection or imminent danger thereof, the officers, non-commissioned officers and men of the Volunteers, so called out for Active Service, shall be paid at such rates of daily pay, and shall receive such allowances in every respect, as are paid and allowed to officers, non-commissioned officers and men of the relative
45 and corresponding rank or grade, in Her Majesty's service.

Pay of volun-
teers when
called out for
active service.

Certain provisions of the Militia Act to apply to Volunteers.

40. The several clauses of *An Act respecting the Militia* relating to "Billeting and Cantoning Troops and Militia when on actual service, and furnishing carriages, horses, &c., for their transport and use"—"Offences and Penalties"—and "Miscellaneous Provisions" shall be incorporated with this Act, and as if actually part hereof. 5