

BY AUTHORITY.

CAP. IX.

An ACT for better regulating the Militia in this Province. Passed the 14th March, 1810.

WHEREAS a well regulated Militia in this Province will at all times tend, not only to the security and defence thereof, but to the honor and service of His MAJESTY; and whereas in times of imminent danger either by hostile invasion or attack made or threatened to be made on any part of this Province, it may be expedient and necessary that the Militia of the several and respective Counties or a part thereof should be drawn out and embodied and ordered into actual service; in which case it will become requisite that due subordination should be observed: And whereas the Law now in force is inadequate to these important purposes.

I. *Be it enacted by the President, Council, and Assembly,* That an Act made and passed in the Forty-eighth year of His MAJESTY's reign, intituled "An Act for the greater security of this Province, by the better regulating the Militia thereof," and also an Act made and passed in the Forty-fifth year of His MAJESTY's reign, intituled "An Act for the better regulating the Militia of this Province," and the Act, in addition to the said Act, made and passed in the Forty-seventh year of His MAJESTY's reign, intituled "An Act in addition to an Act intituled an Act for the better regulating the Militia of this Province," be, and the same are hereby repealed, saving nevertheless the right of recovery of such fines and penalties as may have been incurred by the said first mentioned Act.

II. *And be it further enacted,* That every male white inhabitant or resident within this Province from sixteen to sixty years of age (excepting such as are herein after excepted), shall be enrolled in and be liable to serve in the Militia; and the Militia shall be formed into Regiments by Counties: and if any County shall be sufficiently populous to admit of the Regiment being subdivided into two or more Battalions, it shall be lawful for the Governor or Commander in Chief to subdivide such Regiment into Battalions, and to affix the limits of the district composing such Battalions; and each Company in such Regiment or Battalion shall consist of not more than sixty rank and file, to be commanded by one Captain and two Subalterns; and the extent of the districts of the Companies shall be determined by the Commanding Officer for the time being of the Regiment or Battalion to which they belong: And all Captains or Commanding Officers of Companies are hereby required to take due care to enrol in a Book to be kept by them for that purpose the names of those persons who are liable to serve as aforesaid, within their respective districts: *Provided always,* that in insular and remote situations where the number of persons in the Island or neighbourhood liable to serve in the Militia exceeds the number of sixty, but does not exceed the number of eighty, the whole may be enrolled in one Company. *And Provided also,* that the Members of His MAJESTY's Council, Members of the Assembly, established Clergymen, and licensed Ministers of the Gospel, all persons exercising Commissions civil or military under His MAJESTY, Officers on Half-Pay, Supernumerary Militia Officers now in Commission, Officers

of His MAJESTY's Customs, Revenue and Naval Officers, Physicians and Surgeons, one Miller to each Grift Mill, and one Ferryman to each established ferry, shall be exempted from being enrolled as aforesaid: *And Provided also,* that every person professing himself to be of the people called Quakers, and producing to the Commanding Officer of the Regiment or Battalion of the district in which he resides a certificate, signed by two principal people of that persuasion, that such person has been deemed and allowed to be one of the same persuasion, for at least one year before the date of such Certificate, shall in like manner be exempted from being enrolled as aforesaid.

III. *And be it further enacted,* That it shall be the duty of each and every Captain or Commanding Officer of a Company, to furnish to the Officer Commanding the Regiment or Battalion to which he belongs, so often as he shall be thereunto required, a fair written roll or return of his Company, and also a return of the state of the arms and accoutrements of his Company, and it shall be the duty of the Officers Commanding the several Regiments, to furnish from time to time to the Commander in Chief or to such person as he may appoint, such rolls, returns, and statements of their several Regiments as may be required.

IV. *And be it further enacted,* That the Captains or Officers Commanding Companies shall be, and they are hereby fully empowered, with the consent of the Commanding Officer of the Regiments or Battalions respectively, to nominate and appoint proper persons to serve, as Serjeants, Corporals, Drummers, and Fifers in their several Companies, and to displace them and appoint others in their room as they shall see occasion. And if any person so to be appointed, shall refuse to accept the office to which he shall be appointed, or after having been appointed, shall refuse or neglect to perform such duties as appertain to his Office, he shall forfeit for such refusal or neglect and pay the sum of *twenty shillings*, to be adjudged by and before such Captain or Commanding Officer of the Company, and levied by warrant of distress and sale of the offenders goods and chattels; *Provided* that there shall not be appointed to any one Company, more than three Serjeants, three Corporals, one Drummer, and one Fifer, except flank Companies which may have four Serjeants each.

V. *And be it further enacted,* That every Regiment or Battalion shall be called out and rendezvous by Companies, twice in every year for the purpose of training, disciplining, and improving in martial exercises; the times and places of rendezvous to be appointed by the Commanding Officer of the Regiment or Battalion, and arranged on different days or in such manner that the Field and Staff Officers may have an opportunity of attending the several Companies in order to introduce uniformity in the manœuvres and discipline of the Regiment or Battalion; of which several and respective days of rendezvous and training, previous notice shall be given in writing by the Captains or Officers Commanding Companies, at least ten days, which notice shall be posted up by a Non-Commissioned Officer at three of the most public and conspicuous places within the Parish or district of such Company, which notification shall be deemed a lawful and sufficient warning.

VI. *And be it further enacted,* That there

shall be an Adjutant appointed to each Regiment and each Battalion in the Province, whose duty it shall be to attend all the places of rendezvous of each Company when called out as aforesaid, then and there to inspect their arms, ammunition, and accoutrements, superintend their exercises and manœuvres, and introduce such a system of military discipline as shall be established by the Governor or Commander in Chief for the time being, and to do and perform such other duties and services suitable for an Adjutant as the Commanding Officer of the Regiment or Battalion shall from time to time order and direct, and that every such Adjutant shall be allowed as a full compensation for all the services he is required to perform by this Act (except when on real service) the sum of *ten shillings* by the day, for every day he shall be actually employed as such, the number of days to be certified by the Commanding Officer of the Regiment or Battalion. *Provided always,* that no one Adjutant be allowed more than *fifteen pounds* in any one year, except the Adjutant of the Charlotte County Regiment, who shall not be allowed more than *thirty pounds* in any one year.

VII. *And be it further enacted,* That all persons enrolled as aforesaid, except those above forty-five years of age, shall be drilled by Companies in their respective districts, or where in the opinion of the Officer commanding the Regiment or Battalion that cannot conveniently be done by half Companies, eight days in each and every year, that is to say, four days commencing the last Monday in the month of June, and four days commencing the last Monday in the month of October, in each year, in each and every County, except the Counties of *Saint John, Queen's, and York*, in which the times of such drilling, shall be as follows, that is to say, in the City and County of *Saint John*, for four days commencing the last Monday in July, and for four days commencing the last Monday in September; in the County of *Queen's* for four days commencing the last Monday in June, and four days commencing the first Monday in October; and in the County of *York*, for four days commencing the last Monday in June, and for four days commencing the last Monday in September, in each and every year, over and above the number of days directed by the fifth Section of this Act; and such Companies or half Companies shall be drilled under the direction of a Commissioned Officer, by such persons as the Governor or Commander in Chief shall appoint for that purpose.

VIII. *And be it further enacted,* That all persons enrolled as aforesaid, except those above forty-five years of age, shall assemble by Regiments, or Battalions, or Detachments thereof, one day in the year, or three days successively if the Commander in Chief shall so order and direct, for the purpose of training and disciplining as aforesaid, the time and place of which general trainings, shall be as the Commander in Chief shall direct and appoint, in order that an opportunity may be afforded to the Inspecting Field Officer to attend the same: And whenever the Commander in Chief shall deem it necessary to exercise or review any Regiment or Battalion as aforesaid, more than one day, in any one year as aforesaid, the Officers, non-commissioned Officers, Drummers, Fifers, and Privates shall be entitled to receive out of the Province Treasury the