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1st Session, 7th Parliament, 25 Victoria, 1862.

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# BILL.

An Act respecting the Militia.

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Received and read, first time,  
1862.

Second reading, 1862.

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Hon. Mr. Atty. Genl. MACDONALD.

An Act respecting the Militia.

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

1. The thirty-fifth chapter of the Consolidated Statutes of Canada, intituled : An Act respecting the Militia, is hereby repealed, but such repeal shall not revive any Act or parts of an Act, or any provision of law repealed by the said Act; nor shall the said repeal apply to or affect any transaction, matter or thing or to any commission granted or issued prior to the said repeal.

Chap. 35 of Consolidated Statutes Canada repealed, saving things and commissions prior.

COMMANDER IN CHIEF.

2. The Governor shall, by virtue of his Office, be Commander in Chief of the Militia.

Governor to be Commander in Chief of Militia.

DESCRIPTION OF MILITIA.

3. The Militia shall consist of all the male inhabitants of the Province of the age of eighteen years or upwards and under sixty years, not exempted or disqualified by law.

Of whom Militia to be composed.

4. The Militia shall be divided into two classes, "The Active Militia" and "The Sedentary Militia."

Two classes of Militia.

5. The Active Militia shall be subdivided into three classes "The Volunteer Force," "The Regular Force," and "The Reserve Force."

Active Militia divided into three Classes.

6. The Sedentary Militia shall be subdivided into two classes, "The Service Sedentary Force," and "The Retired Sedentary Force."

Sedentary Militia divided into two classes.

COMPLETE EXEMPTIONS.

7. The following persons only between the ages of eighteen and sixty as aforesaid, shall be exempt from enrolment and from actual service in any case :

Exemptions from enrolment and service in any case.

The Judges of the Superior Courts of Law or Equity in Upper and Lower Canada ;

The Judge of the Court of Vice-Admiralty ;

30 The Judges of the County Courts ;

The Clergy and Ministers of all Religious denominations ;

The Professors in any College or University, and all teachers in religious orders ;

The Wardens, Keepers and Guards of the Provincial Penitentiary, and of the Reformatory Prisons of Upper and Lower Canada, and of the Provincial Lunatic Asylums ;

Exemptions of persons, averse from doctrines of Religion, to bear arms.

8. All persons bearing Certificates from the Society of Quakers, Mennonists, and Tunkers, or any Inhabitant of this Province, of any Religious denomination, otherwise subject to Military duty in time of Peace, but who, from the doctrines of his Religion, is averse to bearing arms and refuses personal Military Service, shall be exempt therefrom.

#### PARTIAL EXEMPTIONS.

Exemptions, except in case of war, &c.

9. And the following, though enrolled, shall be exempt from 15 attending muster and from actual service at any time except in case of war, invasion or insurrection :

The Retired Sedentary Men ;

The Members of the Executive and Legislative Councils ;

The Members of the Legislative Assembly ; 20

The Officers of the said Councils and Assembly respectively ;

The Attorneys and Solicitors General ;

The Provincial Secretary and Assistant Secretaries ;

All Civil Officers appointed to any Civil Office in this Province under the Great Seal ; 25

All persons lawfully authorized to practise Physic or Surgery ;

All Advocates, Barristers, Solicitors and Attorneys ;

Notaries in Lower Canada ;

Half-pay and Retired Officers of Her Majesty's Army or Navy ; 30

Postmasters and Mail Carriers ;

Seafaring Men and Sailors on the inland waters actually employed in their calling ;

Masters of Public and Commons Schools actually engaged in teaching ;

Ferry-men ;

One Miller for each run of stones in every Grist Mill ;

5 Keepers of public Toll-Gates ;

Lock Masters and Labourers employed in attending to Locks and Bridges on Public Canals ;

10 The Engine Drivers, Conductors and Switchmen, and other servants employed on the several Railways actually in use in this Province ;

Jailors, Constables and Officers of Courts of Justice, not being such solely by virtue of their being non-commissioned Officers of Militia ;

15 Students attending Seminaries, Colleges, Schools and Academies, who have been attending such at least six months previous to the time at which they claim such exemption ;

All persons disabled by bodily infirmity ;

10. Exemptions under the ninth clause of this Act shall not prevent any person from serving or, if an Officer, holding a Commission in the Militia, if he desires it and is not disabled by bodily infirmity ;—And no person shall have the benefit of such exemption, unless he has, at least one month before he claims such benefit, filed his claim thereto with his affidavit (made before some Magistrate) or affirmation in cases where persons are allowed by law to affirm, of the facts on which he rests his claim, with the Commanding Officer of the Company within the limits whereof he resides ;—And whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the claimant ; Provided that in respect to seafaring men, who may be registered in the Marine Militia, as required by the one hundred and thirteenth section of this Act, the production, by any person therein mentioned, of the certificate of registration to the Commanding Officer of the Company, within the limits whereof he resides, shall be sufficient to exempt him for a period of twelve months from the date of such registration.

Exceptions.—  
Exemption must be claimed, and how proved.  
Provide as to proof by seafaring men of exemption.

#### MILITIA DISTRICTS AND DIVISIONS.

11. The Commander in Chief may, from time to time, by any Militia General Order, divide Upper and Lower Canada respectively, into such number of Military Districts as

Commander in Chief to divide U. C. and L. C. into Military

Districts and  
may alter same.

he deems expedient, and to be designated as he sees fit;—and may from time to time by any Militia General Order, alter such division of the Province into Military Districts, and increase or diminish the number thereof.

Colonel to be  
appointed to  
each Military  
District.

**12.** To each Military District a Colonel shall be appointed, 5  
who shall command the Militia in such district, and all communications shall pass through him in reference to all Corps and Battalions within his command.

Regimental Se-  
dentry Battalion and Seden-  
tary Company  
Divisions.

**13.** The Commander in Chief may, from time to time, by 10  
any Militia General Order, divide the Military Districts res-  
pectively into Regimental Divisions, and the Regimental Divi-  
sions into Sedentary Battalion Divisions, and the Sedentary  
Battalion Divisions into Sedentary Company Divisions, and  
may designate such Divisions by such names or numbers as he  
sees fit. 15

Existing divi-  
sions to remain  
until altered.

**14.** All Militia Districts and Divisions, existing before the 20  
passing of this Act, shall remain in force until altered under  
the provisions of this Act, and such of them as are allowed to  
remain unaltered shall be held to have been made by the  
proper authority under this Act, and for the purposes thereof.

Regimental  
division to fur-  
nish regular  
and reserve  
battalion.

**15.** Each Regimental Division shall furnish one Regular  
Battalion and one Reserve Battalion of Active Militia  
from the male population of such division, between the ages  
of eighteen and forty-five years.

Whence com-  
panies of regu-  
lar and reserve  
battalions to be  
taken.

**16.** Each Company of a Regular Battalion and each Com 25  
pany of a Reserve Battalion shall be taken from within the  
limits of a defined territorial division, the boundary of which  
shall be identical with that of a Sedentary Battalion Division,  
or of a distinct portion of such division, such portion to be  
regulated by Militia General Order. 30

Numbering of  
volunteers, reg-  
ular and re-  
serve bat-  
talions.

**17.** All Volunteer and Regular Battalions shall be numbered 35  
from one upwards, the numbers to be drawn by lot, and all  
Reserve Battalions shall have the same numbers as the Regular  
Battalions taken from the same Sedentary Battalion Divisions  
as the said Reserve Battalions respectively.

#### OFFICERS.

Commander in  
Chief may  
place certain  
officers on a  
retired list, and  
may give each  
an honorary  
rank.

**18.** The Commander in Chief may, from time to time, place 40  
on a Retired List of Officers all Officers who have arrived at, and  
whenever they may hereafter arrive at the ages in each rank as  
follows, that is to say: Field Officers under the rank of Colonel,  
at sixty years of age, and Captains and Subalterns, at fifty  
years of age; and who hold Commissions in the Active Militia  
at the time of the passing of this Act, or who may hold Com-  
missions in the Active Militia under this Act; and the Com- 45

mander in Chief may give a step of honorary rank to each such person as may be placed on the said Retired List.

**19.** Nothing in the next preceding clause shall be held to prevent the Commander in Chief from transferring such 5 retired Officers to the Sedentary Militia, either with the service rank or the honorary rank, as he may think proper.

And may transfer retired officers to sedentary militia.

**20.** All Commissions of Officers in the Militia shall be granted by the Commander in Chief and during pleasure.

Commissions to be during pleasure.

**21.** All non-commissioned officers in the Militia shall be 10 appointed by the Officer commanding the Corps or Battalion to which they belong, and shall hold their rank during pleasure.

How non-commissioned officers shall be appointed.

**22.** No person shall be an Officer of Militia unless he is one of Her Majesty's subjects by birth or naturalization.

Officers must be subjects of Her Majesty.

**23.** Commissions in the Militia and appointments of non- 15 Commissioned Officers, existing immediately before the passing of this Act, shall remain in force, such Commissions being subject to be cancelled by the Commander in Chief, and such appointments by the Officer Commanding the Battalion, or the same may be placed on the Retired List as hereinbefore 20 mentioned;—But no person shall be bound to serve in the Militia in a lower grade than he has once held, unless he has resigned his commission or is reduced by sentence or order of some lawful Court or authority,—Nor shall any person, who has 25 been a non-Commissioned Officer in Her Majesty's Army, be bound to serve in the Militia in a lower grade than he held in the Army, unless he had been reduced as aforesaid.

Existing commissions of officers to remain until cancelled—no person bound to serve in a lower grade than he has held.

**24.** The next preceding section applies to and includes the 30 Battalions embodied in the years one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty-six, and one thousand eight hundred and forty-seven, in the Cities of Quebec and Montreal, and the said battalions are still lawfully embodied, and Commissions in them are valid under the said section: 35 and the said Battalions are subject to all the provisions of this Act as Sedentary Militia, and may be called out as such by the Commander in Chief.

Battalions embodied in 1837, 1838, 1846, and 1847.

**25.** No person shall be appointed or commissioned to any rank below the rank of Field Officer in the Active Militia, nor shall any officer below such rank be promoted to a higher 40 grade or rank, unless and until he shall have passed a practical military examination before, and obtained a certificate of fitness from a Board to be named and appointed by the Commander in Chief, and to consist of three Officers of Her Majesty's Service or of the Active Militia, or partly of Her Majesty's 45 Service and partly of the Active Militia Service, one of

Military examination of Officers of Active Militia below rank of Field Officer.

Formation of  
Board of Ex-  
amination.

whom shall be of the rank of Field Officer; provided that for the period of three years, after the passing of this Act, such Board may consist and be composed of three Officers of Her Majesty's Service only, of whom one shall be a Field Officer of the said service; and for the purpose of carrying out this section, the Commander in Chief may appoint, from time to time, as many such Boards as he may think expedient. 5

Field Officers  
of Active  
Militia.

**26.** Field Officers of the Active Militia shall be selected from amongst such persons as have served in Her Majesty's Army, or of such other persons as have acquired a sufficient knowledge of all military duties, such sufficiency to be ascertained in such manner as the Commander in Chief may from time to time direct. 10

Promotion of  
Officers how  
regulated.

**27.** Commissioned Officers shall be promoted from one grade or rank to another by seniority of date of Commission, but in case of inefficiency, misconduct, inability to pass the military examination of the Board hereinbefore mentioned, or other causes of irregularity, the Commander in Chief may deviate from such promotion by seniority; provided also, that the Commander in Chief may promote any Officer out of his turn of seniority, for distinguished gallantry in the field or for marked military capacity. 15 20

Appointment  
of Staff Officers  
and their Rank.

**28.** The Commander in Chief shall have full power to appoint Staff Officers of the Active Militia with such rank as he shall from time to time think requisite or necessary for the efficiency of the Militia service; and any such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's service, and their duties shall be the same for the Militia as prescribed for the Army by the Queen's Regulations. 25 30

Assistant  
Quarter  
General.

**29.** There shall be, in and for each Military District, a Deputy Assistant Quarter Master General, whose duty it shall be to make himself thoroughly acquainted with the roads and communications and other matters appertaining to the topography of his District, and to furnish such information on the subject as may be required by the Commander in Chief, in which duty the Officers of the Volunteer Engineer Corps shall assist him with the local information they acquire. 35

Transfer of  
Officers from  
Sedentary to  
Active Militia.

**30.** Any person holding or who may at any time hold a commission in the Sedentary Militia, and not above the age of superannuation hereinbefore mentioned, and not placed upon the retired list, and who shall pass the examination and obtain the certificate hereinbefore mentioned, may be appointed to the Active Militia; but no such person shall be compelled to accept a grade or rank in the Active Militia lower than that held by such person in the Sedentary Militia. 40 45



**31.** For every commission in the Militia of this Province, issued after the passing of this Act, there shall be paid to the Adjutant General of Militia the following fees, that is to say : Fees on appointment and promotion.

	On appointment.	On promotion.
Ensigns or Cornets.....	\$ 5	
5 Lieutenants.....	6	1
Captains.....	8	2
Majors.....	9	1
Lieutenant-Colonels.....	10	1
Colonels of Districts.....	20	10

10 And Staff Officers shall pay according to their relative rank ; and all moneys so received for commissions shall, by the Adjutant General, be paid over to the Receiver General, and become portion of the Consolidated Revenue of the Province. To be paid to Consolidated Revenue.

## ACTIVE MILITIA.

### No. 1.—THE VOLUNTEER FORCE.

15 **32.** Each of the following Cities—Quebec, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, with such portions of the surrounding country as may, from time to time, be added to them by the Commander in Chief, shall constitute a Military District. Cities to be Military Districts.

20 **33.** In each such Military District, as last aforesaid, there shall be formed such number of Volunteer Militia Batteries of Artillery, Troops of Cavalry, Battalions of Garrison Artillery, and Battalions of Infantry, or such portions of each respectively, and of such strength as the Commander in Chief may, from time to time, order, the same being furnished from the male   
 25 population of such division, between the ages of eighteen and forty-five years. To furnish Volunteer Militia.

30 **34.** In the event of the failure, in any one or more of the Military Districts herein last before mentioned, either in part or altogether, to furnish the compliment of Volunteer Militia, as required by the Commander in Chief, he, the said Commander in Chief, may, from time to time, apply the provisions of this Act relative to the furnishing of Regular Militia to such of the said Military Districts as may be so incomplete. Or in failure, then to furnish Regular Militia.

35 **35.** Each Volunteer Field Battery of Artillery shall consist of a Captain, two First Lieutenants, a Second Lieutenant, two Staff Sergeants, four Sergeants, four Corporals, four Bombardiers, forty-four Gunners, twenty-six Drivers, one Trumpeter, and forty-four horses ; and on active service, or when authorized by the Commander in Chief, of one Farrier,   
 40 one Collar Maker, one Wheeler and sixteen horses in addition thereto. Establishment of Field Battery.

Establishment  
of Troop of  
Cavalry.

**36.** Each Volunteer Troop of Cavalry shall consist of a Captain, a Lieutenant, a Cornet, a Troop Sergeant Major, two Sergeants, two Corporals, a Trumpeter, and forty-four Privates; and on active service, or when authorized by the Commander in Chief, a Farrier in addition thereto.

5

Establishment  
of a Battalion  
of Garrison Ar-  
tillery or of In-  
fantry.

**37.** Each Battalion of Volunteer Garrison Artillery and of Volunteer Infantry shall consist of a Lieutenant-Colonel, two Majors, one Adjutant, one Quarter-Master, one Surgeon, one Assistant Surgeon, ten Captains, ten Lieutenants, ten Ensigns, one Sergeant-Major, one Quarter-Master Sergeant, one Hospital 10  
Sergeant, one Drum-Major, forty Sergeants, forty Corporals, ten Drummers and seven hundred and ten Privates.

Articles of en-  
gagement of  
Volunteer  
Corps.

**38.** Any Volunteer Corps may enter into any articles of Engagement and Regulation not inconsistent with this Act and previously approved by the Commander in Chief

15

Length of ser-  
vice of Volun-  
teer Force.

**39.** The men of the Volunteer Force shall serve for a period of five years, and no non-commissioned officer or man shall, in any case, unless legally discharged, leave the same without giving at least six months notice in writing to the Com-  
manding Officer of his desire to do so; nor shall he, at any 20  
time, leave the same contrary to the engagement in any articles of engagement he may have signed.

Officers res-  
ponsible for  
strength of  
Corps.

**40.** The Commanding Officers of the Volunteer Field Batteries, Troops of Cavalry and Battalions (or portions of Batal-  
lions) of Volunteer Garrison Artillery, and of Volunteer Infantry 25  
shall be responsible that their Corps and Battalions respectively are kept up to the full strength, as required for each thereof by this Act; and in the event of failure of any Corps or Battalion, as aforesaid, to maintain the complement of men as hereinbefore prescribed for each respectively, or of any Corps or Battalion 30  
becoming inefficient, the Commander in Chief may disband any such Corps so incomplete or inefficient; and the Com-  
mander in Chief may disband any Corps or Battalion if, in his  
opinion, necessary to the public good.

When Com-  
mander in Chief  
may disband  
them.

Permanent  
Staff of Military  
Districts of  
Cities.

**41.** To each Military District, as mentioned in the thirty- 35  
second clause of this Act, a Permanent Staff shall be appointed, consisting of one Town Adjutant, and one Staff Sergeant-Major to each Battalion.

Duties of Town  
Adjutant.

**42.** The Town Adjutant shall be under the orders of the Colonel of the District within which he shall reside; 40  
shall have general superintendence over the armories and stores, and have control over the Staff Sergeant-Majors of Battalions; shall make out all returns, certificates, rolls, and other documents, that may be required, shall undertake the official correspondence relating both to the Sedentary and Active 45  
Militia of the District, and shall carry out the instructions of the

Colonel of the District with respect to the drill and instruction of the officers, non commissioned officers and men of the Volunteer and Regular Force at all times of the year; shall act as Pay-Master of all the Corps and Battalion in the District, and shall perform such other services as may be, from time to time, ordered by the Commander in Chief.

10 **43.** The Staff Sergeant-Major, under the control of the Adjutant, shall have the immediate charge of the arms, accoutrements, knapsacks and other stores of his Battalion and of the Field Batteries or Troops attached to it, and shall be employed in drilling and instructing the officers, non-commissioned officers and men of his Corps, and shall act as Clerk to the Adjutant, and perform such other services as may be ordered by the Colonel of the District.

Duties of Staff Sergeant-Major.

15 **44.** The officers and non-commissioned officers of the Permanent Staff, mentioned in the two next preceding clauses, shall be appointed by the Commander in Chief for five years only, at the termination of which period they will be eligible for re-appointment to another Military District, or to a Battalion of Regular Militia in another District; and the Commander in Chief may remove at pleasure any officer or non-commissioned officer of such Staff, and cancel the commission or appointment thereof respectively.

Length of period of appointment of permanent Staff; and re-appointment.

25 **45.** The several Volunteer Field Batteries, Companies of Rifles, and Foot Artillery and Troops of Cavalry duly organized and in existence at the time of the passing of this Act, may continue as such respectively, and similar corps may, from time to time, be authorized by the Commander in Chief, and all the provisions of this Act applicable to the Volunteer Force shall apply to them respectively, except in so far as that such only shall receive pay and allowance for clothing, as may be appointed under the thirty-third section of this Act, as the Volunteer Force of any of the Military Districts therein mentioned.

Volunteer Corps in existence now, may continue, and Commander in Chief may authorize similar corps on certain conditions.

35 **46.** In each Militia District there may be formed a Volunteer Company of Engineers, to consist of a Captain, a Lieutenant, a Second Lieutenant, and such number of men, not exceeding seventy-five, as the Governor may direct.

Volunteer Company of Engineers.

40 **47.** The Corps composing the Volunteer Militia shall be liable to be called out in aid of the civil power in case of riot or other emergency requiring such services, and whether such riot or emergency shall occur within or without the Municipality in which such Corps may be raised or organized, and it shall be the duty of the officer commanding any such Corps 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 other head of the municipality in which such riot takes place, or by any two magistrates

Volunteers may be called out in aid of civil power, and their duty in such cases.

And when so called to act as special constables.

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 men of such Corps or portion of a 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.

## NO. 2.—THE REGULAR FORCE.

Establishment of Field Batteries, Troops of Cavalry and Battalions of Garrison Artillery and Infantry of Regular Force.

**48.** Each Field Battery—Troop of Cavalry—and Battalion of Garrison Artillery and Infantry of the Regular Force shall respectively be of such establishment and strength as is hereinbefore prescribed in-reference to the Volunteer Militia.

How Regular Force is to be raised.

**49.** The Regular Force shall be raised either by “Voluntary Enlistment,” by “Selection,” by “Ballot,” or by a combination of Voluntary Enlistment and the Ballot.

Method of raising Regular Force.

**50.** The following method shall be adopted in raising the Regular Force: the Captain of each Sedentary Company having assembled all the men between the ages of eighteen and forty-five, belonging to his Company Division, will call upon them to give the number required voluntarily; but if Volunteers do not come forward in sufficient numbers, he will inform the men that it is his duty to fill up the number by ballot; unless a majority of two thirds prefers that he select men for the Regular Force from amongst them, in which case it will become his duty to make his selection in such a manner as to make the pressure bear upon the families who are best able to support it, and if there is not a majority of two thirds of the men in favour of the selection by the Captain, he shall at once proceed with the ballot.

If ballot adopted, who to be first taken.

**51.** In the event of the ballot being adopted, the Regular Force shall be taken in the first place, from amongst the unmarried men and widowers without children.

Substitutes may be provided,—or an exemption fine paid.

**52.** Every man, taken by ballot or selection for the Regular Force, may provide a substitute, subject to the approval of the Commanding Officer of the Corps or Battalion, or may pay the sum of thirty dollars for exemption from service for three years, which sum shall be paid to the Town or Staff Adjutant, and by him paid to the Receiver General, and become portion of the Consolidated Revenue of the Province—and in such case another man shall be drafted in his stead.

Length of service of men of Regular Force.

**53.** Men of the Regular Force shall serve for a period of three years.

**54.** To each Battalion of the Regular Force a Permanent Staff shall be appointed, consisting of one Adjutant<sup>Permanent Staff of Battalions.</sup> and one Staff Sergeant-Major.

**55.** The Adjutant of a Regular Battalion shall be under the 5 orders of the Commanding Officer of his Battalion, shall have charge of all arms, clothing, ammunition, books, rolls and other documents, belonging to the whole Active Militia, within the Regimental Division to which his Battalion belongs, and within which he shall reside; he shall be responsible that all vacancies 10 in the Active Field Batteries, Troops, or Companies, are filled up as they occur; he shall undertake the official correspondence relating both to the Sedentary and Active Militia of his Division; he shall be instructed to encourage the officers, non-commissioned officers and privates of his Battalion, to drill and 15 practise with the rifle, in their leisure hours throughout the year, and afford every assistance in his power to any men, who may wish to qualify themselves as officers, or to receive military instruction; he shall act as Pay-Master of his Regimental Division; and perform all such other services as may 20 be, from time to time, ordered by the Commander in Chief.

**56.** The Staff Sergeant-Major, under the control of the Adjutant, shall have the immediate charge of the arms, accoutrements, knapsacks and other stores, of his Battalion and of the Field Batteries or Troops attached to it; and shall be em- 25 ployed in drilling and instructing the officers, non-commissioned officers and men of his Battalion, shall act as clerk to the Adjutant, and perform such other services as shall be ordered by the Commanding Officer of his Battalion.

**57.** The officers and non-commissioned officers of the Per- 30 manent Staff, mentioned in the two next preceding clauses, shall be appointed by the Commander in Chief for five years only, at the termination of which period they will be eligible for re-appointment to a Battalion in another district, and the Commander in Chief may remove, at pleasure, any officer or 35 non-commissioned officer of such Staff; and cancel the commission or appointment thereof respectively.

### NO. 3.—THE RESERVE FORCE.

**58.** Men of the Regular Force shall, at the expiration of their term of service, pass into the Reserve Force, and continue to be enrolled in that force for a farther period of three years. <sup>How Reserve Force constituted, and period of service.</sup>

**59.** Officers shall be appointed to the Reserve Force in 40 the same proportions, and in the same manner and under the same provisions, as hereinbefore contained in reference to the Volunteer and Regular Militia. <sup>Officers of Reserve Force.</sup>

PROVISIONS APPLICABLE TO THE VOLUNTEER AND  
REGULAR FORCE.

Service Rolls  
to be signed.

**60.** Every Volunteer and Regular Militiaman shall sign a service Roll in which the conditions of his service shall be stated.

Gratuity to  
Sergeant, re-  
engaged for a  
second period  
of service.

**61.** A gratuity of *forty dollars* may be paid to any Sergeant of the Volunteer or Regular Force who, at the expiration of his first term of service in the Active Militia, has reengaged and served for a farther period of five years in the Volunteer Force or seven years in the Regular Force.

Promotion of  
Corporals.

**62.** Any Sergeant, who may retire at the expiration of his first term of service, may be replaced by any Corporal who has completed his first period of service, such promoted Corporal to receive the same grant at the expiration of his ten years service ; Provided always, that the above mentioned re-engagements, in both cases, shall be subject to the approval of the Commanding Officer of the Corps or Battalion.

Volunteer or  
Regular Mili-  
tiamen chan-  
ging residence.

**63.** Any man desiring to change his residence to another regimental Division, shall communicate his intention to the Commanding Officer of his Corps or Battalion, and shall obtain from him a certificate of service, a duplicate of which shall be sent to the Commanding Officer of the Active Battalion belonging to the Regimental Division to which the man is removed, and he will be called upon to complete his term of service in that division, and should he fail to present himself at the first muster in the Corps or Battalion to which he is removed, he shall, (unless he can satisfactorily account for his absence) be liable to be drafted for a full period of service, without reference to his former service.

Volunteer or  
Regular Mili-  
tiamen leaving  
the country.

**64.** Any man, who may require to leave the country, shall also obtain from his Commanding Officer a certificate of service, and should he return within a period of ten years, he may, on production of such certificate, be allowed to complete his period of service, otherwise he shall be liable to be drafted for a full period.

Procedure at  
expiration of 3  
years service.

**65.** All men, who shall have completed their three years service in the Regular Force and three years in the Reserve Force, shall be placed at the bottom of the list of men between eighteen and forty-five years of age, in the Regimental Division, and shall not be liable again to be drafted until every man above them on the list shall have served ; and each man, at the expiration of his service, shall be furnished with a certificate of service.

Vacancies to be  
filled up at  
once.

**66.** All vacancies in the Volunteer Force and Regular Battalions of Active Militia shall be filled up as they occur,

and in the case of Regular Battalions they shall be filled up according to the provisions of the fiftieth clause of this Act.

67. In time of war no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement; Provided that the Commander in Chief may, in cases of unavoidable necessity (of which necessity he shall be the sole judge), call upon any Volunteer or Regular Militiaman to continue to serve beyond his period of general service, or voluntary engagement or beyond his one year's service in the field, for any period not exceeding six months.

Period of active service in the Field limited to one year.

68. In time of war when men are sent home from length of service in the field, the reliefs shall be made by drafts or complete Battalions from the Reserve or Service Sedentary Force, as may be found most expedient at the time.

Reliefs of men sent home from length of service in the Field.

#### *Training and Muster.*

69. Every Battalion of the Regular Force or such portion thereof as the Commander in Chief may order shall be called out for training at the most convenient time in each year, for a period of twenty-eight days; and the Commander in Chief may, in his discretion, reduce such period of training so that it be not less than fourteen, in which case such recruits, as have not been present at any former training, shall have fourteen days drill in addition.

Number of days training, and season for service of Regular Force.

70. The Volunteer Force shall drill for not more than twenty-eight nor less than fourteen days in each year; But such period of drill may be divided, at the discretion of the Commander in Chief.

Number of days training of Volunteer Force.

71. Every Corps and Battalion of the Active Militia shall, during its period of training, be subject to inspection from time to time by such person or persons as shall be temporarily appointed by the Commander in Chief for such inspection, who shall report fully to the Commander in Chief on the state of such Corps and their arms and accoutrements and the general efficiency of such force, and shall be reimbursed his or their actual travelling expenses by the Province, and paid therefor at a rate not exceeding *four dollars per diem* whilst so engaged; Provided that such person or persons, to be appointed from time to time for such inspection, shall be an officer or officers (not being under the rank of Field Officer) of Her Majesty's service, and actually serving in this Province, or in case the services of an officer or officers as aforesaid cannot be obtained, then such other person, not being under the rank of Field Officer of Militia of this Province, who shall in like manner be reimbursed his actual travelling expenses and paid such remuneration; Provided that nothing in this clause contained shall be

Inspection of Active Militia:

- Present Inspecting Field Officer of Militia.** held to prevent the Commander in Chief from continuing the services of the present Inspecting Field Officers of Militia at their present salaries.
- Encampment of Militia, when training.** **72.** The Militia shall be encamped, when practicable, during their period of training, and in such case the camp limits shall be marked out, and the space within those limits held to be a Building or Barrack. 5
- Training of Reserve Force.** **73.** The Commander in Chief may call out the Reserve Force for six days training in each year, and the several provisions of this Act, relative to the Regular Force, shall, during such 10 period, apply to the Reserve Force.
- Volunteer may be drilled at other times, according to their articles of engagement.** **74.** Nothing herein contained shall be construed to prevent any Volunteer Corps from assembling or being ordered out by the Officer commanding it for drill or exercise, according to any articles of engagement or regulations of such Corps previously 15 approved by the Commander in Chief; or to prevent any Regular Corps or portion of a Corps from assembling for drill or exercise, without receiving any pay therefor from the Province.
- Commander in Chief may dispense with muster or training of Volunteer or Regular Force.** **75.** The Commander in Chief may, by any Militia General Order, dispense with the muster or training of any Corps or 20 Battalion or part of a Corps or Battalion of the Volunteer or Regular Force, either in any particular year or until further order, and may, in like manner, again direct such muster and training, or either of them, to be resumed if he sees fit, and any such order shall have the force of law according to the terms 25 thereof.
- Codes of instruction for Volunteer and Regular Militia.** **76.** The Adjutant General shall draw up, and from time to time alter, under the direction of the Commander in Chief, codes of instruction in drill and exercise for the Volunteer and 30 Regular Militia, based on that in use in Her Majesty's Army, and each Commissioned Officer of a Corps or Battalion shall be furnished with a copy, and shall be governed by the same in drilling and exercising the Corps to which he belongs.
- Ammunition for practice.** **77.** The Active Militia shall, for purposes of drill, be furnished with a sufficient quantity of Blank and Ball Practice 35 Ammunition in such manner as the Commander in Chief may direct.

### *Practice Ammunition.*

- Exemption of arms, horses, &c., from seizure and assessment.** **78.** The Arms and Accoutrements of the officers and men of the Volunteer and Regular Force, and the Horses used by them as such, shall be exempt from seizure in execution and 40 from distress and assessment; nor shall any such horse be.



disposed of by any officer or man without leave of the Officer commanding the Corps or Battalion.

**79.** The officers, non-commissioned officers and men of the Active Militia, while at drill or on service, shall be exempt from serving as Jurors or Constables; And a certificate, under the hand of the commanding officer of any such Corps or Battalion, shall be sufficient evidence of the service in his Corps or Battalion of any officer, non-commissioned officer or man, during such period aforesaid.

Active Militia, while on drill or on service, exempt from serving as Jurors or Constables; Evidence of service.

*Drill Grounds.—Arms, Armouries, Clothing and Stores.*

**80.** A Drill Ground shall be provided within, or in the vicinity of, each Military District formed under the thirty-second clause of this Act, and a suitable building shall be provided containing an Armory, Magazine, Store Rooms, Orderly Room and Gun Sheds, and the Arms and Stores of each Battalion shall be kept separately in charge of the Staff Sergeant Major; And such building shall be enclosed within a wall or fence capable of defence against sudden attack.

Drill grounds, Armory and Stores, &c., for Volunteers.

**81.** A suitable Drill Ground shall be provided in some advantageous central position in each Regimental Division and a stone or brick building shall be erected or provided on the Drill Ground, containing a Store, Armory, Magazine, Orderly Room, Shifting Room and Quarters for the Sergeant Major, and such building shall be enclosed within a wall or fence capable of defence against sudden attack, and Gun Sheds and Stores for Saddlery shall be added where required.

Drill ground, Armory and Stores for Militia.

**82.** The selection of the site for these drill grounds and buildings shall be subject to the approval of the Commander in Chief.

Sites to be approved by Commander in Chief.

**83.** Each Volunteer Militiaman shall receive an allowance of three dollars a year in lieu of clothing.

Clothing of Volunteer Militia.

**84.** The Regular Militiamen shall be supplied with clothing while on drill or service.

Clothing of Regular Militia.

**85.** The Arms, Accoutrements, Knapsacks and Great-Coats of all Corps and Battalions shall be kept in store, and the clothing of the Regular Militia shall be also kept in store; and these articles shall be served out to the men when it is deemed expedient by order of the Commanding Officer.

Articles to be kept in Store.

**86.** A complete set of Pioneers' tools and implements shall be kept in each Store of the Regimental Division, and, when necessary, complete Camp Equipments which shall also be kept in store.

Pioneers' tools and camp equipments.

- Drums and Bugles. **87.** Drums and Bugles shall be supplied to the Militia.
- Officers' arms. **88.** Commissioned officers shall furnish their own arms and accoutrements.
- Uniforms of Militia. **89.** The Commander in Chief may, from time to time, prescribed the uniform of the several Corps or Battalions continued under this Act, or organized after the passing of this Act, or of any of them : 5
- Those at present in use may be continued. **2.** Provided that the several Corps in existence, at the passing of this Act, may continue to wear their then clothing until the same requires to be replaced, and it shall be the duty of the Commanding Officer of the said Corps or Battalions respectively, to see that the same are, upon any such replacing of clothing, uniformed according to the order of the Commander in Chief in such respect. 10
- Arms, &c., of Active Militia. **90.** The arms and accoutrements of the Officers and men of the Active Militia shall be such as the Commander in Chief, from time to time, directs, but of the best and most serviceable kind, without unnecessary ornament ;—Such arms and accoutrements shall be furnished to the non-commissioned officers and privates at the expense of the Province, but shall always remain provincial property, and the parties receiving them shall, whilst in their possession, be accountable for them ;—And where there are no public armouries the Commander in Chief may direct such security, as he thinks proper, to be taken for the safe keeping in good order of such arms and accoutrements; and the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander in Chief for any purpose directs such re-delivery. 15 20 25
- To be furnished by Province, except to Officers. **91.** The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province, whenever such renewal or repair becomes necessary from wear in service or other cause than the fault or neglect of the person having charge thereof, in which last named case they shall be renewed or repaired by such person, or, if renewed or repaired at the cost of the Province, the cost may be recovered from such person as a debt due by him to the Crown. 30 35
- Security for safe keeping. **92.** The arms and accoutrements of non-commissioned officers and men of the Active Militia shall be kept in public armouries wherever there are such ; and where there are no such public armouries then the Commanding Officer of each Corps or Battalion shall be personally responsible for the arms and accoutrements of the non-commissioned officers and men under his command, and shall himself actually keep the same, and may be allowed annually a sum not exceeding twenty dollars for so doing and for taking care of the arms and accoutrements : 40 45
- Repairing of Arms, &c. **By whom and where arms, &c., shall be kept.**

2. Nothing herein shall be construed to relieve the Officers or men of the Active Militia of any liability in respect to the arms and accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other respect,—under any Act heretofore passed,—but any proceedings thereto relating shall be brought within twelve months after the discovery of any breach of the provisions thereof.

Province—As to liabilities incurred before this Act.

93. No non-commissioned officer or private shall at any time appear armed or accoutred, except when *bonà fide* at drill 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, without the order of the Commander in Chief.

Corps to appear armed on certain occasions only.

#### PAY.

94. The Active Militia shall be paid by the Province during the period of training in each year, as follows, that is to say: officers an uniform rate of pay of one dollar per day, and the non-commissioned officers and privates an uniform rate of pay of fifty cents per day, for each day's actual and *bonà fide* drill or attendance; and officers, non-commissioned officers and men of the Field Batteries and Troops of Cavalry of the Active Militia, shall receive, in addition to their pay aforesaid, an uniform allowance of one dollar per day for each horse, to the extent in number hereinbefore mentioned, during the period of the training aforesaid.

Pay of Active Militia.

95. When called out in aid of the civil power, the officers of the Active Militia shall, for and during such period, be paid by the Municipality by whom their services are required, the same scale of pay respectively as the daily pay of officers of corresponding and relative rank in Her Majesty's Service, and the non-commissioned officers and men so called out shall be paid by the Municipality aforesaid, the sum of one dollar per day, and shall also be provided with proper lodging by such municipality; and the said sums and the value of such lodging, if not furnished by such municipality, may be recovered from it by the Commanding Officer of the Corps or Battalion in his name; and when received or recovered shall be paid over to the officers; non-commissioned officers and men entitled thereto.

Pay by Municipality when called out in aid of Civil Power.

96. In time of Active Service in the field, the officers, non-commissioned officers and men of the Active Militia shall be paid by the Province such rates of daily pay, and shall receive such allowances in every respect as are paid and allowed to the relative or corresponding rank or grade in Her Majesty's Service.

Pay in time of Active Service in the Field.

Pay of permanent staff.

**97.** *The Town Adjutants and Adjutants of Battalions of Regular Militia shall be paid by the Province at the rate of two dollars per day per annum, and an allowance of fifty cents per day per annum for travelling expenses and forage for a horse, and shall also be paid the annual sum of* 5  
*per annum, as a contingent allowance to cover the expenses of postage and stationery; and one Adjutant in each Military District, who shall be chosen by the Commander in Chief, shall be paid an additional allowance of* per  
*per annum, to cover expenses incurred in postage and stationery* 10  
*by the Colonel commanding the District; and each of the Staff Sergeants of Districts and Battalions of Regular Militia shall be paid by the Province the sum of three hundred dollars.*

Commander in chief may order times and manner of payment.

**98.** *The Active Militia shall be paid at such times and in such manner as the Commander in Chief, by any Militia General* 15  
*Order, may from time to time direct.*

## SEDENTARY MILITIA.

### No. 1.—THE SERVICE SEDENTARY FORCE.

Of whom service Sedentary Force composed.

**99.** *The Service Sedentary Force shall be those of eighteen years of age and upwards, but under forty-five years, not being in the Volunteer or Regular or Reserve Force.*

In time of peace, Sedentary Militia to be enrolled—and to be mustered annually, and where.

**100.** *In time of peace, no actual service or drill shall be* 20  
*required of the Service Sedentary Force, but they shall be carefully enrolled from time to time;—And shall also assemble for Muster annually, at such place and hour, in such manner and for such purposes, as the Commanding Officer of each Battalion may direct with respect to each Company therein; the muster* 25  
*day being in Lower Canada the twenty-ninth of June, or if that day fall on a Sunday, then the next day thereafter,—and in Upper Canada the Queen's Birthday, or if that day fall on a Sunday, then the day next thereafter :*

Annual Muster Day in U. C. may be 29th June.

**2.** *Except that the Commander in Chief may, in his discretion, but on the application of the Colonel Commanding any Military District in Upper Canada, direct that the Annual Muster Day, in such District, be the twenty-ninth day of June.* 30

Commander in Chief may dispense with annual Muster and again require it.

**101.** *The Commander in Chief may, by any Militia General Order, dispense with the Annual General Muster of the Service* 35  
*Sedentary Force in either Section of the Province, either in any particular year or until further order, and may, in like manner, again direct such Muster to be held, if he sees fit;—and any such order shall have the force of law according to the terms thereof* 40

Order in which Service Sedentary

**102.** *When the Service Sedentary Force are called out in case of war, invasion or insurrection, those first taken for actual service*

shall be from amongst the unmarried men and the widowers without children.

tary shall be taken for actual service.

**103.** To each Company of the Service Sedentary Force there shall be appointed of commissioned officers, a Captain, a Lieutenant, and an Ensign ; and of non-commissioned officers, four Serjeants and four Corporals, and the Commander in Chief may appoint to all Militia Battalions, Companies or Corps, the proper number of Surgeons, Assistant Surgeons and Veterinary Surgeons.

Officers of companies of Sedentary Force.

**104.** The enrolment of the Service Sedentary Militiamen shall be made in each Company Division by the Captain thereof, with the assistance of the Officers and non-commissioned Officers of the Company ;—And it shall be the duty of the Captain, and, under his orders, of the other officers and non-commissioned officers of the Company, by actual enquiry at each house in the Company Division, and by every other means in their power, to make and keep at all times a correct Roll of the Company in such form as may be directed by the Adjutant General.

Enrolment, how to be made by officers.

**105.** Each man liable under this Act to be enrolled in any Company, and not so enrolled, shall give in his name, age and place of residence, in writing, to the Captain or officer commanding such Company, within twenty days after he becomes so liable, whether by the alteration of any Militia division, change of residence, or otherwise howsoever.

Militiamen bound to give in their names.

**106.** The officer commanding a Service Sedentary Company of the Militia shall, within twenty days after the annual muster day for such Company, make out a corrected Roll thereof, and transmit a certified copy thereof to the officer commanding the Battalion, who, within forty days after such muster, shall forward a correct Return of the Battalion under his command to the Colonel of the District ; and the said return shall then be transmitted by the Colonel, to the Adjutant General at Head Quarters.

Rolls of companies to be made annually also returns of Battalions.

**107.** Each Company Roll shall be corrected from time to time as changes occur which affect it ;—And every householder and resident in the Company division, and every Assessor, Town Clerk, or other Municipal Officer, shall be at all times bound to give to the Commanding Officer or any officer or non-commissioned officer of the Company, such information as may be required to make such corrections, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information ;—And every militiaman shall be bound to inform the officer commanding the Company, in writing, of any change of residence or other circumstances affecting such militiaman, by which the Roll of any Company is affected, whether such militiaman comes into or leaves the Company division for which the Roll is made.

Company Rolls to be corrected from time to time.

Duty of householders, &c., to give all information requisite.

And of Militiamen.

*Commutation Assessment.*

Duties of Municipal Assessors.

**108.** The Assessor or Assessors for each Municipality shall, annually, commencing with the year one thousand eight hundred and sixty-three, and at the same time when they are engaged in taking the assessment or valuation of real and personal property in their respective Municipalities, include in their Assessment Roll the names of all male persons in their respective Municipalities, between the ages of eighteen and forty-five years; and they shall prepare an additional column in the said Assessment Roll, which shall be headed "Militia Roll," and in such column, opposite the name of each male person between the ages aforesaid, shall insert "fifty cents" as Commutation Assessment for Militia service; and every copy required by law to be made of the said Assessment Roll shall contain the additions herein specified; and in addition to the oath required under the present or any future laws of this Province, to be taken by such Assessor or Assessors in respect to the Assessment Roll, there shall also be made and attached to the said Roll the following certificate signed by such Assessor or Assessors:

To leave a column in Assessment Roll, for Militia Roll.

Certificate of Assessors thereto.

"I do certify that I have truly and faithfully and to the best of my knowledge, set down, in the above Militia Roll, the names of all male persons within the Municipality of (*as the case may be*) between the ages of eighteen and forty-five years, liable to be enrolled by the Militia Laws of this Province;" and such affidavit shall be verified by him or them, upon oath before a Justice of the Peace.

Clerk of Municipality to make copy of Militia Roll.

**109.** Upon receipt of the Assessment Roll by the Clerk of the Municipality, he shall make a copy of such Militia Roll as a document separate from the Assessment Roll, and shall cause such copy to be put up in some convenient and public place, within the Municipality, and to be maintained there until after the meeting of the Court of Revision, as provided in and by the Laws of this Province.

Exemption of Active Militia from payment of Commutation Assessment.

**110.** Every officer, non-commissioned officer and private of any Corps or Battalion of the Active Militia shall be exempt from payment of Commutation Assessment, and it shall be the duty of every Officer Commanding a Corps or Battalion of the Active Militia, by the day of in the year, 1862, and by the tenth day of May in each succeeding year, to make out and transmit to the Clerk of every Municipality in which any men of his Corps may then reside, a correct list of all such men within the said Municipality, as were actually and *bona fide* serving in such Corps on the first day of May in that year, and shall attach thereto his certificate to the following effect:

Certificate by Officer Commanding Corps.

"I, A. B., (*Captain or other Officer*), commanding, (*designated*) do certify that the persons whose names

“are hereafter set down were actually and *bona fide* enrolled  
 “and serving in such (*Corps or Battalion*), on the first day of  
 May, 18 .”

And shall make a solemn declaration before a Justice of the  
 5 Peace, of the truth and correctness of such list.

111. All persons wholly exempt from enrollment and  
 from actual service in any case, as provided by the seventh  
 section of this Act, shall be exempt from payment of Com-  
 mutation Assessment; but no person shall have the benefit  
 10 of such exemption, unless he has, at least fourteen days  
 before he claims such benefit, before the Court of Revision, as  
 hereinafter mentioned, filed his claim thereto with his affidavit,  
 made before some Justice of the Peace, of the facts on which  
 he rests his claim, and in verification thereof with the Clerk of  
 15 the Municipality within which he resides; And whenever  
 exemption is claimed, whether on the ground of age or other-  
 wise, the burden of proof shall always be upon the claimant;  
 and every Justice of the Peace is hereby required to administer  
 the oath required under this section, free of charge.

How benefit of  
 exemption to  
 be claimed and  
 proved.

20 112. At the sitting of the Court of Revision, as constituted  
 by the Assessment Laws of this Province, the said Court shall  
 then determine who are exempt under the seventh sec-  
 tion of this Act, and in the said Roll, opposite the name of  
 each person so exempt, shall insert the word “exempt,” and  
 25 every person on the said Militia Roll not marked by such Court  
 as exempt, shall be liable to pay the sum of fifty cents set  
 opposite to his name as aforesaid.

Court of Revi-  
 sion under As-  
 sessment Laws  
 to determine  
 exemptions.

113. The Clerk of every Municipality shall, in the Collector’s  
 Roll, set down the name of every person so liable to pay the said  
 30 sum of fifty cents under the head of “Militia Roll,” and the  
 said sum of fifty cents against every person who shall appear  
 by the said “Militia Roll,” liable to pay the same, shall be  
 collected at the same time and in the same manner as taxes  
 are collected in each Municipality; and every Collector shall  
 35 have and pursue all and every the rights, powers and remedies  
 for the collection or recovery of the same, as are now and may  
 at any time hereafter be prescribed by the Assessment Laws of  
 this Province in respect to the collection of taxes; and it shall  
 be the duty of the Clerk of the said Municipality to forward  
 40 a true copy of the “Militia Roll,” within fourteen days after  
 the completion of the Collector’s Roll to the Adjutant General  
 of Militia.

Collection of  
 commutation  
 Assessment.

Copy of Roll to  
 be forwarded to  
 Adjutant Gen-  
 eral.

114. All moneys so collected shall, by the Collector, be paid  
 over to the Treasurer of the said Municipality, and shall be  
 45 by the said Treasurer forthwith, paid to the Receiver General  
 of this Province, first deducting for the benefit of the Muni-  
 cipality per centum for the expenses of assessing and collecting

Payment over  
 to Receiver  
 General for  
 Consolidated  
 Revenue.

the same and of making the returns and performing the other duties required of the Municipality and its officers, under the provisions of this Act, and such moneys shall form part of the Consolidated Revenue of this Province for Militia purposes only.

5

Return on oath of Collector.

**115.** The said Collector shall make such payment and return under oath, stating explicitly that such return is true and correct, and that he has truly and faithfully made active and diligent efforts to collect the Commutation Assessment of each person on his Roll, of whom he has not collected the same, and that he has been unable to collect such Assessment.

10

Duty of Collector in case of neglect or refusal of persons to pay commutation assessment.

**116.** If any person shall neglect or refuse to pay the Commutation Assessment, as herein prescribed, and the Collector of the Municipality to whom the Militia Roll for collection thereof shall be given, shall be unable to collect the same, it shall be the duty of such Collector to return the names of all such persons to the clerk of such Municipality, who shall make a list of such delinquents; or (in Lower Canada) if he be himself the Secretary-Treasurer, he shall himself make such list and deliver it to the Local Council, and deliver the same to the Court of Revision at their annual meeting next thereafter.

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20

Sums in arrear and uncollected, to be added to commutation assessment of the next year.

**117.** Whenever it shall appear from the return of any Collector or Treasurer that any person has neglected or refused to pay such Commutation Assessment, and that the Collector has been unable to collect the same, such sum shall be added to his annual Commutation Assessment of the next year by the Court of Revision and collected in the same manner as hereinbefore provided by the hundred and thirteenth section of this Act.

25

Security of Officers of Municipality to extend to sums to be so collected.

**118.** The bond or security to be executed by the Collector and by the Treasurer of the Municipality, shall apply to all moneys required to be collected for Militia purposes under this Act.

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List by Officer commanding Company of Sedentary Militia of those present at muster and certificate.

**119.** Every Officer commanding a Company of the Sedentary Militia, or in his absence the Officer next in command personally present at the Annual Muster, shall, within one month after the Annual Muster day for such Company, make out a true and correct List of all such persons as attended the said Muster, and shall attach thereto his certificate to the following effect :

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40

“ I, A. B., Captain (or other Officer) commanding  
do certify that I personally  
“ attended the Muster of the Company of Sedentary Militia  
“ under my command in the (Town, Township, &c., as the  
“ case may be,) of in the County of and  
“ that the above is a true and correct List of the names of those

45



“ who actually attended the Annual Muster on the day  
 “ of 18 ”  
 and shall make a solemn declaration before a Justice of the  
 Peace of the truth and correctness of such list, and shall also  
 5 forward the same to the Clerk of the Municipality within  
 which the limits of his Company's District or Division are  
 fixed, or if such limits be within two or more Municipalities,  
 a similar list and certificate, verified by declaration as aforesaid,  
 to the Clerk of each such additional Municipality, and shall  
 10 also forward a copy thereof to the Lieutenant Colonel com-  
 manding his Battalion who shall forward the said copy so  
 received by him to the Adjutant General of Militia.

**120.** The Clerk of each Municipality shall, upon the receipt  
 of the list and certificate mentioned in the one hundred and tenth  
 15 section of this Act, and prior to the delivery of the Collector's  
 Roll to the Collector of such Municipality, (or before using  
 such list if, being a Secretary-Treasurer in Lower Canada, he  
 be himself the Collector) mark on the said Roll after the name  
 of each person so appearing by such list and certificate to have  
 20 attended muster for the then current year, the words “ at mus-  
 ter,” and every person shall thereby be discharged from pay-  
 ment of the commutation assessment for that year.

Duties of Clerk  
 of Municipality  
 on receipt of  
 list of Active  
 Militia, and  
 certificate.

**121.** The several sections from to  
 inclusive, of the fifty-fifth chapter of the Consolidated Statutes  
 25 for Upper Canada, intituled : *An Act respecting the Assessment  
 of Property in Upper Canada*, and their several provisions,  
 and the several provisions of the *Lower Canada Municipal and  
 Road Act of 1855*, and the Acts amending it, and the provisions  
 of every special Acts incorporating or governing any Town or  
 30 City in Lower Canada, relative to Assessments and their col-  
 lection, shall be applicable to the tax hereby imposed and to  
 the persons employed in collecting, and their duties under this  
 Act, and shall be read and deemed as part thereof.

Provisions of  
 Assessment  
 Laws applic-  
 able.

**122.** All tavern-keepers, keepers of boarding houses, persons  
 35 having boarders in their families, and every master and mistress  
 of any dwelling house, shall, upon the application of any Asses-  
 sor or Collector, give information of the names of all persons  
 residing or lodging in such house, liable to be enrolled, and  
 all other proper information concerning such persons as such  
 40 Assessor or Collector may demand.

Persons bound  
 to give infor-  
 mation of those  
 liable to be  
 enrolled.

**123.** If any person of whom information is required by any  
 Assessor or Collector in order to enable him to comply with  
 the provisions of this Act, shall refuse to give such information  
 or shall give false information, he shall forfeit and pay \$  
 45 for each item of information demanded of him and falsely  
 stated, and the like sum for each individual name that may be  
 refused, concealed or falsely stated, and every person who shall  
 refuse to give his own name and proper information, when

Penalty on  
 persons re-  
 fusing to give  
 information or  
 giving false  
 information.

applied to as aforesaid, or shall give a false name or information, shall forfeit and pay a like sum, such penalties to be recovered summarily before a Justice of the Peace.

Interpretation  
clause.

124. In this Act, as far as regards Lower Canada, the words 5  
 "Assessor or Assessors" shall include Valutors,—the word  
 "Municipality" shall mean a Local Municipality, and shall  
 include every City, Town and Village incorporated, whether  
 the corporation thereof be governed by the General Municipal  
 Acts respecting Municipalities or any special Act, or partly by 10  
 both,—the word "Clerk" shall include the Secretary-Treasurer  
 of any such Municipality, or other person making out the col-  
 lection rolls, or other documents shewing the sums to be  
 collected as taxes, the word "Treasurer" shall include the  
 Secretary-Treasurer or other person receiving or having the cus- 15  
 tody of the funds of the Municipality,—the expression "Court of  
 Revision" shall include the local Council, Board of Revisors,  
 or other authority having the revision of Assessment or  
 Valuation Rolls,—the expression "Collector's Roll" shall  
 include every Collection Roll or other document shewing the 20  
 taxes payable by each person and authorizing their Collec-  
 tion,—the word "Collector" shall include the Secretary-  
 Treasurer or other person employed to collect the taxes  
 imposed in any Municipality,—and the expression "Assess-  
 ment Laws" shall include the Lower Canada Municipal 25  
 Act of 1855, the Acts amending it, and all special Acts  
 incorporating or relating to the incorporation of any City or  
 Town or Village in Lower Canada; the Assessment or  
 Valuation Roll, which is to serve for any year, shall be held to  
 be that in which it is intended that the names of the persons 30  
 between the ages of eighteen and forty-five shall be inserted  
 as liable to the tax hereby imposed, although such Rolls  
 be made in the previous year, so that (for example) if in any  
 City or Town the Roll for one thousand eight hundred and sixty-  
 three, is made in one thousand eight hundred and sixty-two, 3  
 the said names shall be inserted in it; and in Municipalities  
 where the Valuation Rolls are made only once in three years,  
 the Captain commanding any Company of Sedentary Militia  
 shall, in the month of \_\_\_\_\_ in each year in which such  
 Roll is not made, furnish the Secretary-Treasurer with an 40  
 amended list of the names of the persons in the local limits of  
 such Company, between the ages aforesaid, and liable to serve  
 in the Militia as service men, and such amended list shall be  
 kept by the said Secretary-Treasurer at his office, open to the  
 inspection of the public during \_\_\_\_\_ weeks, 45  
 and shall be taken in consideration and revised by the local  
 Council at its first meeting after the expiration of that period;  
 and all persons may then be heard by such Council in respect  
 to an error in the said list, and the Council shall confirm  
 it after making such amendments as they think proper, either 50  
 by adding or striking out any name or names, and it shall then  
 be held to be the revised list for the year, and shall not after-  
 wards be called in question.

## No. 2.—THE RETIRED SEDENTARY FORCE.

**125.** The Retired Sedentary Force shall be composed of those men between the ages of forty-five and sixty years, not being in the Volunteer or Regular or Reserve Force, who shall claim exemption on account of being above that age; and non-commissioned officers shall retain their rank.

Of whom Retired Sedentary Force composed.

**126.** The Commander in Chief may require the officers, non-commissioned officers and men of the Retired Sedentary Force to serve in the Militia, in cases of great emergency, of which cases he shall be the sole judge, and he may, by any Militia General Order for that purpose, either form such Retired Sedentary Militiamen into separate Corps, under their own officers, or cause them to be drafted as if they belonged to the Service Sedentary Force, as he may see fit.

Retired Sedentary Force may, in emergency, be required to serve in Militia.

## LEVÉE EN MASSE.

**127.** The Commander in Chief may require all male inhabitants of the Province, above the age of sixty years, to serve in case of a *levée en masse*.

Who may be required to serve on *levée en masse*.

## CORPS FOR GENERAL SERVICE.

**128.** The Commander in Chief may, in the event of war, raise, in addition to the Volunteer and Regular Militia of the Province, such regiments of Militia by voluntary enlistment for General Service, during such war, and for a reasonable time after its termination.

Commander in Chief may raise regiments of Militia, during war.

## DRILL ASSOCIATIONS.

**129.** The Commander in Chief may sanction the organization of associations for purposes of Drill and of independent Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, who shall provide their own arms, accoutrements and clothing; but such associations or Companies shall not be provided with any clothing or allowance therefor, nor shall they receive pay.

Commander in Chief may authorize Drill Associations, &c., not to be armed, clothed or paid.

## MARINE MILITIA.

**130.** It shall be the duty of each seaman, or other person engaged ordinarily in the calling of a seaman or sailor or otherwise occupied or engaged in or upon any of the steamers, schooners or other vessels upon the lakes or waters in this province, or belonging to any of the ports thereof, during the month of December in each year, to attend personally at the office of the collector of customs, at the port, at or nearest to which such person may have his ordinary place of residence, and

Seamen to register their names, &c., with Collectors of Customs of ports.

Collectors to  
keep Book of  
Registration.

there to register his name, age and place of residence ; and the collector of customs shall give a certificate of such registration to the person so becoming registered, and such person shall thereupon be exempt from service in the Active Militia, and from muster of the Sedentary Militia, as hereinbefore mentioned, 5 and the collector of customs respectively, at the several ports throughout the province, shall keep a book wherein such particulars shall be registered, and shall, when so required by the Commander in Chief, supply copies of the same to the 10 Adjutant General of Militia.

Captains or  
persons in  
command of  
vessels to be  
satisfied that  
their seamen  
are registered.

**131.** Each captain, master or other person in command of any such steamer, schooner or other vessel as aforesaid, shall upon engaging any seaman, sailor or person engaged ordinarily in the calling of a Seaman or sailor or otherwise 15 occupied or engaged, as in the preceding clause mentioned, make diligent inquiry and satisfy himself that such person has been duly registered as hereinbefore required.

Volunteer Ma-  
rine Compa-  
nies may be  
formed at cer-  
tain places.

**132.** Volunteer Marine Corps or Companies may be formed at each or any of the ports in this province, of such establish- 20 ment and strength and with such Officers as the Commander in Chief may from time to time order.

Relative rank of  
the officers.

**133.** Captains in the Provincial Marine shall rank as Ma- jors in the Militia, and Lieutenants as Captains in the same.

How such  
corps to be  
armed and  
drilled.

**134.** The said Marine Corps shall be armed and uniformed 25 in such manner as the Commander in Chief may direct, and may be trained and drilled as well to the use of small arms, as in the management of gun-boats and the working of guns of heavy calibre.

#### DEPARTMENT OF MILITIA AFFAIRS.

Duties of minis-  
ter of Militia  
Affairs.

**135.** There shall be a Minister of Militia Affairs, who shall 30 be appointed from among the Heads of the Public Departments, and who shall be charged with the administration of Militia Affairs, and of the ordnance, ammunition, arms, armories and other stores and provisions and habiliments of war belonging to the Province. 35

A Pay-Master  
of Militia to be  
appointed.

**136.** There shall be a Pay-Master of Militia attached to the said department of Militia Affairs, who shall hold office during pleasure, and shall be paid *at the rate of* dollars *per annum.*

#### DEPARTMENT OF ADJUTANT GENERAL.

Adjutant Gen-  
eral of Militia,  
his rank, pay  
and duties.

**137.** There shall be an Adjutant General of Militia for the 40 Province, who shall hold office during pleasure, and shall have the rank of Colonel in the Militia, and who shall be a person

educated to the military profession, and who has attained the rank of Field Officer in Her Majesty's Service, and who shall be paid by the Province *at the rate of* \_\_\_\_\_ *dollars per annum*; he shall be charged under the orders of the Commander in Chief with the military command and discipline of the Militia.

138. There shall be two Deputies Adjutant General of Militia, one for Upper Canada and one for Lower Canada; and each of them shall hold office during pleasure, shall have the rank of Lieutenant-Colonel in the Militia, and shall be paid by the Province *at the rate of* \_\_\_\_\_ *dollars per annum*.

Deputies Adjutant General, their rank, pay and duties.

#### CALLING OUT THE MILITIA.

139. The Commander in Chief may call out the Militia or any part thereof for service, either within or without the Province, whenever it is in his opinion advisable so to do, by reason of war, invasion, disturbance or insurrection, or imminent danger of any of them; and in any such case the Volunteer and Regular Force shall first take the Field, then the Reserve Force, then Additional Active Battalions from the Service Sedentary Force and lastly the Retired Sedentary Force.

Commander in Chief may call out Militia in certain cases.

Order in which Forces shall take the field.

140. The Colonel commanding any Military District, or the officer commanding any Volunteer or Regular Battalion, may, upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of the Commander in Chief is known.

Colonels or commanding officers may call out Militia within their command until pleasure of Commander in Chief is known.

141. The Militia so called out by their Commanding Officer shall immediately obey all such orders as he may give, and march to such place within or without the division as he may direct.

Militiamen bound to obey.

142. When the Militia of any district or division are called out, in case of war, insurrection or invasion, or imminent danger thereof, all Corps of Volunteers in such district or division shall be included in the order and shall obey the Officer issuing it.

Volunteer Corps to be included.

143. When the whole Militia of the Province are called out, all the Volunteer Corps shall be included and shall immediately obey the orders they receive.

And so when the whole Militia is called out.

144. Each Active or Sedentary Militiaman called out for actual service shall attend at such time and place as may be directed by the Officer commanding him, with any arms and accoutrements he has received from the Province, and with such provisions as such officer may direct.

Militiamen to attend with arms and provisions.

Persons unfit for duty to be rejected and another drafted.

**145.** No man drafted and unfit from bodily infirmity to perform his duty, shall be taken for service, but another man fit for service shall be drafted in his stead.

Militia, when called out, &c. to be subject to articles of war.

**146.** The Militia so called out, for training, or in aid of the civil power or for actual service and every officer or man 5 belonging to it, shall from the time he has been ordered, taken or drafted for any of such services, in addition to the penalties imposed by this Act, be subject to the 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 10 province, and not inconsistent with this Act; 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 shall not apply to 15 the Militia.

Rank and command of Officers as regards Militia.

**147.** Any body of Militia so called out shall be commanded by the Officer highest in rank then present, or the senior of two or more Officers of equal rank;—Officers of Her Majesty's Regular Army shall always be reckoned senior to all Militia 20 Officers of the same rank, whatever be the dates of the respective commissions;—And Colonels appointed by Commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of Militia, whatever be the date of their respective Commissions. 25

For what offences only, Militiamen may be sentenced to death.

**148.** No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any gar- 30 rison, 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.

Officer of Regular Army on full pay not to sit, &c.

**149.** No Officer of Her Majesty's regular Army on full pay shall sit on any Militia Court Martial.

**BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &c., FOR THEIR TRANSPORT AND USE.**

What shall be furnished by those on whom they are billeted.

**150.** When Her Majesty's Regular Forces or the Militia 35 are on a march within this Province, and billeted as herein after mentioned, every householder therein shall, when required, furnish them with house-room, fire and utensils for cooking, and candles;—And in cases of emergency, by actual invasion 40 or otherwise, the Officer commanding the Regiment, Battalion or Detachment of Troops or Militia, may direct and empower any Officer or non-commissioned Officer of the same, or other person, after having first obtained a warrant for such purpose

Impressing carriages, &c., on emergency.

from a Justice of the Peace, to impress and take such horses, carriages or oxen as the service may require, the use of which shall be thereafter paid for at the usual rate of hire for such horses, carriages or oxen.

5 **151.** When the said Troops of Her Majesty, or the Militia, or any Regiment, Battalion, or Detachment of the same, are on a march as aforesaid, the officer or non-commissioned Officer commanding them shall require a Justice of the Peace to billet, and such Justice shall immediately thereupon so billet  
10 the said Troops or Militia as to facilitate their march, and in such manner as may be most commodious to the inhabitants;— And every inhabitant householder shall receive the Troops or Militia so billeted upon him, and furnish them with the lodging and articles mentioned in the next preceding section.

Justice of the Peace to billet on requisition of Commanding Officer.

15 **152.** No Officer shall be obliged to pay for his lodging where he is regularly billeted; but each householder upon whom such soldiers are billeted shall receive from Government for each non-commissioned Officer, Drummer and Private of Infantry, a daily rate of ten cents, and for each cavalry soldier,  
20 whose horse shall be also provided with stabling and forage, a daily rate of twenty-five cents; And every Officer or non-commissioned Officer to whom it belongs to receive, or who does actually receive the pay for any officers or soldiers, shall, every four days, or before they quit their quarters if they do not  
25 remain so long as four days, settle the just demands of all householders, victuallers, or other persons upon whom such officers and soldiers are billeted, out of their pay and subsistence money, before any part of the said pay or subsistence money shall be distributed to them respectively, provided such  
30 demands do not exceed in amount their pay and subsistence money for the time, beyond which credit is not to be granted.

Lodging of Officers not to be paid for;

Allowance for men billeted;

Proper Officers to settle accounts of Officers and soldiers out of their pay, &c.

**153.** When the safety of this Province requires that the said Troops of Her Majesty or Militia, or any Regiment, Battalion or Detachment of the same should be cantoned in any part of  
35 this Province, any Justice of the Peace in the places where such Troops or Militia are cantoned, shall, upon receiving an order from the Officer commanding them, or on a requisition from the Officer commanding any such cantonment, quarter and billet the Officers, non-commissioned Officers, Drummers and  
40 Privates of the said Troops or Militia, upon the several inhabitant householders, as near as may be to the place of cantonment, avoiding as much as possible to incommode the said inhabitants, and taking due care to accommodate the said Troops or Militia.

Quartering and billeting troop, &c., in cantonments.

45 **154.** If any inhabitant considers himself aggrieved by having a greater number of the said Troops or Militia billeted upon him than he ought to bear in proportion to his neighbours, then on complaint being made to two or more Justices of the locality

Complaint of persons aggrieved, and how redressed.

where such Troops or Militia are cantoned, they may relieve such inhabitant, by ordering such and so many of the said Troops or Militia to be removed and quartered upon such other person or persons as they see cause, and such other person or persons shall receive such Troops or Militia accordingly. 5

No Justice, being an officer, to billet or quarter Troops.

**155.** No Justice of the Peace having any Military Office or Commission in the said Troops or Militia, shall directly or indirectly be concerned in the quartering or billeting of any Officer, non-commissioned Officer, or Soldier of the Regiment, Corps or Detachment under the immediate command of such Justice or Justices.

Troops not to be billeted upon Nuns, &c.

**156.** Nothing in this Act contained shall be construed to authorize the quartering or billeting of any Troops or Militia either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige any such Religious Order to receive such Troops or Militia, or to furnish them with lodging or house room. 15

Justice may require persons to furnish carriages, &c., for Troops.

**157.** When any Troops of Her Majesty or any Militia are so cantoned as aforesaid, any Justice of the Peace where such cantonment is made, upon receiving an order to that effect from the Officer commanding the said Troops or Militia, or a requisition in writing from the Officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said Troops or Militia,—shall issue his Warrant to such person or persons as are possessed of carriages, horses or oxen, within his jurisdiction, requiring him or them to furnish the same for the service aforesaid, and if any person after receiving such Warrant, refuses to furnish the same, they may be impressed and taken for such service ;—

May be impressed on refusal to furnish.

But no such carriage, horse or ox, or any carriage, horse or ox mentioned in the previous sections of this Act, shall be compelled to proceed more than thirty miles, unless in cases where other carriages, horses or oxen cannot immediately be had to replace them ; and such carriages, horses or oxen shall be paid for at the usual rate of hire. 35

Limitation of travel.

How paid.

In case of emergency, boats, &c., may be required in like manner.

**158.** In cases of emergency, when it is necessary to provide proper and speedy means for the conveyance by railway or by water of the Troops of Her Majesty or of the Militia, and also of their ammunition, stores, provisions and baggage,—any Justice of the Peace of and in the locality where such Troops or Militia are either on a march or in cantonment, upon receiving a requisition in writing from the Officer commanding such Troops or Militia, for such railway cars and engines, boats or other craft, as are requisite for the conveyance of the said Troops or Militia, and their ammunition, stores, provisions and baggage,—shall issue his warrant to such person or persons as are possessed of such railway cars and engines, boats or other craft within his jurisdiction, requiring him or them to furnish



the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such railway cars and engines, boats or other craft;—  
 And if any such person neglects or refuses, after receiving  
 5 such warrant, to furnish such railway cars or engines or boats or other craft for that service; such railway cars or engines, boats or other craft may be impressed and taken for such service;—But nothing herein shall impair the effect of any Act obliging any Railway Company to convey such  
 10 Troops, Militia, and other articles aforesaid, in any manner or on any terms and conditions therein mentioned, or to release any such Company from any obligation or penalty thereby imposed.

Rate of pay.

May be impressed on refusal to furnish.

As to Railways

## OFFENCES AND PENALTIES.

**159.** All contraventions of this Act and of Regulations or  
 15 Orders lawfully made or given under it, when the Militia or that portion thereof to which the offender belongs, is not called out for actual service, shall be punishable as hereinafter provided, and in such cases Courts Martial shall not be held.

Contraventions of Act or of Regulations to be punished.

**160.** All articles of engagement entered into by Volunteer  
 20 Corps, and previously approved by the Commander in Chief, in so far as they are not inconsistent with this Act, shall be enforced, and the penalties which may be thereby imposed shall, whenever they are incurred, be recoverable in the manner hereinafter mentioned, by the person or officer designated for  
 25 that purpose in such articles, to such uses as may be therein directed.

Articles of engagement of Volunteers may be enforced.

**161.** Any officer or non-commissioned officer of the militia who obtains, under false pretences or who retains or keeps in his own possession, with intent to apply to his own use or  
 30 benefit, any of the pay or moneys belonging to any officer, non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

Unlawfully retaining moneys belonging to Militiamen to be a misdemeanor.

**162.** Any person making an Affidavit or Declaration required  
 35 in and by this Act, and swearing or declaring falsely therein, shall be guilty of perjury.

False swearing to be perjury.

**163.** Any officer of the militia, refusing or neglecting to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any lawful authority, or  
 40 wilfully making any false statement in any such roll, return, or copy, shall thereby incur a penalty of forty dollars for each offence.

Refusal to make roll, &amp;c.

**164.** Any officer or non-commissioned officer of militia refusing or neglecting to assist his Commanding Officer in making  
 45 any such roll or return, or refusing or neglecting to obtain or

Refusing to assist in making rolls, &amp;c.

to assist him in obtaining any information which he may require in order to make or correct any roll or return, shall thereby incur a penalty of twenty dollars for each offence.

*Refusing to give information for making roll, &c.*

**165.** Any militiaman or other person refusing or neglecting to give any notice or information necessary for making or correcting the Roll of any Company, and which he is required by this Act to give to the Commanding Officer of such Company or to any officer or non-commissioned officer thereof demanding the same at any seasonable hour and place, shall thereby incur a penalty of ten dollars for each offence. 10

*Neglecting to attend muster or misbehaving thereat, &c.*

**166.** Any militia officer, non-commissioned officer or man, not exempt by commutation or otherwise under this Act from attending muster or training, who neglects or refuses to attend the same at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such muster or training, shall thereby incur a penalty of not more than five dollars for each offence; and in case of training absence for each day shall be held to be a separate offence. 15

*Hindering Militia at Drill.*

**167.** Any person who interrupts or hinders any militia at Drill, or trespasses on the bounds set out by the proper officer for such Drill, shall thereby incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer, until such Drill be over for the day. 20

*Disobeying orders, &c.*

**168.** Any officer, non-commissioned officer or militiaman disobeying any lawful order of his superior officer, or guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty of five dollars for each offence. 25

*Not keeping arms, &c., in proper order.*

**169.** Any officer, non-commissioned officer or militiaman who fails to keep any arms or accoutrements delivered or entrusted to him in proper order, or who appears at drill, parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence. 30

*Selling, without leave, any horse drilled and approved for any Troop, &c.*

**170.** Any officer, non-commissioned officer or man of any Troop of Cavalry or Battery of Field Artillery, who, without the consent of the Commanding Officer of such Corps, sells or disposes of any horse which has been drilled for the purposes of such Corps, or which he has undertaken to furnish for such purposes; and which has been approved by the Commanding Officer of the Corps, shall thereby incur a penalty of twenty dollars for each offence. 35 40

*Unlawfully disposing of arms, &c.*

**171.** Any person who unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown, or who refuses to deliver up the same when lawfully 45

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 twenty dollars for each offence;—But this shall not prevent such offender from being indicted and punished for  
 5 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  
 10 there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements or articles with him.

Act to prevent indictment.

Arrest of offenders about to leave the Province.

**172.** Any officer or man of a Corps who, when such Corps is lawfully called upon to act in aid of the civil power,  
 15 refuses or neglects to go out with such Corps, or to obey any lawful order of his superior officer or of any magistrate, shall thereby incur a penalty of twenty dollars for each offence.

Refusing to turn out in aid of civil power.

**173.** Any inhabitant householder who refuses or neglects to receive any Troops or Militia billeted upon him or to furnish  
 20 them with the lodging and articles which he is by this Act required to furnish, shall thereby incur a penalty of eight dollars for each offence.

Refusing to receive Militia billeted.

**174.** Any person lawfully required under this Act to furnish any carriage, horse or ox, for the conveyance or use of any  
 25 Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty of eight dollars for each such offence.

Refusing to furnish carriages, &c.

**175.** Any person lawfully required under this Act to furnish any railway car or engine, boat or other craft, for the  
 30 conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty of twenty dollars for each such offence.

Or any car, engine, boat or craft.

**176.** Any person who wilfully contravenes any enactment of this Act when no other penalty is imposed for such con-  
 35 travention, shall thereby incur a penalty of twenty dollars for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

Contravening Act where no penalty provided.

**177.** All penalties incurred under this Act shall be recoverable, with costs, by summary conviction on the evidence of  
 40 one credible witness, on complaint or information before one Justice of the Peace if the amount do not exceed twenty dollars, and before two Justices of the Peace if the amount exceeds that sum;—And any officer, non-commissioned officer or private shall be a competent witness in any such case.

Recovery of penalties by summary proceeding.

**178.** And in case of non-payment of the penalty immediately after conviction, it shall be lawful for the convicting  
 45

Power of committal to gaol, on non-pay-

ment of  
penalty.

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 territorial division 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 5  
days nor more than days when the penalty does not exceed twenty dollars, and for a period of not less than days nor more than days when it exceeds the last mentioned sum.

On whose  
complaint pen-  
alties may be  
sued for.

**179.** No prosecution against an Officer of Militia for any 10  
penalty under this Act shall be brought except on the com-  
plaint of the Adjutant General;—And no such prosecution  
against any non-commissioned officer or private of the Militia,  
shall be brought except on the complaint of the Commanding  
Officer or Adjutant of the Battalion or Corps or Captain of the 15  
Company or Corps to which such non-commissioned officer or  
private belongs;—But the Adjutant General may authorize any  
officer of Militia to make such complaint in his name, and the  
authority of any such officer alleging himself to have been so  
authorized to make any complaint, shall not be controverted or 20  
called in question except by the Adjutant General.

Evidence of  
authority to  
sue.

Limitation of  
time for prose-  
cutions.

**180.** No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms or accoutrements delivered to the Militia. 25

To whom pen-  
alties to be  
paid.

**181.** The penalty when recovered shall be paid over to the Town or Staff Adjutant who shall account for and pay it over to the Receiver General.

#### MISCELLANEOUS PROVISIONS.

Orders and  
notices need  
not be in  
writing, if  
given in per-  
son.

**182.** It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required, that 30  
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.

**183.** All General Orders of Militia, or other Militia Orders 35  
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 *prima facie* evidence of such orders. 40

Military Dis-  
trict or Bat-  
talion Division  
Orders how  
notified.

**184.** All Orders made by the Commanding Officer of a Military District or of a Battalion Division, shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in such division, or, if

there be none, then in some neighbouring division, and by posting a copy thereof on the door of the church or of some court-house, mill, or other public place, in each Company Division in such District or Battalion Division.

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

Evidence of Commissions, Warrants, &c.

**186.** Every bond to the Crown entered into by any person under the authority of this Act, or according to any General Order or Regulations made under it, or for the purpose of  
15 securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, before any Judge or Justice of the Peace, or officer therein authorized to take the same, shall be valid and may be estreated or enforced accordingly.

Bonds entered into, in pursuance of this Act, to be valid.

20 **187.** Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered in any manner  
25 in which such debts may be recovered.

Sums of money payable to Crown under this Act, how recoverable.

**188.** Every action and prosecution against any Officer or person, for any thing done in pursuance of this Act, shall be laid and tried in Lower Canada in the district, and in Upper Canada in the county, where the act complained of was done,  
30 and shall not be commenced after the end of six months from the doing of such act, nor until one month's notice in writing of the action and of the cause thereof has been given to the defendant;—And in any such action the defendant may plead the general issue and give this Act and the special  
35 matter in evidence at the trial;—And no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought.

Protection of Officers, &c., in pursuance of Act;

Limitation.

Tender of amends.

40 **189.** If a verdict passes for the defendant in any action referred to in the next preceding Section, or the plaintiff becomes non-suit or discontinues the action after issue joined, or if on demurrer or otherwise judgment is given against the plaintiff,—the defendant shall recover his full costs as between  
45 attorney and client, and shall have the same remedy therefor as any defendant hath in other cases;—And though a verdict is given for the plaintiff, he shall not have costs against the

If plaintiff be non-suit, &c.

No costs against defend-

ant except  
under Judge's  
certificate.

defendant, unless the Judge before whom the trial has been had certifies his approbation of the action and the verdict therein.

Payment of  
moneys under  
this Act ;

**190.** All sums of money required to defray any expense authorized by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor to the Receiver General ; and such warrants may be made in favour of the Paymaster of Militia, to enable him to pay such expense, or in favour of the party directly entitled to the money ; But no sum of money shall be so paid out of the Consolidated Revenue Fund until first approved of by resolution of the Legislative Assembly in the annual estimates. 5 10

Proviso.

Accounting to  
Parliament.

**191.** A detailed account of all moneys advanced or expended under this Act shall be laid before each Branch of the Provincial Parliament during the then next session thereof. 15

Interpretation  
Act.

**192.** The Interpretation Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act.

Interpretation  
Clause.

**193.** The word " Corps " shall, for the purposes of this Act, include any Field Battery, Troop of Cavalry, Foot Company of Artillery or Rifle Company, or any Battalion or Regiment. 20