

OFFENCES AND PENALTIES.

71. Any officer or non-commissioned officer of Militia of this Province, appointed or to be appointed to the Active Force, or to the Sedentary Militia, who obtains under false pretences, or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any non-commissioned officer or private of any corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

72. Any person making an affidavit or declaration required in and by this Act, and swearing or declaring falsely therein, shall be guilty of perjury.

73. Any officer of Militia refusing or neglecting to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such roll or return, or copy, shall thereby incur a penalty not exceeding forty dollars for each offence.

74. Any Militia officer or man, not exempt from attending drill and exercise, who neglects or refuses to attend the same, at the place and hour appointed therefor, or refuses or neglects to obey any lawful order at or concerning such drill and exercise, shall thereby incur a penalty of not more than twenty dollars for each offence.

75. Any person who intercepts or hinders any Militia at Drill, or trespasses in the bounds set out by the proper officer for such Drill, shall thereby incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person, by the order of the commanding officer, until such such Drill be over for the day.

76. Any person who unlawfully disposes of, or removes any arms or accoutrements, or other articles belonging to the Crown, or refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause, (the proof of which shall lie upon him,) shall thereby incur a penalty of twenty dollars 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 subject 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.

77. Any officer, non-commissioned officer, or militiaman, disobeying any lawful order of his superior officer, or guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty of not exceeding twenty dollars for each offence; and every person who shall not, during the hours of drill and exercise, or of his being under arms, or wearing the arms or accoutrements of the corps, and going to any place of exercise or assembly of the corps, conduct himself in a decent and orderly manner, or shall not obey the lawful commands of the officer or officers commanding, may be ordered by such officer into the custody of any person or persons belonging to such corps, for the time during which such corps shall then remain under arms.

78. Any officer, non-commissioned officer, or militiaman, who fails to keep any arms or accoutrements delivered or intrusted to him in proper order, or who appears at drill,

parade, or any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence.

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

80. All penalties incurred under this Act, or any regulations, orders, or articles of engagement lawfully made or entered into under it, where no other mode is herein prescribed for the recovery thereof, 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 twenty dollars, 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 law then in force relative to the performance of the duties of the 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 is applicable to the purposes of such Company.

81. No prosecution against any 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, or of Class B and C of the Active 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 belongs; 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.

82. The penalty when recovered shall, if the offender belongs 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 belongs to the Sedentary Militia, then the same shall be paid over to the Receiver General for the public uses of the Province, and it shall make part of the Public Revenue: Provided that nothing herein contained shall apply to the recovery of the penalties or fines of the enrolling officers on the Eastern side of the Harbour of the City of Saint John, as hereinbefore provided.

83. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be unlawfully buying, selling, or having in possession arms or accoutrements delivered to the Militia.

84. It shall not be necessary that any Order or Notice under this Act be in writing, unless it is herein required 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.

85. All General Orders of Militia, or other Militia Orders