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BY AUTHORITY.

Acts passed at the last Session of the General Assembly.

CAP. I.

An Act for regulating the Militia.

Passed the 3d of March, 1813.

WHEREAS the establishment and organization of the Militia of the Province requires other and further provisions, rules and regulations for the government thereof, than those already provided in and by an Act of the General Assembly of this Province, made and passed in the fiftieth year of his present Majesty's reign, intituled "An Act for better regulating the Militia in the Province." And another Act made and passed in the fifty-second year of his present Majesty's reign, intituled "An Act to amend and continue for a limited time," an Act, intituled "An Act for better regulating the Militia in this Province."

I. BE IT ENACTED by the President, Council and Assembly, that the said herein before recited Acts be, and the same are hereby repealed, excepting the second Section of the said herein before first recited Act, which Section is to be and remain in full force unrepealed, and to be considered and taken as part and parcel of this Law, and is in the words following, viz:

"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 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 districts composing such Battalions, and each Company in such Regiment or Battalion shall consist of not more than Sixty Rank and File, and 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 enroll in a book to be by them kept 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 Grist 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; and saving also the right of recovery of such fines and penalties as may have been incurred by such Acts, and saving and excepting also so much and such parts of the said recited Acts as may have been carried into execution, or acted upon by the Commander in Chief in calling into actual service any part or parts of the Militia under and by virtue of the same Acts, which part or parts of the Militia so called out shall be in all respects subject to the provisions of this Act in the same manner as any other part which may be called into real service under and by virtue hereof.

II. And be it further enacted, that it shall be the duty of every Captain or Commanding Officer of a Company to furnish the Officer commanding the Battalion to which he may belong, at all times when ordered, a fair written Roll of his Company, and return of the state of their arms and accoutrements; and the Commanding Officers of Battalions shall furnish to the Commanding Officers of Regiments, or to the Commander in Chief, when ordered, such Rolls, Returns and Statements of their Battalions as may be required; and the Commanding Officers of Regiments shall when ordered furnish to the Commander in Chief, or to such other per-

son as he shall appoint such Rolls, Returns and Statements of their several Regiments as may be required.

III. And be it further enacted, that the Commanding Officer of each Battalion shall have power to appoint from time to time suitable persons as Drummers, Buglers and Fifers to his Battalion, and to displace them and appoint others in their stead, and that the Captain or Commanding Officer of a Company shall have power with the consent of the Commanding Officer of the Battalion to which he may belong, to nominate and appoint Sergeants and Corporals for the Company under his command, and if any person so to be appointed shall refuse to accept the office to which he shall be appointed, or having accepted shall refuse or neglect to perform his duty, he shall for every offence forfeit and pay the sum of twenty shillings, to be recovered in the same manner as is provided for the recovery of fines in the fifth section of this Law; but there shall not be appointed more than three Sergeants and three Corporals to any one Company, except flank Companies which may have four Sergeants each.

IV. And be it further enacted, that if any Sergeant or Corporal shall be guilty of any misbehaviour in his office, he may be tried by a Regimental Court Martial to consist of not less than three Commissioned Officers, and by the sentence of such Court, if approved of by the Commanding Officer of the Battalion, be displaced from his office.

V. And be it further enacted, that for the purpose of disciplining and improving the Militia in martial exercises the Commander in Chief may at such convenient season of the year as he may judge fit, interfering as little as possible with seed time, and harvest, order out and keep together each Battalion, together or in divisions, within their respective districts, those above fifty years of age excepted, for any time not exceeding three days in each year, and every non-commissioned Officer and Private wilfully neglecting to appear at the time and place specified in such order, or who during the said three days shall be absent from his Company without leave from his Commanding Officer shall for each and every offence be liable to a fine of twenty shillings, to be recovered on complaint of the Officer commanding the Company before any one of His Majesty's Justices of the Peace of the County where such offence may be committed and levied by distress and sale of the offenders goods and chattles, and for want of goods and chattles belonging to such offender whereon to levy the same, such offender to be committed to the County Gaol for a term not exceeding four days, for each day's delinquency, or until such fine or fines, together with the costs of prosecution are paid. Provided always, that no excuse shall be admitted for non-attendance, except sickness or lameness of the individual to prevent his attendance or extreme illness of some part of his family; or detention by unforeseen and unavoidable circumstances, to be made manifest by legal proof given on the part of the delinquent. Provided also, that no person shall be required to travel more than thirty miles from his usual place of residence to attend the training of the Battalion or Division thereof to which he may belong. And Provided also, that persons who have been embodied and on actual service for the space of twenty days shall not be required to attend such drill during the same year in which they have performed such service.

VI. And be it further enacted, that notice of the times and places appointed for the assembling of the several Battalions or Divisions thereof as aforesaid, shall be given in writing by the Captains or Officers commanding Companies, who shall cause such notices to be posted up by a Non-Commissioned Officer, at least ten days before the respective times of meeting, in three of the most public and conspicuous places within the district of the several companies, which notification so given shall be deemed a sufficient warning. Provided always, that five days personal notice to the individual of the time and place of assembling shall in all cases be deemed sufficient without such notice in writing.

VII. And be it further enacted, that every person enrolled as aforesaid, when ordered out as aforesaid, shall appear with such arms, ammunition and accoutrements as have been or hereafter may be issued to him by Government (or if he shall so choose) with arms, ammunition and accoutrements of his own, equally good in complete order, and for appearing without such arms, ammunition and accoutrements, or appearing with a part and not the whole or with any of them which in the opinion of the commanding officer for the time being, at the place where such Militia are ordered to assemble, are not in good and serviceable order such person shall forfeit and be ordered by the said commanding officer to pay a sum not less than two, nor more than twenty shillings, which if not

paid within twenty-four hours after such person is dismissed from his then attendance, shall be by an order of the said commanding officer, directed to one of the Non-Commissioned Officers of the Company to which such person shall belong, levied (with the like fees as constables may receive) upon the goods and chattels of such delinquent, and for want of goods and chattels whereon to levy the same, the said delinquent shall, by warrant under the hand and seal of such commanding officer, be committed to the County Gaol, there to remain not exceeding four days; and the keeper of any Gaol is hereby authorised to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary gaol fees, together with such fees as the Non-Commissioned Officer may be intitled to receive as herein before mentioned.

VIII. And be it further enacted, that painted canvas knapsacks, with proper straps and buckles, and straps for the purpose of carrying a blanket or great coat, and priming wires, and brushes for the Muskets be provided by the Government, and paid for out of the Province Treasury, and delivered to the commanding officers of Battalions, who shall cause the same to be lodged with the commanding officers of Companies, and after notice given thereof, each person shall within six days furnish himself with a set, and shall pay for the same to the said commanding officer a sum not exceeding seven shillings and six pence, to be recovered by such commanding officer upon refusal or neglect to pay the same, as small debts are recoverable by law, which money when received shall be paid to the respective Quarter-Masters of the Battalions, to be returned into the Province Treasury. Provided always, that every person who in the opinion of the commanding officer of the Company to which he may belong, and of the commanding officer of the Battalion, is indigent shall be furnished with a set without paying for the same.

IX. And be it further enacted, that after the said knapsacks, straps, priming wires, and brushes, shall have been provided as aforesaid and deposited with the commanding officers of Companies, and notice thereof given as herein before mentioned, every person who, when ordered out as herein before provided, shall appear without having the same, and in good order, shall be liable to the same penalty to be inflicted and recovered in the same manner as the penalty for not appearing with arms and accoutrements as herein before directed.

X. And be it further enacted, that the commanding officer of any Regiment or Battalion, shall and may once in the year, and oftener if he deems it necessary, order an inspection of arms, accoutrements, and equipments of such Regiment or Battalion, when the subaltern officers of the Company (each taking such part as the Captain or commanding officer of the Company shall direct) shall call on each and every man of the Company at his usual place of abode, and then and there carefully inspect and examine such person's arms, accoutrements and equipments, to see whether the same are all in good order, and shall make an exact report to the commanding officer of the Company of the state and condition in which the same were found; which report shall be made in writing and shall be sworn to by the person making it, before some one of His Majesty's Justices of the Peace of the County where such inspection may take place; which oath, such Justice is hereby authorised to administer, and shall certify without fee, and every person who shall refuse to submit to such inspection, or whose arms, accoutrements, or equipments shall be found in unserviceable condition, out of order, or deficient, shall forfeit and pay for each deficiency, the like sum as if such had been the case when ordered out as herein before mentioned, under this law, to be inflicted and recovered by the commanding officer of the Company by warrant under his hand directed to a Non-Commissioned officer, who is hereby authorised to levy the same as is directed in and by the seventh section of this Act. Provided always that the Commanding Officer of the Company may in all cases inspect the arms, accoutrements and equipments himself, either with or without an order from the Commanding Officer of the Battalion, and proceed to fine for any deficiency or bad state of the arms, accoutrements and equipments, or any or either of them, and levy the same in the same manner as is herein before provided upon the report of the Subaltern Officers.

XI. And be it further enacted, that it shall be the duty of the Adjutants appointed, or to be appointed to the several Battalions, to attend their respective Battalions, when the same or any part thereof shall be ordered out under this Act, and at such and all other times to do, and perform and attend to such duty as is incumbent