



BY AUTHORITY.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

CAP. XX.

An Act relating to the Militia.

Section.

1. Provincial Militia divided into two classes, Active and Sedentary.

ACTIVE MILITIA.

2. What composed of.
3. To be divided into three classes.
4. Strength and distribution of Companies.
5. Commander in Chief to appoint Staff Officers.
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7. Formation of Sea Fencible Companies, and rank of officers therein.
8. Drilling and arming same.
9. An Engineer Company may be formed in each District.
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11. Of the Uniform of the several Companies.
12. Arms and accoutrements shall be of the best kind, and remain Provincial property.
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15. Officers to furnish their own arms and accoutrements.
16. Drill of the Active Militia, how regulated.
17. Adjutant General to draw up a code of instructions; each officer to be furnished with a copy.
18. Any Company of Class A may assemble for drill, or be ordered out by officer commanding; regulations not inconsistent with this Act shall be enforced.
19. Ammunition to be supplied for drill and ball practice.
20. Commander in Chief to appoint Drill Instructors.
21. Officers and men of Volunteer Corps exempt from statute labour, and serving as Jurors or Constables.
22. No person belonging to any Company of Class A shall leave without two month's notice, unless legally discharged; period of engagement.
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24. Men of Class B and C to be enrolled, and assemble for muster one day in each year.
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56. When whole Militia called out, all Volunteers to be included.
57. When Sedentary Militia and Class B and C Active Militia called out, they shall attend with Provincial arms, &c.
58. Emergency not requiring the whole, Commander in Chief to regulate who shall serve; Volunteers to be first taken.
59. Further regulations as to same.
60. No drafted Militiaman exempt under penalty of \$40, or providing an approved substitute.
61. No man unfit for duty shall be taken.
62. Deficiency of men in Class B, how supplied.
63. Militia to be embodied into Companies and Battalions, and qualified officers appointed.
64. Volunteer Companies may be embodied into Battalions.
65. Regulates service of Militiamen, taken or drafted.
66. May be marched to any part of the Province, or contiguous therewith.
67. Subject to the Articles of War, Mutiny Act, &c.; exceptions.
68. How commanded. Officers of Regular Army senior to Militia Officers of same rank.
69. Arms and accoutrements, except of Volunteers, where to be kept.
70. Shall be delivered to Militia when called into actual service.

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71. Obtaining money from men under false pretences, a misdemeanor; penalty.
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73. Penalty for refusing to transmit Roll, or making false statement therein.
74. Penalty for neglecting drill, or refusing to obey lawful orders.
75. Hindering Militia at drill, penalty therefor.
76. Unlawfully disposing of arms and accoutrements, penalty; not to prevent offender being indicted.
77. Penalty for disobeying orders of superior officer, and for disorderly conduct at drill;
78. For not keeping arms, &c. in proper order;
79. For any contravention of this Act not otherwise provided for.
80. Penalties, recovery of; who shall be competent witnesses.
81. Prosecutions for same, by whom brought;
82. To whom paid, and how applied; but not applicable to St. John.
83. No prosecution shall be commenced after six months; exception.
84. Orders not necessary to be in writing;
85. Publication of, in Royal Gazette sufficient notice.
86. Divisional Orders, how notified.
87. Proof of Commission, &c.
88. Bond to the Crown under authority of this Act valid.
89. Regulates debts due the Crown, and how recoverable.
90. Actions and prosecutions, how to be conducted.
91. Further regulates actions.

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92. Detailed account of moneys expended, to be laid before Legislature.
93. Definition of the word "Corps."
94. Commander in Chief to make certain Rules and Regulations,
95. And appoint Staff Officers, and prescribe their duties.
96. Militia officers undergo examination before appointment or promotion.
97. Regulates the pay of Militia when called into actual service;
98. And a bonus of \$6 per month from Provincial Treasury.
99. Commander in Chief may direct the building of boats for transports.
100. Officer in command may impress men, horses, boats, &c. when necessary.
101. May compel persons belonging to Merchant service to do duty in case of emergency, also service of Artillery, Sea Fencibles, &c.
102. Quarter Master to give Bonds.
103. Militia and Sea Fencibles shall proceed in boats if required by commanding officer of district.
104. Province shall provide for disabled persons during disability.
105. No non-commissioned officer or private shall be arrested while on duty; exceptions.
106. Penalty for enticing Militiaman to desert when on service.
107. Caps. 73, 74, 75, 76, 78, 79, 80, 81, 82, and 83, Title xi, Rev. Stat. and 19 V. c. 39, and 23 V. c. 43, repealed.
108. Limitation of Act.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Provincial Militia shall be divided into two classes, Active and Sedentary.

ACTIVE MILITIA.

2. The Active Militia shall consist of all the male inhabitants of the Province of the age of eighteen years and under forty five, not exempt or disqualified by law, and being British born or naturalized subjects.

3. The Active Militia shall be divided into three classes, to be called respectively Class A, Class B, and Class C. Class A 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. Class B shall consist of unmarried men and widowers without children, and Class C shall consist of married men and widowers with children.

4. 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 shall not be less than forty, nor exceeding seventy five; and each Field Battery of Artillery shall consist of a Captain, two first Lieutenants, a second Lieutenant, a Sergeant Major, three Sergeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty nine Gunners and Drivers,—including Wheelers, Collar Maker and Shoeing Smith, fifty six Horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service.

5. 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.