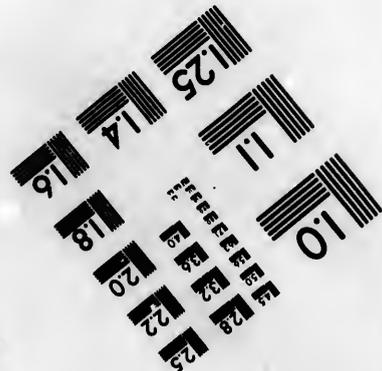
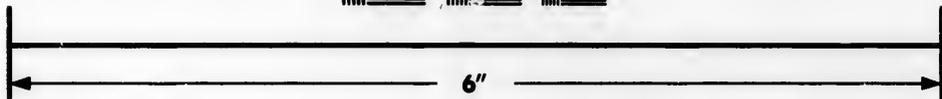
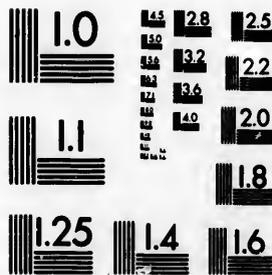


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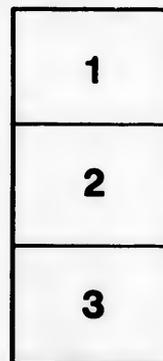
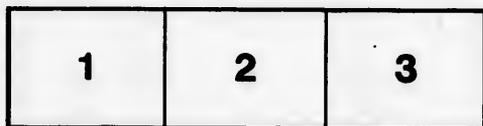
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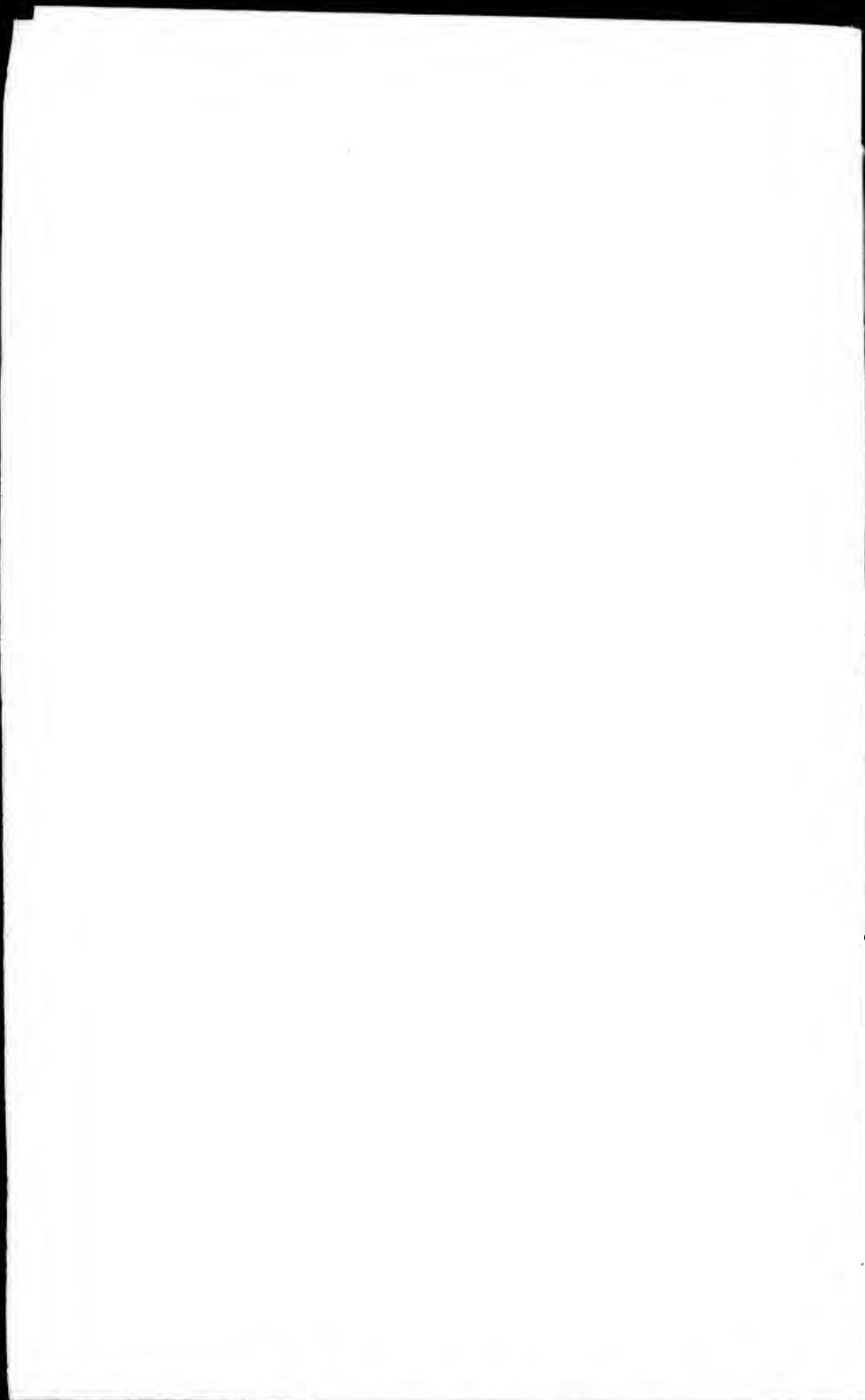
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CONSTITUTION & BY-LAWS
OF THE
THIRD COMPANY
Toronto V. Rifles,



APPROVED, MARCH 8th, 1857.

TORONTO:

FARRELL & JACQUES, PRINTERS: SIGN OF THE "GOLDEN SUN."

1857.

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CONSTITUTION

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Third Company, T. V. R.

FOUNDED ON

EXTRACTS FROM MILITIA ACT.

The Active Militia of the Province in time of peace, shall consist of Volunteer Troops of Cavalry, field Batteries, foot Companies of Artillery, and Companies of Infantry armed as Riflemen, to be formed at places to be designated by the Commander in Chief, but not exceeding in the whole sixteen Troops of Cavalry, seven field Batteries of Artillery, five foot Companies of Artillery, and five Companies of Riflemen : the total of such Volunteer Corps not exceeding five thousand Officers and men

Each Volunteer Troop of Cavalry, Company of Foot Artillery, or Company of Riflemen shall consist of a Captain a Lieutenant a Cornet, Second Lieutenant or Ensign, three Sergeants three Corporals, a Trumpeter or Bugler, and not exceeding forty-three Privates, except in Companies of Riflemen wherein the number of Privates may be any number from forty-three to seventy-five

All Volunteer Companies shall be formed and may be disbanded by authority of the Commander in Chief, as may in his opinion best tend to further the purposes of this Act.

The arms and accoutrements of the officers and men of the several Volunteer Companies shall be such as the Commander in Chief shall from time to time direct, but of the most serviceable kind without unnecessary ornament ; such arms and accoutrements shall be furnished to the non-commissioned-officers and Privates of the said Volunteer

Corps at the expense of the Province, but shall always remain Provincial Property and the parties receiving them shall be accountable for them ; and the Commander in Chief may direct such security as he may think 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 shall for any purpose direct such re-delivery.

The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province whenever such renewal or repair shall become 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 may 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.

The arms and accoutrements of non-commissioned officers and men of Volunteer Companies shall be kept by them, except in cases where the Commander in Chief shall direct them to be kept in Armouries, as he may do ; in which case if there be no Public Armoury in which he shall direct them to be kept the Captain of the Company shall provide a proper place and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of such arms and accoutrements

Commissioned Officers of the said Companies shall furnish their own arms and accoutrements.

The Volunteer Militia Companies shall be drilled and exercised at such time in each year and at such places as the Commander in Chief may from time to time appoint ; the Volunteer Field Batteries being so drilled and exercised during twenty days in each year, of which twenty days ten shall be continuous, and the other *Volunteer Corps once in each year during ten continuous days*, Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander in Chief shall see fit.

The Adjutant General shall draw up, under the direction of the Commander in Chief, a code of instruction and drill,

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exercise for the said Volunteer Companies, based on that in use in Her Majesty's Regular Army, and each Commissioned Officer of a Volunteer Company shall be furnished with a copy, and shall be governed by the said code in drilling and exercising the corps in which he belongs.

For each day on which they shall be so drilled, the Officers and men of the said Volunteer Companies shall be paid by the Province the following sums :

Captains per diem.....	£0	10	6
Lieutenants "	0	7	6
Second do.	0	6	6
Non-Commissioned Officers and Privates,	0	5	0

and a further sum of five shillings per diem for each horse actually and necessarily present and used for such drill, whether belonging to officers or to Privates

Nothing herein contained shall be construed to prevent any such Company from assembling or being ordered out by the Officer Commanding it for drill or exercise, without receiving any pay therefor from the Province, according to any articles of engagement or regulations of such Company, previously approved by the Commander in Chief ; and any such articles, in so far as they are not inconsistent with the 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 that purpose in such articles, to such uses as may be therein directed.

Sufficient ammunition for practice at drill shall be supplied to the Volunteer Companies at the expense of the Province, in such manner as the Commander in Chief shall direct.

Each Serjeant Major of a Volunteer Field Battery of Artillery shall on account of the great responsibility attached to the office, be paid by the Province at the rate of fifty pounds per annum ; and competent persons shall be appointed by the Commander in Chief to drill the other Volunteer Companies, and shall be paid by the Province seven shillings and six pence currency per diem, when so employed.

The said Volunteer Companies shall be liable to be called out in aid of the ordinary Civil power in case of riot or

other emergency requiring such services, and shall when so employed receive from the Municipality in which their services shall be required, the rates of pay above mentioned, and a further sum of ten shilling and six pence per man per diem for additional expenses, and shall be also provided with proper lodging by such Municipality; and the said sum, and the value of such lodging if not furnished by the Municipality, may be recovered from it by the Captain of the Company, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

It shall be the duty of the Captain or Officer commanding any such Volunteer Company to call out the same, or such portion thereof as may be 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 shall be, or any two Magistrates therein, and to obey such instructions as shall be lawfully given him by any Magistrate in regard to the mode of quelling such Riot; and every Officer, non-Commissioned Officer and man of such Company 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 may and shall act as such as long as they shall remain so called out.

The Officers, non-Commissioned Officers and men of Volunteer Companies, shall, while they shall continue such, be exempt from serving as Jurors or Constables; and whenever they shall have served as such in one or more Volunteer Companies, during a term of seven years, such exemption shall continue after the expiration of the said term.

No non-Commissioned Officer or Man of any Volunteer Company, shall, in any case, unless legally discharged, leave the same without giving at least one month's notice in writing to the Commanding Officer thereof of his intention to leave the same; nor shall he, at any time, leave the same contrary to the engagement contained in any articles of engagement he shall have signed.

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inspection from time to time by Field Officers to be appointed by the commander in chief for that purpose, one for Upper and one for Lower Canada, and paid by the Province, who shall report fully to the Governor on the state of the corps and their arms, and act generally according to the instructions they shall receive from the Commander in Chief, and shall be paid by the Province, at the rate of four hundred pounds per annum each, and reimbursed their travelling expenses.

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

All the non-Commissioned Officers in the Provincial Militia, shall be appointed by the Officer commanding the Battalion to which they belong, except in Volunteer Companies where they shall be appointed by the Captain thereof, and shall hold their rank during pleasure.

No person shall be an Officer of Militia unless he be one of Her Majesty's subjects by birth or naturalization, and shall have taken the oath of allegiance

The Commander in Chief shall have full power to call out the Militia or any part thereof, whenever it shall in his opinion be advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them.

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

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

When the Commander in Chief shall call out the Militia and the emergency shall not be such as to require that the whole of the Sedentary Militia or of any class thereof, or the whole in any Militia Division or of any class of Militiamen therein, be taken for actual service, he may, from time to time direct the number of men to be furnished from the Sedentary Militia of the whole Province or of any Militia

Division thereof, over and above the Volunteer Companies therein, which shall always be the first taken for actual Service.

Any Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander in Chief shall think fit so to do.

The Militiamen so taken or drafted for actual service from the Sedentary Militia, shall serve during one year unless sooner disbanded, and may then be replaced by others in the same class who shall have been taken; but the men in Volunteer Militia Companies shall serve for the time for which they have engaged to serve, which time shall not be less than five years, subject, however, to be determined on one month's notice as hereinbefore mentioned; Provided that no Volunteer shall leave the service, either with or without notice, at any time when the Militia are called out, unless he be regularly discharged or have served out the time for which he engaged.

No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorous delivering up the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy; and no sentence of any General Court Martial shall be carried into effect until approved by the Commander in Chief.

No Officer of Her Majesty's regular army shall sit on any Militia Court Martial.

If there be at any such place no building adapted to be used as such Armoury, the Commander in Chief may cause a proper building to be erected, at a cost not exceeding seven hundred and fifty pounds for each such building; or he may cause any public building or part thereof to be altered so as to adapt it for such Armoury at a cost not exceeding one half the said sum.

The Commander in Chief may employ a proper person to have charge of each such Armoury and of the arms therein, and may cause such person to be paid at a rate not exceeding seventy-five pounds per annum.

Any Officer of Militia refusing or neglecting to make or transmit, as herein prescribed, any Roll or Return, or copy

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thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such Roll, Return, or copy, shall thereby incur a penalty of Ten Pounds, for each offence.

Any Officer or non-commissioned Officer of Militia refusing or neglecting to assist his Commanding Officer in making any such Roll or Return, or refusing or neglecting to obtain or 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 five pounds, for each offence.

Any Militiaman or other person refusing or neglecting to give any notice or information which may be necessary for making or correcting the Roll of any Company, and which he is required by this Act to give to the Commanding Officer thereof demanding the same at any seasonable hour and place, shall thereby incur a penalty of two pounds ten shillings for each offence.

Any Militia officer or man, not exempt from attending muster, who shall neglect or refuse to attend the same at the place and hour appointed therefor, or shall refuse or neglect to obey any lawful order at or concerning such muster, shall thereby incur a penalty of not more than one pound five shillings, for each offence.

Any person who shall interrupt or hinder any Militia at Drill, or shall trespass on the bounds set out by the proper officer for such Drill, shall thereby incur a penalty of one pound five shillings, 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.

Any Officer, non-commissioned Officer or Militiaman, who shall disobey any lawful order of his superior officer, or shall be guilty of any insolent or disorderly behaviour towards such Officer, shall thereby incur a penalty of one pound five shillings, for each offence.

Any Officer, non-commissioned Officer or Militiaman, who shall fail to keep any arms or accoutrements delivered or entrusted to him in proper order, or shall appear 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 one pound, for each such offence.

Any person who shall unlawfully dispose of or remove any arms, accoutrements or other articles belonging to the Crown, or refuse to deliver up the same when lawfully required, or shall have the same in his possession, except for lawful cause the proof of which shall lie upon him, shall thereby incur a penalty of five pounds for each offence ; but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid ; and any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements or articles with him.

Any Officer or Man of a Volunteer Militia Company who when such Company shall be lawfully called upon to act in aid of the Civil power, shall refuse or neglect to go out with such Company, or to obey any lawful order of his Superior Officer or of any Magistrate, shall thereby incur a penalty of five pounds for each offence.

Any person who shall wilfully contravene any enactment of this Act when no other penalty is imposed for such contravention, shall thereby incur a penalty of five pounds for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

No prosecution against an Officer of Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant General ; and no such prosecution against any non-commissioned officer or private of the Seditary Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Captain of the Company to which such non-commissioned officer or private shall belong ; and no such prosecution against any private or non-commissioned officer of a Volunteer Company, shall be brought except on complaint of the Captain or Commanding officer thereof : but the Adjutant General may authorise any officer of Militia to make

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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 called in question except by the Adjutant General.

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.

The penalty when recovered shall, if the offender belong to the Active or Volunteer Militia, be paid over to the officer commanding the Company, for the purposes thereof, and shall be applied by him to such purposes and accounted for by him to the Adjutant General; and if the offender belong to the Sedentary Militia then the same shall be paid over to the Assistant Adjutant General, who shall account for and pay it over to the Receiver General for the public uses of the Province, and it shall make part of the Consolidated Revenue Fund.

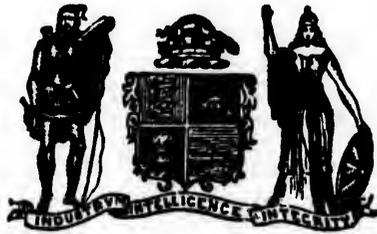
It shall not be necessary that any order or notice under this Act be in writing, unless it is herein provided that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his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

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 of the person granting or making such commission, appointment, warrant, or order.

Every sum of money which any person or corporation shall be under this Act liable to pay or repay to the Crown, or which shall be 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 in which such debts may be recovered.

Every action and prosecution against any officer or per-

son, for anything 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, and shall not be commenced after the end of six months from the doing of such act, nor until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant; and in any such action the defendant may plead the general issue, and give this Act and the special 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.



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BY-LAWS

OF

Third Company, T. V. R.

ARTICLE I.

That no person be admitted a member of this (No. 3.) Company, unless he be proposed by a member thereof, and certified to, as to his respectability and fitness for such membership.

ARTICLE II.

That the sum of Ten Shillings Currency, be paid as an Entrance Fee, by each person, on signing the Service Roll and By-Laws.

ARTICLE III.

That in case of Sickness, any member who shall have served six months, and is in good-standing, shall receive weekly the sum of Ten Shillings currency during such sickness; and in case of Death, that the sum of Three Pounds be awarded to the nearest relative of the deceased member, for the purpose of defraying funera! expenses, &c. And further, that no sick member shall receive the sum of Ten Shillings per week, unless a written certificate be produced from the Surgeon of the Company, testifying as to the sickness of such member.

ARTICLE IV.

That a Finance Committee be appointed by this Company, consisting of five members, who shall hold their office for one year.

ARTICLE V.

The Finance Committee shall have complete control of all purchases, contracts, and investments, ordered by the

Company, and shall present three quarterly, and one annual Report of its proceedings, and the state of the Finances.

ARTICLE VI.

That the Uniform of this Company, shall be of the Tunic pattern, (in accordance with General orders to that effect) of Dark Green Rifle Cloth with Black Braid, and Black Cloth Trousers, with Black Stripe on the outer seam, Forage Cap with Silver plated Bugle above peak, a Shell Jacket of Rifle Green Cloth, and Black Leather Stock.

ARTICLE VII.

That the Regular Meetings of this Company, for Private Business, shall be held on the first Tuesday in each month, at Eight o'clock, P.M., precisely, and at such place as the officer commanding may deem fit, and that the same be attended in full dress, when the monthly dues of Two Shillings and Sixpence currency, each Commissioned Officer and Honorary Member, and One Shilling and Three Pence, currency each non-Commissioned officer and Private shall be paid.

ARTICLE VIII.

That each member on joining this Company shall furnish himself with a complete outfit, within one month of the date of his admission, under a penalty of Ten Shillings currency.

ARTICLE IX.

That any Private Member of this Company, being absent from the drill, on the Regular stated Drill night, shall forfeit the sum of One Shilling and Three Pence currency, and each Commissioned Officer, the sum of Two Shillings and Sixpence currency, and for the Monthly full dress meeting, that the fine be doubled.

ARTICLE X.

Any Member of the Company, wearing any portion of the Uniform shall be responsible to the Company, for his conduct.

ARTICLE XI.

No Member shall be permitted to lend his uniform, or any portion thereof to any gentleman, not a member of this Company.

ARTICLE XII.

The Company shall have the power of ordering an Excursion, by a vote of two-thirds of the members present at any meeting. The Member proposing said Excursion, shall give one week's notice of his intention, and the Color-Sergeant shall inform members of the proposal, and the evening on which it shall be considered.

ARTICLE XIII.

At all Meetings, one Officer, one non-Commissioned Officer, and ten Privates shall constitute a Quorum.

ARTICLE XIV.

Any Member leaving the City for any space of time shall have the privilege of obtaining a furlough from the Captain (in case of his absence from the next senior officer in command) for three months, during which time he shall be exempt from all fines, dues, and penalties, should he neglect to procure such furlough, he shall be subject to these Rules as if in the City.

ARTICLE XV.

Any Member being sick, or engaged in such business as shall prevent his attendance at any stated meeting or drill, of which he shall have been duly notified, shall notify the Officer in command, or Color-Sergeant of such cause, and such notification shall be deemed a fit and proper excuse otherwise he shall be amenable to these laws.

ARTICLE XVI.

Any Member absenting himself from three consecutive monthly meetings, without complying with Article xiv., shall be liable to expulsion.

ARTICLE XVII.

The Color-Sergeant shall, at each Quarterly Meeting, lay before the Company the names of all absentees, with date of absence, and state those who have complied with Article xiv.

ARTICLE XVIII.

The Secretary shall keep a correct account of all proceedings at each and every meeting of the Company, also of monies received, absentees, delinquents, &c.

ARTICLE XIX.

That any Member leaving the Company, or being expelled therefrom, may leave his tunic and shell jacket in the Company, for which he shall be remunerated according to valuation by the Company.

ARTICLE XX.

All motions for alterations in the foregoing By-Laws, &c. shall be laid before the Meeting in writing accompanied by name of proposer and seconder, and a'l such motions for alterations or amendments shall be laid over until the next monthly meeting.

ARTICLE XXI.

A member wishing to withdraw from the Company can do so on giving one month's notice, and settling his accounts in the Secretary's Books. The Captain shall then give him a formal discharge.





RULES OF ORDER.

SECTION 1.

When a Member wishes to speak on any subject, he shall rise and address the Officer in command, and no member shall be permitted to speak more than twice on the same motion, (except in explanation, by special permission of the Chairman.)

SECTION 2.

The Officer in Command shall open all business meetings of the Company by calling the members to order and desiring the Color-Sergeant to call the Roll.

SECTION 3.

The order of business shall be as follows:—First, Minutes of Preceding Meeting. Second, collection of monthly dues. Third, Liquidation of Accounts. Fourth, Reports of the Board. Fifth, Motions pursuant to notice. Sixth, new Business. Seventh, adjournment.

SECTION 4.

When two members shall rise to address the Chair, the Chairman shall name the first speaker.

SECTION 5.

A Motion for adjournment shall be always in order, (except when a member is speaking in order.)

We, the undersigned Officers, non-Commissioned Officers, and Privates of the Third Volunteer Militia Rifle Company of Toronto, having adopted the foregoing By-Laws, Rules, and Regulations, at a Special Meeting of the Company held in Lamb's Hotel on the 12th February, 1857, hereby mutually agree strictly to perform the duties therein assigned to each of us, and at all times to obey the commands of a superior Officer given in virtue of the said Rules and Regulations:—

Captain JOHN NICKINSON.

Lieutenant JAMES SMITH.

Ensign ALEX. JACQUES.

Surgeon N. BETHUNE.

<i>Color-Sergt.</i> J. LeB. ROSS.	<i>Privt.</i> JOHN BARKER.
<i>Sergt.</i> F. M. FARRELL.	" N. SMITH.
<i>L. Sergt.</i> WM. CULLEN.	" T. SMITH.
" E. J. PREECE (Bug.)	" HUGH McCAW.
<i>Corpl.</i> R. COLLINS.	" S. HENDERSON.
<i>L. Corpl.</i> J. DRUMMOND.	" M. BULGER.
" JOHN KIRK.	" R. CULLEN.
<i>Privt.</i> A. BLESSLEY.	" P. CAMPION.
" JAMES HURST.	" W. HURST.
" F. MORRISON.	" R. LOCKER.
" H. BURROWS.	" W. WILSON.
" JOHN WRIGHT.	" W. H. GRAHAM.
" Jno. J. FARRELL	" JAS. McCAIRNS.
" G. FRIZZLE.	" T. THOMPSON.
" GEO. SHAW.	" JOHN MURPHY.
" JOHN HUNT.	" WM. McKAY.
" WM. PEROTT.	" D. McDONALD.
" R. H. LINDSAY.	" W. P. DOBIE.
" R. ALFRED.	" H. BOYDELL.
" T. THOMPSON.	



HONORARY MEMBERS.

RULES.

1. All persons becoming *Honorary Members* of the Corps, shall be entitled to acquire a knowledge of Military discipline, and will be allowed to fall in with the Regularly enrolled Men of the Company, providing they are in the proper Uniform of the Company.

2. Many Gentleman may be disposed to become *Honorary Members*, merely to assist and forward the welfare and efficiency of the Corps; consequently they need not, unless so disposed, render any Military services whatever.

3. All Honorary Members will be taxed the same as the *bona fide* Members of the Company; which tax, at present is 2s. 6d. per Month, to meet contingencies.

4. Honorary Members desirous of doing duty with the Company and acquiring a knowledge of the various duties of the Soldier, while under Arms or in Uniform, will be subject to the By-laws, Rules, Regulations and Discipline of the Corps.

5. On all Holidays, Celebrations, Balls, Dinners and other convivial Meetings of the Corps, Honorary Members not in Uniform will be distinguished by a piece of Scarlet Ribbon, tied in the button hole, on the left breast.

6. No person can be placed on the list of Honorary Members, without the approval of the Commanding Officer.

HONORARY MEMBERS
OF
Third Company, Toronto V. Rifles.

W. H. BOULTON,
GEORGE EWART,
ROBERT JONES,
JOHN SIDAWAY,
JAMES HENDERSON, Jr.,
JOHN SMITH,
R. ARNOLD,
J. C. PARTRIDGE,
WM. WAKEFIELD, Jr.,
THOMAS TILT,
JAMES BOULTON,
EDWIN SMITH,
JAMES MITCHELL,
WM. MONAGHAN,
A. DE GRASSI,
JAMES E. ELLIS,
G. B. HOLLAND,
JOHN BROWN,
JOHN McDONALD,
ROBERT MOODIE,
RICE LEWIS,
HENRY PRITTIE,
JAMES PRITTIE,
WILLIAM HOUSTON,
JAMES ASHFIELD.

5.

