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RULES
AND
REGULATIONS
OF THE
3RD VOLUNTEER
MILITIA RIFLE COMPANY
OF
MONTREAL.



TOGETHER WITH
EXTRACTS FROM THE MILITIA ACT RELATING
TO THE GOVERNMENT OF THE ACTIVE
OR VOLUNTEER FORCE.

MONTREAL :

PRINTED BY JOHN WILSON, M'GILL STREET.

MAY, 1856.

M. D. G. L. C.

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(42)

OFFICERS.

CAPTAIN ALEXANDER BERTRAM.

LIEUTENANT SAMUEL H. MAY.

ENSIGN PETER COOPER.

54674

RULES AND REGULATIONS.

R U L E I.

GOVERNMENT OF THE COMPANY.

Sec. 1.—This Company, in all matters relating to its organization, discipline and duty, shall be governed according to the Militia Law of the Province, and by such orders as may be issued by the Commander-in-Chief, from time to time.

Sec. 2.—The private business and internal arrangements of the Company shall be conducted according to such Rules of Order and agreement as may be adopted by the majority of members at any meeting held for that purpose.

R U L E I I.

UNIFORM.

Sec. 1.—The Uniform of the Company shall be a single-breasted Tunic of Rifle Green, with scarlet-facings, embroidered with black braid; Black Pantaloons, with broad red stripe and black braid down the centre of stripe; Forage Cap of Rifle Green, with black silk band, and a silver bugle, with the figure **B** in front. A Shako or Helmet will be adopted hereafter.

Sec. 2.—Each member on his enrollment shall pay whatever amount has been already paid into the funds on account of the uniform by those previously enrolled. Persons entering the Company after the uniform has been provided, shall either

pay the cost of a new uniform, or purchase that of the retiring member whose place he fills.

Sec. 3.—When a member leaves the Company, upon returning his uniform, or any part thereof, he shall be entitled to receive whatever value is placed upon it by the Financial Committee. Any member leaving the Company previous to the uniform being procured, shall be entitled to receive 75 per cent. of the money paid by him to the Clothing Fund.

Sec. 4.—Any member leaving the Company after the uniform has been procured, but before it has been wholly paid for, shall return it to the Captain, and an allowance shall be made to him for the amount paid by him on account.

Sec. 5.—Any member leaving and taking with him or keeping any article of uniform or equipment which has not been wholly paid for by him, shall render himself liable to be prosecuted, as in the case of taking or keeping the arms and accoutrements.

R U L E I I I .

MEMBERSHIP.

Sec. 1.—Persons entering the Company must be of good constitution, active habit, and of good moral character, and residents of the city.

Sec. 2.—The standard height, after the passing of these rules, will be 5 feet, 6 inches.

Sec. 3.—All applications for membership must be made either personally or through any of the officers or non-commissioned officers, to the Captain.

Sec. 4.—The character and standing of candidates for membership who may not be personally known to any of the officers, shall be referred to the Judicial Committee for investigation, and should they report unfavorably, the candidate will be rejected.

Sec. 5.—Persons joining when the Company is at its full strength, will be placed on the supernumery list, and when a vacancy occurs, the first on the list shall be taken to fill it up.

R U L E I V . BUSINESS MEETINGS.

Sec. 1.—Ordinary business meetings may be held after any drill, or when called by the Captain.

Sec. 2.—The annual business meeting shall be held on the 1st Monday in April, when a statement of the Financial affairs of the Company will be made, and the Treasurer and Secretary chosen, and the Committees appointed.

Sec. 3.—At all business meetings the Captain, and in his absence the Lieutenant or Ensign, will take the chair, and no legal business connected with the Company can be done at any meeting, unless one, at least, of the officers is present.

R U L E V . COMMITTEES.

Sec. 1.—Two Committees, the Judicial and Financial, consisting of five members each, shall be appointed annually, the officers to be members *ex officio*.

Sec. 2.—The duties of the Judicial Committee shall be to investigate charges that may be brought

against any member of the Company, and to inquire into the character of persons desirous of joining the Company, but who may not be personally known to the officers.

Sec. 3.—The duties of the Financial Committee shall be, to examine all accounts against the Company; to examine the Treasurer's books previous to the Annual Meeting; to decide upon the value of Uniform left by members who have resigned; and to make arrangements for the purchase of clothing and other necessaries for the Company.

Sec. 4.—Each Committee shall keep a record of its proceedings.

R U L E V I.

FUNDS.

Sec. 1.—There shall be a Clothing and a Contingent Fund.

Sec. 2.—The Clothing Fund shall be raised whenever any article of clothing or equipment is required, by a subscription of 5s. per month, from each member, and when he receives his Uniform he shall have paid into said Fund at least \$5.

Sec. 3.—The payment of this subscription shall cease whenever a sufficient sum is in the Fund to cover the amount due by the Company.

Sec. 4.—The members may also place the amount of pay received from Government, into this fund.

Sec. 5.—The Contingent Fund shall be raised by a subscription of 3s. 9d. per annum from each member. The Fines also shall go to this Fund, and it shall be applied to the payment of Rent of

Drill room, payment of Drill instructor, and other necessary expenses.

R U L E V I I .

DUTIES OF SECRETARY, TREASURER AND NON-COMMISSIONED OFFICERS.

Sec. 1.—The duties of the Secretary shall be to keep the minutes, and to assist the officers in notifying the members of business meetings.

Sec. 2.—The Treasurer shall have charge of the Funds. He shall collect all subscriptions and pay all accounts of the Company under the sanction of the Captain and Finance Committee, and render a correct statement of his accounts at the Annual Meeting. Any amount of funds over Ten Pounds, shall be placed by him in the Savings Bank, in the name of the Captain, Lieutenant and Treasurer, all of whose signatures shall be necessary for the withdrawal of any amount.

Sec. 3.—It shall be the duty of each of the Non-Commissioned Officers to keep a correct roll of the members, with the residence of each, to serve all orders and notices issued to the Company or any of the members thereof, by the Officer in command.

R U L E V I I I .

FINES AND PENALTIES.

Sec. 1.—Any member absenting himself from a Private Drill or Parade, shall be fined 7½d. for each drill.

Sec. 2.—Any member absenting himself from a Public Drill or Parade shall incur a fine of 2s. 6d. for each time.

Sec. 3.—The only excuse taken for absence will be sickness or on leave.

Sec. 4.—Any member absenting himself from town for a week, without sending notice to the Captain of said absence, shall be fined in the sum of 5s.

Sec. 5.—Any member appearing at a Private Drill or Parade, with arms or accoutrements in an inefficient state, shall incur a fine of 2s. 6d.

Sec. 6.—Members appearing at a Public Parade or Drill, with their arms or accoutrements out of order, shall incur the fine imposed by the Militia Act.

Sec. 7.—Any member appearing at a Parade or Drill, or at any other place, in Uniform, in a state of intoxication, or who may by his conduct bring disgrace upon the Company, shall render himself liable for expulsion.

Sec. 8.—When a member has been expelled the Company, all his interest in the funds shall cease.

R U L E I X .

In the event of the death of a member, the Company will be notified to attend the Funeral, and provided the relations will allow, the deceased will be buried with the Military Honours due to his rank.

R U L E X .

These Rules and Regulations may be altered or amended at any regular business meeting of the Company. Notice of such amendment having been given at a previous meeting.

EXTRACTS

From "An Act to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose."—CAP. 77, 18 VIC.

Volunteer Companies to be formed.

Sec. 21. 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 fifty Companies of Riflemen : the total of such Volunteer Corps not exceeding five thousand Officers and men.

Force of Volunteer Companies, respectively.

Sec. 22. 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 Serjeants, 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 ; and each Field Battery of Artillery shall consist of a Captain, two first Lieutenants, a Second Lieutenant, a Serjeant Major, three Serjeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty-nine Gunners and Drivers, including Wheelers, Collarmaker and Shoe-

ing-smith, fifty-six horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service.

On what authority formed and disbanded.

Sec. 26. 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 and the public good.

Arms, &c., of Volunteer Companies.

Sec. 27. 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 best and 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 safekeeping 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.

Repairing of Arms, &c.

Sec. 28. 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 shall be renewed or repaired by such person, or, if renewed or repaired at the cost at the Province, the cost may be recovered from such persons as a debt due by him to the crown.

By whom and where they shall be kept.

Sec. 29. 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.

Officers' Arms.

Sec. 30. Commissioned officers of the said Companies shall furnish their own arms and accoutrements.

Exemption of Arms, Horses, &c., from seizure.

Sec. 31. The Arms and Accoutrements of the officers and men of such Volunteer Companies, and the Horses used by them as such, shall be exempt from seizure in execution and from distress and assessment, nor shall any such horse be disposed of by any officer or man without leave of the Officer Commanding the Company.

How Volunteer Companies shall be drilled and exercised.

Sec. 32. The Volunteer Militia Company 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.

Adjutant General to draw up code of instructions.

Sec. 33. The Adjutant General shall draw up, under the direction of the Commander in Chief, a code of instruction, drill and 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 to which he belongs.

Volunteers to be paid while so at drill ; and at what rates.

Sec. 34. 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 Cornets or Ensigns.....	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.

Volunteers may be drilled at other times according to their articles of engagement.

Sec. 35. 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 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 that purpose in such articles, to such uses as may be therein directed.

Ammunition for practice.

Sec. 36. 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.

Pay of Serjeant Major of Artillery Companies.

Sec. 37. 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.

Volunteers may be called out in aid of the Civil power.

Sec. 38. 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 two shillings and

six pence per man per diem for additional expenses, and shall be also provided with proper lodging by such Municipality; and the said sums, and the value of such lodging if not furnished by the Municipality, may be recovered from it by the Captain of the Company, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

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

Sec. 39. 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 should 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 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 so long as they shall remain so called out.

Exemptions in favor of Volunteers.

Sec. 40. 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.

Notice to be given before leaving any Volunteer Company.

Sec. 41. 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.

Field Officers to inspect Volunteer Companies.

Sec. 42. The several Volunteer Companies, shall be subject to 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 such 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.

Commissions by whom granted.

Sec. 43. All Commissions of Officers in the Provincial Militia shall be granted by the Commander in Chief and during pleasure.

Non-Commissioned Officers.

Sec. 44. All 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.

Officers must be H. M.'s subjects.

Sec. 45. 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.

Existing Commissions to remain until cancelled.

Sec. 46. Existing Commissions in the Provincial Militia and appointments of non-Commissioned Officers, 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; but no person shall be bound to serve in the Provincial Militia in a lower grade than he has once held, unless he shall have resigned his commission or be reduced by sentence or order of some lawful Court or authority, nor shall any person who has been a non-commissioned Officer in Her Majesty's Army, be bound to serve in the Militia in a lower grade than he has held in the Army, unless he have been reduced as aforesaid.

Volunteer Companies may be embodied.

Sec. 64. Any Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander in Chief shall think fit so to order.

Disobeying orders, &c.

Sec. 90. 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.

Not keeping Arms in proper order.

Sec. 91. 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.

Volunteers refusing to turn out in aid of Civil power.

Sec. 94. 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.

Recovery of penalties.

Sec. 99. All penalties incurred under this Act or under any Regulations, Orders or Articles of engagement lawfully made or entered into under it, shall be recoverable, with costs, on the evidence of one credible Witness, on complaint or information before one Justice of the Peace if the amount do not exceed five pounds, and before two Justices of the Peace if the amount exceeds that sum; and to the recovery of such penalties all the provisions of any Act or Acts then in force relative to the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, shall apply in so far as may not be inconsistent with this Act; and any Officer, non-commissioned Officer or private of any Volunteer Militia Company shall be a competent

witness in any such case, although the penalty may be applicable to the purposes of such Company.

On whose complaint penalties may be sued for.

Sec. 100. 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 Sedentary Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battallion 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 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 called in question except by the Adjutant General.

Limitation of time for such prosecutions.

Sec. 101. 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.

Application of penalties.

Sec. 102. 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.

Evidence of Commissions, Warrants, &c.

Sec. 106. 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.