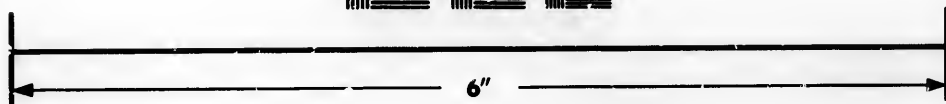
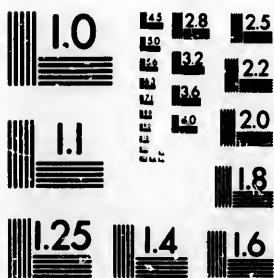


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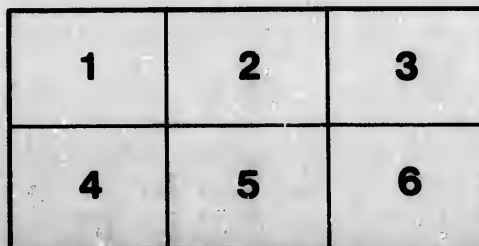
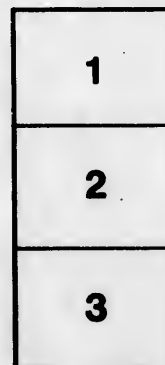
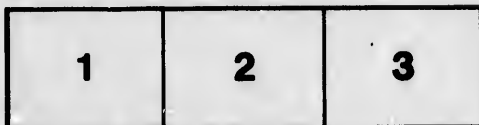
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BY

PRIN

# LIST OF OFFICERS

OF THE

Volunteer Militia Force of Montreal,

ACCORDING TO SENIORITY,

WITH EXTRACTS FROM THE MILITIA ACT.

---

Corrected up to 1st August, 1865,

BY BRIGADE MAJOR MACPHERSON.

---

MONTREAL:

PRINTED BY DANIEL ROSE, 431 NOTRE DAME STREET.

1865.

**LIST OF COLONELS AND LIEUTENANT-COLONELS**

*According to Seniority with Date of their Commission*

# LIST OF COLONELS AND LIEUTENANT-COLONELS

*According to Seniority, with Date of their Commissions.*

RANK.	NAME.	CORPS.	Date of Commis's'n
Colonel	John Dyde	Commandant Active Force...	May 3, 1860
Lieut.-Col.	E. D. David	Commanding Cavalry .....	Jan. 17, 1856
"	C. J. Coursol	Chasseurs Canadiens ..	Jan. 22, 1862
"	George Smith	Assistant Adjutant General..	Jan. 31, 1862
"	<i>W. Osborne Smith</i>	Victoria Rifles .....	Jan. 31, 1862
"	H. L. Routh	Royal Light Infantry .....	Febr'y 7, 1862
"	Bernard Devlin	1st or Prince of Wales' Rifles.	July 18, 1862
"	Henry Hogan	Artillery .....	April 10, 1863
"	J. M. Ross	Montreal Light Infantry .....	June 3, 1864
1	S. J. Lyman	Battalion Garrison Artillery .	Nov. 11, 1864
1	T. Lyman	Asst. Quarter Master General.	Jan. 4, 1865
1	<i>R. P. Hawkes</i>	Hochelega Light Infantry ...	January 5, 1865

The names in *italics* are those of Officers who have served in H. M. Regular Army. The figures 1 or 2 before the names of officers signify that they have obtained 1st or 2nd Class Certificates from the Military Board of Examiners.



## LIST OF MAJORS

*According to Seniority, with Date of their Commissions.*

RANK.	NAME.	CORPS.	Date of Commis'n
1	<i>Major . . . Robert Lovelace . . .</i>	Adjutant, Volunteer Cavalry.	Febr'y 26, 1857
"	<i>..... C. E. Belle . . . . .</i>	Paymaster, Volunteer Militia.	August 1, 1860
"	<i>..... John Macpherson.</i>	Brigade Major . . . . .	Febr'y 19, 1861
1	<i>..... W. B. Lambe . . . .</i>	Montreal Light Infantry . . . . .	Oct. 30, 1861
"	<i>..... A. A. Stevenson . . .</i>	Field Battery Artillery. . . . .	Dec. 11, 1861
"	<i>..... E. T. Taylor . . . . .</i>	Montreal Light Infantry . . . . .	Dec. 18, 1851
"	<i>..... A. Heward. . . . .</i>	Victoria Rifles . . . . .	January 31, 1862
"	<i>..... L. N. Duvernay . . . .</i>	Chasseurs Canadiens . . . . .	Febr'y 7, 1862
1	<i>..... S. R. Evans . . . . .</i>	Brigade Major. Artillery . . . . .	April 30, 1862
1	<i>..... C. F. Hill . . . . .</i>	1st or Prince of Wales' Rifles	July 18, 1862
"	<i>..... Hon. John Rose . . . .</i>	Royal Light Infantry . . . . .	August 21, 1862
"	<i>..... Henry Mackay . . . .</i>	Battalion Artillery . . . . .	Febr'y 20, 1863
1	<i>..... J. H. Isaacson . . . .</i>	Hochelega Light Infantry . . . .	June 3, 1864
1	<i>..... P. J. M. Cinq Mars</i>	Chasseurs Canadiens . . . . .	June 17, 1864

1 " . . . . . J. G. Johnson . . . Victoria Rifles . . . . . October 20, 1864  
 1 " . . . . . Edward Evans . . . . . 1st or Prince of Wales' Rifles . . . . .

" ..... Henry Mackay .. Battalion of Artillery ..... June 3, 1864  
 " ..... J. H. Isaacson ... Hochelega Light Infantry ... June 17, 1864  
 " ..... P. J. M. Cinq Mars Chasseurs Canadiens ..... June 17, 1864

1 " ..... J. G. Johnson ... Victoria Rifles ..... October 20, 1864  
 1 " ..... Edwyn Evans ... 1st or Prince of Wales' Rifles Nov. 24, 1864  
 1 " ..... John Porter ..... Hochelega Light Infantry .. July 15, 1865  
 1 " ..... John Grant ..... Royal Light Infantry ..... July 15, 1865

LIST OF CAPTAINS.

<i>Capt. &amp; P.M.</i>	Samuel H. May	1st or Prince of Wales' Rifles	April 23, 1857
<i>Captain</i>	Walter Scott	Royal Light Infantry	June 16, 1857
1 "	J. W. Taylor	Montreal Light Infantry	August 8, 1860
"	John Smith	1st Troop Cavalry	Nov. 13, 1860
"	William Middleton	1st or Prince of Wales' Rifles	Nov. 22, 1860
"	Robert Forsyth	Engineer Company	Dec. 19, 1861
"	James D. Crawford	Victoria Rifles	Jan. 10, 1862
"	W. T. McNeill	Victoria Rifles	Jan. 10, 1862
"	William McGibbon	Field Battery Artillery	Jan. 22, 1862
"	J. S. Mathewson	Royal Light Infantry	Jan. 22, 1862
"	Alex. Campbell	Do	Jan. 22, 1862
"	Benjamin Lobatson	Hochelega Light Infantry	Jan. 31, 1862
"	D. J. McDougall	Royal Guides	Feb'y 7, 1862
"	William Niven	Victoria Rifles	Feb'y 28, 1862

LIST OF CAPTAINS. — *Continued.*

RANK.	NAME.	CORPS.	Date of Commission
<i>Captain</i> . . . .	Thomas Ogilvy . . . .	Victoria Rifles . . . . .	Febr'y 28, 1862
" . . . .	Goltzib Reinhardt . . . .	Hochelega Light Infantry . . . .	March 14, 1862
" . . . .	Jean B. Emond . . . .	Chasseurs Canadiens . . . . .	March 28, 1862
" . . . .	Hon. P. O. Chaveau . . . .	Do . . . . .	March 28, 1862
" & <i>Q.M.</i> . . . .	Antoine Bazinet . . . .	Do . . . . .	March 28, 1862
" . . . .	Robert Wall . . . .	Hochelega Light Infantry . . . .	May 2, 1862
" . . . .	Henry Lyman . . . .	Royal Light Infantry . . . . .	May 2, 1862
" . . . .	A. A. Meilleur . . . .	1st or Prince of Wales' Rifles . . . .	May 30, 1862
" . . . .	James Ferrier . . . .	Battalion Artillery . . . . .	June 13, 1862
" . . . .	Thomas Kirby . . . .	Royal Light Infantry . . . . .	July 3, 1862
" . . . .	John Martin . . . .	Hochelega Light Infantry . . . .	August 1, 1862
" & <i>P.M.</i> . . . .	Thomas Biamore . . . .	Do . . . . .	August 1, 1862
" . . . .	Edward Burns . . . .	1st or Prince of Wales' Rifles . . . .	August 27, 1862
" . . . .	Frank Bond . . . .	Do . . . . .	August 27, 1862
" . . . .	T. B. Ross . . . .	Montreal Light Infantry . . . . .	Oct. 29, 1862

" . . . . T. R. Whitehead. . . . . Oct. 29, 1862  
 " . . . . Joseph Beaudry . . . . . Oct. 30, 1862  
 " . . . . Chasseurs Canadiens . . . . .  
 " . . . . Do . . . . .

" ... Edward Burns ... 1st or Prince of Wales' Rifles August 27, 1862  
 " ... Frank Boud ..... Do August 27, 1862  
 " ... T. B. Ross ..... Montreal Light Infantry ..... Oct. 29, 1862

"	T. R. Whitehead.	Do	Oct.	29,	1862
"	Joseph Beaudry...	Chasseurs Canadiens	Oct.	29,	1862
1	P. E. Normandeau	Do	Oct.	29,	1862
"	George B. Pearson	1st or Prince of Wales' Rifles	Jan.	9,	1863
"	R. A. Brooke	Montreal Light Infantry	Febr'y	6,	1863
"	G. L. Perry	2nd Troop Cavalry	Febr'y	20,	1863
"	Gilbert Scott	Battalion Artillery	May	1,	1863
1	& P.M. N. J. Hanlyisle	Victoria Rifles	July	24,	1863
1	Wm. Kenney	Engineers	et.	2,	1863
"	William Farrell	1st or Prince of Wales' Rifles	June	3,	1864
"	Jean L. Tetu	Chasseurs Canadiens	June	17,	1864
1	Ludrer Labelle	Do	June	17,	1864
1	Michael T. Deguise	Do	June	17,	1864
1	George Horne	Hochelega Light Infantry	June	31,	1864
"	W. Hobbs	Battalion Artillery	July	15,	1864
1	George Dowker	Do	July	15,	1864
2	F. R. Cole	Do	July	15,	1864
1	H StC. Macdougall	Victoria Rifles	Oct.	20,	1864
1	Thomas Bacon	Do	Oct.	20,	1864
1	Wm. Burland	1st or Prince of Wales' Rifles	Dec.	2,	1864
1	Kenneth Campbell	Montreal Light Infantry	Jan.	19,	1865

LIST OF CAPTAINS.—Continued.

RANK.	NAME.	CORPS.	Date of Commis'n
2 <i>Captain</i> ..	Fred. McKenzie .	Royal Light Infantry .....	Feb'y 11, 1865
1 "	John H. Routh..	Do .....	July 15, 1865
2 "	A. F. Macpherson	Do .....	July 28, 1865
2nd <i>Capt.</i>	G. W. Boston ..	Battalion Artillery .....	Nov. 17, 1859
2 "	J. A. Browne.....	Do .....	Dec. 19, 1862
"	A. C. Hooper.....	Do .....	May 1, 1863
"	William F. Kay..	Do .....	May 1, 1863
"	F. Kingston . . . .	Do .....	July 15, 1864
1 "	G. S. Brush . . . .	Do .....	July 15, 1864
2d <i>C. &amp; P.M.</i>	G. Lulham.....	Do .....	July 15, 1864

LIST OF LIEUTENANTS.

<i>Lieutenant</i> .	J. Bauden .....	Field Battery Artillery.....	August	8, 1860
<i>Lieut &amp; Q.M.</i>	G. Wilson .....	1st or Prince of Wales' Rifles	Nov.	22, 1860
<i>Lieutenant</i> .	W. Arr old Bates.	Hochelega Light Infantry...	Jan.	31, 1862
"	John Penner.....	Royal Guides .....	Feb'y	7, 1862
"	Jean B. Choquette	Chasseurs Canadiens .....	March	28, 1862
"	Francois Payette.	Chasseurs Canadiens .....	July	3, 1862
"	Thomas S. Scott.	Engineers.....	August	27, 1862
"	W. J. Porteous ...	1st or Prince of Wales' Rifles	August	27, 1862
"	Frederick Detmers	Hochelega Light Infantry...	August	27, 1862
"	Francis Kernan..	1st or Prince of Wales' Rifles	Oct.	20, 1862
"	Pierre Lesperance	Chasseurs Canadiens .....	Oct.	29, 1862
2 A.D.C.	John S. Dyde.....	Montreal Light Infantry.....	Oct.	29, 1862
<i>Adjutant</i>	<i>James Wardlow...</i>	Do .....	Oct.	29, 1862
"	Walter Phillips....	Battalion Artillery. ....	Dec.	19, 1862
"	Robert Whyte....	Do .....	Dec.	19, 1862
"	F. X. A. Trudel.	Chasseurs Canadiens .....	January	2, 1863

LIST OF LIEUTENANTS—Continued.

RANK.	NAME.	CORPS.	Date of Commis'n.
<i>Lieutenant</i>	Hector Bellerose .	Chasseurs Canadiens.....	January 2, 1863
"	Wm. McDon old...	1st or Prince of Wales' Rifles	January 9, 1863
"	Joseph Terrault...	Do	January 9, 1863
<b>2</b> <i>Adjutant.</i>	Wm H. Hutton.	Victoria Rifles .....	January 9, 1863
<i>Lieutenant</i>	James Fairie .....	Montreal Light Infantry.....	Feb'y 6, 1863
"	James Hervey.....	Do .....	Feb'y 6, 1863
<i>Q. Master.</i>	A. Robertson.....	Do .....	Feb'y 6, 1863
<b>1</b> <i>Lieutenant.</i>	Joseph Savage....	Battalion Artillery.....	Feb'y 20, 1863
"	Wm. S. Walker...	Do .....	May 1, 1863
<b>2</b>	Edward Barsilou	Chasseurs Canadiens .....	June 5, 1863
"	James Mayor.....	Foot Company Artillery .....	July 24, 1863
"	Robert Penn .....	Engineers.....	October 2, 1863
"	H. J. Clarke .....	1st or Prince of Wales' Rifles.	June 3, 1864
<b>1</b> <i>Adjutant.</i>	W. W. O'Brien...	Hochelega Light Infantry...	June 3, 1864
<i>Lieutenant.</i>	Henri N. Louis...	Chasseurs Canadiens .....	June 17, 1864
<i>Lieutenant.</i>	James Thompson.	Hochelega Light Infantry...	June 17, 1864
"	A. G. ...	Battalion Artillery	July 15, 1864

" H. J. Clarke ..... June 3, 1864  
 1 *Adjutant*. W. W. O'Brien... June 3, 1864  
*Lieutenant* Henri N. Louis.. June 17, 1864

*Lieutenant*. James Thompson. June 17, 1864  
 " T. A. Crane ..... July 15, 1864  
 " John J. Redpath. October 20, 1864  
 " Angus R. Bethune Do ..... October 20, 1864  
 " C. E. Brush ..... October 23, 1864  
 " George H. Bacon. October 27, 1864  
 " William K. Tait. Do ..... October 27, 1-64  
 " Ed. A. Whitehead Do ..... October 27, 1-64  
 " W. Goodfellow... Do ..... Dec. 2, 1864  
 " C. S. Levy ..... March 24, 1865  
 " J. M. Crawford.. March 31, 1865  
 1 *Adjutant*. W. Robinson..... April 28, 1865  
 1 *Lieutenant*. Tucker David ... April 28, 1865  
*Adjutant*. G. D. d'Orsonnes June 16, 1865  
*Lieutenant*. H. Mackenzie ... July 15, 1865  
 " F. S. Lyman ..... July 15, 1865  
 " John G. Savage.. July 21, 1865  
 2nd *Lieut.* Thomas W. Boyd August 8, 1860  
 " Wm. Rutherford. August 27, 1862  
 " Edward Chaplin . May 1, 1863  
 " Robert Crane ... May 1, 1863



LIST OF LIEUTENANTS. — *Continued.*

RANK.	NAME.	CORPS.	Date of Commis'n.
<i>2nd Lieut.</i>	John Beauden...	Foot Company Artillery.....	July 24, 1863
"	J. C McLaren ..	Engineers.....	October 2, 1863
"	D. T. Fraser .....	Battalion Artillery. ....	March 24, 1865

LIST OF ENSIGNS

<i>Cornet &amp; QM</i>	James Sutherland	Squadron M. Cavalry .....	Dec. 30, 1858
<i>Ensign</i> .....	James Garven ....	1st or Prince of Wales' Rifles	Nov. 22, 1860
"	David Leach .....	Royal Light Infantry .....	Feb'y 7, 1862
"	Thomas Ostell .....	Montreal Light Infantry.....	Feb'y 21, 1862
"	C. E. Whitney ..	Do .....	Feb'y 21, 1862
"	Cleophas Emmond.	Chasseurs Canadiens .....	March 28, 1862
"	Alphonse Hudou.	Do .....	March 28, 1862

"	Alfred Brunet..	Do .....	July 2, 1862
"	James Hamilton.	Royal Light Infantry .....	July 3, 1862

" ..... Cleophas Emond. Chasseurs Canadiens ..... March 28, 1862  
 " ..... Alphonse Hudon. Do ..... March 28, 1862

2	"	Alfred Brunet..	Do	July	3, 1862
"	"	James Hamiton.	Royal Light Infantry	July	3, 1862
"	"	George Reinhardt	Hochelega Light Infantry...	August	27, 1862
"	"	Edward Holton...	1st or Prince of Wales' Rifles	October	29, 1862
"	"	Edward Fournier	Chasseurs Canadiens	October	29, 1862
2	"	W. V. Dawson ..	1st or Prince of Wales' Rifles	October	29, 1862
"	"	A. T. Couillard...	Chasseurs Canadiens	Nov.	21, 1862
"	"	John G. Barland.	Montreal Light Infantry.....	Dec	12, 1862
2	"	William Round...	1st or Prince of Wales' Rifles	January	9, 1863
"	"	E. Lyman Mills.	Royal Light Infantry	January	23, 1863
<i>Cornet</i>	...	Charles Lapierre.	No. 2 Troop Cavalry	Feb'y	20, 1863
<i>Ensign</i>	...	Alphonse Brazeau	Chasseurs Canadiens	Feb'y	27, 1863
"	...	Joseph L. Demers	Do	Feb'y	27, 1863
2	"	Joseph Mulholland	Montreal Light Infantry.....	March	27, 1863
2	"	George MacDougal	Do	March	27, 1863
"	...	Adolphe Onimet .	Chasseurs Canadiens	June	5, 1863
2	"	James Esdaile...	Royal Light Infantry	Sept.	11, 1863
"	...	John M. Eckett.	Hochelega Light Infantry...	October	23, 1863
"	...	Thomas Mathews	1st or Prince of Wales' Rifles	June	3, 1864
2	"	C. P. Davidson..	Victoria Rifles.....	March	24, 1865

## LIST OF ENSIGNS.—Continued.

RANK.	NAME	CORPS.	Date of Commis'n.
2 <i>Ensign</i> ...	Benjamin Dawson	Victoria Rifles .....	March 24, 1865
2 " .....	Andrew Crawford	Hochelega Light Infantry.....	March 24, 1865
2 " .....	H. Millan .....	Do .....	March 24, 1865
2 " .....	Henry Vass .....	1st or Prince of Wales' Rifles	April 13, 1865
2 " .....	Wm. Townsend .	Do .....	April 28, 1865
2 " .....	M. B. Mathewson	Royal Light Infantry.....	July 15, 1865
2 " .....	E. J. Major .....	Do .....	July 15, 1865

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## EXTRACTS FROM THE MILITIA ACT.

3. Every Officer shall, on receiving his Commissioned officers to take commission, and every Volunteer shall, on oath. his enrolment in the Muster Roll of his Corps, or in either case as soon afterwards as may be, take the oath following:

“ I, A. B., do sincerely promise and swear The oath. that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in Canada, for the defence of the same against all Her enemies and opposers whatsoever, according to the conditions of my service,” and the name of the successor of Her Majesty Queen Victoria, for the time being, shall be substituted as occasion may require, and the oath shall be administered by a Before whom to be taken. Justice of the Peace of the County to which the Corps belongs or by an Officer of the Corps who has taken such oath.

5. All Companies or Battalions of Volunteers shall be formed and may be Power to disband Volunteers. 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.

Officers and men to remain responsible for uniform and arms ;

Notwithstanding repeal of former Acts.

Exemption of clothing, arms, horses, etc. from seizure.

Uniform to be the property of the Crown if furnished or paid for by the province.

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

**12.** 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, whether issued from the Adjutant General's Office or the clothing of any corps or non-commissioned officer or man thereof, who may have heretofore purchased or by any means acquired the same other than from the Ad-

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utant General's Office, and who have or Penalty for not keeping uniform in proper order.  
 has heretofore been paid or received any  
 sum of money in lieu of or as compensation  
 for clothing, shall be deemed to be the pro-  
 perty of the Crown; and each non-com-  
 missioned officer or man who fails to keep  
 in proper order the uniform entrusted to  
 his care, or in his possession, or who may  
 wear the same or any part thereof on any  
 other occasion than when on duty or speci-  
 ally authorised or permitted so to do by  
 his commanding officer, shall incur a pen-  
 alty of five dollars for each offence, to be  
 recovered as hereinafter mentioned.

14. The Volunteers shall be drilled and How Volun- teers shall be drilled and exercised.  
 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 regu-  
 lations and subject to such returns or cer-  
 tificates of performance of drill as the Com-  
 mander-in-Chief may from time to time or-  
 der; 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.

18. The Volunteers shall be liable to be Volunteers may be called out in aid of the civil power and shall in such causes be paid  
 called out in aid of ordinary Civil Power  
 in case of riot or other emergency requiring  
 such services, and shall, when so employed

and lodged by  
the Municipality.

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 per day, with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, 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  
exempt from  
serving as  
Jurors or  
Constables on  
certificate.

**20.** 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

And from tolls  
in certain cases.

being in proper staff, or regimental uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same) shall be exempt from the payment of any duty or toll on passing any turnpike or toll-gate, or any road, wharf or landing place, or bridge in this Province.

**23.** The term of engagement of a Volunteer shall after the passing of this Act not be less than five years, but any Volunteer may, except when called out for actual service, quit his Corps or Battalion on complying with the following conditions namely:

- (1.) Giving to the Commanding Officer of his Corps or Battalion six months' notice in writing of his intention to quit the Corps or Battalion.
- (2.) Delivering up in good order, fair wear and tear only excepted, all uniform Clothing, Arms, Accoutrements and appointments, being the property of the Crown or of his Corps, issued to him.
- (3.) Paying all money due or becoming due by him under the Rules of his Corps or Battalion, either before or at the time or by reason of his quit-

Term of engagement hereafter.

Conditions on which a Volunteer may leave his Corps.



ing it, for any subscription or fine or on any other account ;

and thereupon he shall be struck out of the Muster Roll of the Corps by the Commanding Officer.

Striking off Roll for disobedience of orders, neglect or misconduct.

**23** 1. The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer and strike him out of the Muster Roll either for disobedience of orders by him while doing any Military duty with his Corps, or for neglect of duty or misconduct by him as a member of the Corps, or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the Commanding Officer ; the Volunteer so discharged shall nevertheless be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing and appointments being property of the Crown, or of his Corps, issued to him and to pay all money due or becoming due by him, under the Rules of his Corps, either before or at the time or by reason of his discharge, for any subscription or fine, or on any other account ; and shall in addition thereto be liable to any penalty imposed by law for his offence, but nothing herein shall prevent the Commander-in-Chief from signifying his pleasure in such manner and giving such directions with respect to any

Uniform, etc., to be given up.

Moneys due to corps to be paid

Penalty, etc.

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such case of discharge as to the Commander-in-Chief may appear just and proper.

2. If any such Officer as aforesaid or any Volunteer while under arms or on march or duty with the Corps or Battalion to which he belongs or any portion thereof, or while engaged in any military exercise or drill with such corps or Battalion or any portion thereof, or while wearing the clothing or accoutrements of such Corps or Battalion, and going to and returning from any place of exercise or assembly of such Corps or Battalion, disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the Corps or Battalion, or any superior officer under whose command the Corps or Battalion then is, may order the offender, if an officer, into arrest, and if not an Officer, into the custody of any Volunteer or Volunteers belonging to the Corps or Battalion, but so that the offender be not kept in such arrest or custody longer than during the time of the Corps or Regiment or such portion thereof as aforesaid, then remaining under arms or on march or duty or assembled, or continuing engaged in any such Military Exercise or drill as aforesaid.

Arrest of offender during a certain time.

**24.** Any Corps of Volunteers may make, Volunteers may

agree to articles, rules. &c.

Subject to approval and then binding.

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

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.

**25.** 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

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purpose, and who shall report fully to the <sup>Officers to re-</sup> Commander in Chief on the state and <sup>port on their</sup> 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 <sup>Pay.</sup> not exceeding four dollars per diem whilst so engaged.

44. If any person designedly makes <sup>Punishment</sup> away with, sells, pawns, <sup>of Volunteers</sup> wrongfully destroys, <sup>wrongfully</sup> wrongfully damages, or negligently loses, <sup>destroying,</sup> any property or thing issued to him or <sup>etc., property</sup> in his possession as a Volunteer — or <sup>in their posses-</sup> wrongfully refuses or wrongfully neglects to deliver up, on demand, any property or thing issued to him or in his possession as a Volunteer.—the value thereof shall be recoverable from him, with costs, as a penalty under this Act is recoverable; and he shall also for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the prosecution of the Commanding Officer of the Corps or Battalion, to a penalty not exceeding twenty dollars, nor less than five dollars with or without imprisonment for any term not exceeding six months.

45. If any person knowingly buys or <sup>Punishment of</sup> takes in exchange from any volunteer or <sup>persons buying</sup> arms, clothing,

etc., of Volunteers, or enticing or assisting them to sell the same, etc.

any person acting on his behalf,—or solicits or entices any volunteer to sell,—or knowingly assists or acts for any volunteer in selling,—or has in his possession or keeping, without satisfactorily accounting for,—any arms, clothing, or appointments being the property of the Crown or property of any Volunteer Corps or Battalion, or any public stores or ammunition issued for the use of any such Corps or Battalion he shall, on the first commission by him of any such offence, be liable to a penalty not exceeding fifty dollars, and shall, on a second and every other subsequent commission by him of any such offence, and on being convicted thereof in the like course of proceeding as that in which any such penalty is recoverable, be liable to a penalty not exceeding fifty dollars nor less than twenty-five dollars, with or without imprisonment for any term not exceeding six months, with or without hard labor.

Punishment for damaging targets or butts, etc.

**46.** If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any Volunteer Corps or Battalion, or without the leave of the Commanding officer of the Corps or Battalion, searches for bullets in, or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable on the prosecution of the Commanding

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Officer, to a penalty not exceeding twenty dollars, with or without imprisonment for any term not exceeding six months.

**81.** Any person refusing or neglecting to transmit, as herein prescribed, any Militia roll or return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such roll, return, or copy, shall thereby incur a penalty of one hundred dollars for each offence.

*Refusal to make rolls, etc.*

**84.** Any officer, non-commissioned officer or man, who neglects or refuses to attend any muster or inspection or parade at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning the same, shall thereby incur a penalty not exceeding five dollars for each offence.

*Neglecting to attend muster, or misbehaving thereat, etc.*

**85.** Any person who interrupts or hinders any of the Militia at muster or inspection or parade, or trespasses on the bounds set out by the proper officer for the same, shall thereby incur a penalty not exceeding ten dollars for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer, until such muster or inspection or parade be over for the day.

*Hindering Militia at drill.*

Disobeying orders, etc.

**86.** Any officer, non-commissioned officer or man, of the Militia, disobeying any lawful order of his superior officer, or guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty not exceeding ten dollars for each offence.

Not keeping arms, etc. in proper order.

**87.** Any officer, non commissioned officer or man, of the Militia, who fails to keep any arms or accoutrements delivered or entrusted to him in proper order, or who appears at muster or inspection or parade, or on any other occasion, with his arms or accoutrements out of proper order or un-serviceable, or deficient in any respect, shall incur a penalty not exceeding five dollars for each such offence.

Selling without leave any horse drilled and approved for any Troop, etc.

**88** Any officer, non-commissioned officer or man, of the Militia, who, without the consent of his Commanding Officer, sells or disposes of any horse which has been drilled for the purposes of the Militia, or which he has undertaken to furnish for such purposes, and which has been approved by the Commanding Officer, shall thereby incur a penalty not exceeding thirty dollars for each offence.

Unlawfully disposing of arms, etc.

**89.** Any person who unlawfully disposes of or removes any clothing, arms, accoutrements or other articles belonging to the Crown, or who refuses to deliver up the

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same when lawfully required, or has the same in his possession, except for lawful cause, (the proof of which shall lie upon him) shall thereby incur a penalty of ten dollars for each offence;—But this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid;—And any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave the Province, carrying any such clothing, arms, accoutrements or articles with him.

Not to prevent indictment.

Arrest of offender about to leave the Province.

**94.** Any person who, while the Militia is not called out for actual service, wilfully contravenes any enactment of this Act or any regulation or order lawfully made or given under it, when no other penalty is imposed for such contravention, shall thereby incur a penalty not exceeding ten dollars for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such; and in such cases courts martial shall not be held.

Contravening this Act where no other penalty is provided.

No Courts martial in such cases.

**95.** All penalties incurred under this Act shall be recoverable, with costs, on the evi-

Penalties under this act how recoverable.



Witnesses.

Imprisonment  
in case of non-  
payment.

dence of one credible witness, on complaint or information before one Justice of the Peace if the amount do not exceed ten dollars and before two Justices of the Peace if the amount exceeds that sum;—And any officer, non-commissioned officer or private of the Militia shall be a competent witness in any such case.

**96.** And in case of non-payment of the penalty immediately after conviction, it shall be lawful for the convicting Justice or Justices to commit the person so convicted and making default in payment of such penalty and costs to the common Gaol of the judicial district, territorial division or locality in and for which the said Justice or Justices is or are then acting, or to some house of correction or lock-up house situate therein, for a period of not less than ten days when the penalty does not exceed twenty dollars, and for a period of not less than twenty days nor more than thirty days when it exceeds the last mentioned sum.

On whose complaint penalties may be sued for.

**97.** No prosecution against an Officer of Provincial Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant or Deputy Adjutant General;—And no such prosecution against any non-commissioned officer or private of the Militia, shall be brought except

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on the complaint of the Commanding Officer or Adjutant of the Corps to which such non-commissioned officer or private belongs ;  
 —But the Adjutant or Deputy Adjutant General may authorize any officer of Militia <sup>Evidence of authority to sue.</sup> to make such complaint in his name, and the authority of any such officer allegeing himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant or Deputy Adjutant General.

**98.** No such prosecution shall be commenced after the expiration of six months <sup>Limitation of time for such prosecutions.</sup> from the commission of the offence charged, unless it be, for unlawfully buying, selling, or having in possession clothing, arms or accoutrements delivered to the Militia ; and no prosecution against any person named in the seventy-ninth section of this Act or against any Municipal Officer for any penalty under this Act, shall be brought except upon an order to that effect by or from the Minister of Militia.

**99.** The penalty when recovered shall forthwith be transmitted to the Adjutant General who shall account for and pay it over to the Receiver General as part of the Consolidated Revenue Fund. <sup>Application of penalties.</sup>

## MISCELLANEOUS PROVISIONS.

Orders and notices need not be in writing if given in person.

**100.** It shall not be necessary that any order or notice under this Act be in writing unless it is herein required, that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order.

General Orders how notified.

**101.** All General Orders of Militia, or other Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*,—And a copy of the said Gazette purporting to contain them shall be *primâ facie* evidence for such orders.

Evidence.

Regimental or Battalion Orders, how notified.

**102.** All Orders made by the Officer Commanding a Corps shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in the locality, or, if there be none, than by posting a copy thereof on the door of the church or of some court house, mill, or other most public place in the Regimental Division.

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