

ceeded against and punished in the manner directed by the thirtieth Section of this Act when the Militia is assembled for drill and exercise, or in the manner directed by the sixty second Section hereof when the Militia is called out for actual service.

98. All penalties incurred under this Act, or any regulations, orders, or articles of engagements lawfully made or entered into under it, or under the Act made and passed in the twenty fifth year of Her Majesty's Reign, intituled *An Act relating to the Militia*, when no other mode is prescribed for the recovery thereof, shall be recovered with costs on the evidence of one credible witness, before one Justice of the Peace if the amount does not exceed twenty dollars, and before two Justices of the Peace if the amount exceeds that sum, and in the manner directed by the Revised Statutes, Title xxxvii, Chapter 138, 'Of Summary Convictions;' and any officer, non-commissioned officer or private of any Volunteer Militia Corps, shall be a competent witness in any such case, although the penalty may be applicable to the purposes of such Corps.

99. Penalties when recovered shall, if the offender belongs to the Active or Volunteer Militia, be paid over to the officer commanding the Corps, for the purposes thereof, and shall be applied by him to such purposes, and accounted for to the Adjutant General; and if the offender belongs to the Sedentary Militia, then the same shall be paid over to the Adjutant General for the use of the Militia; provided that nothing herein contained shall apply to fines and penalties collected under the forty sixth Section of this Act.

100. No prosecution against any officer of Militia for any penalty under this Act shall be brought, except on the complaint of the Adjutant General, or of some officer authorized by him in writing to make such complaint; 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 Corps shall be brought, except on complaint of the Captain or commanding officer thereof.

101. 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.

PROTECTION OF OFFICERS, &c.

102. No action or prosecution shall be brought against any officer or person, for any thing purporting to be done under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode; in which notice the cause of action, and the Court in which it is to be brought, shall be stated, and the name and place of abode of the Attorney endorsed thereon.

103. Every such action and prosecution shall be commenced within six months after the cause thereof, and shall be tried in the County where the act complained of was done; and the defendant may plead the general issue, and give the special matter in evidence on the trial. If a tender of sufficient amend is made before the action brought, or if a sufficient sum of money is paid into Court before issue joined, the plaintiff shall not recover.

104. If in any such action a verdict is given for the defendant, or the plaintiff becomes non-suit, or discontinues the action, or judgment is given against the plaintiff in any other manner, the defendant shall recover costs as between attorney and client.

105. If the plaintiff elects to accept the money paid into Court in satisfaction of the cause of action, the defendant shall pay the costs up to the time of such acceptance; and in case of non-payment within ten days after demand the plaintiff may sign judgment and issue execution for such costs.

106. No non-commissioned officer or private in the Militia shall be arrested upon any process, (except for a crime or offence punishable by summary conviction,) while attending any training or muster of his Battalion, Division, or Company, or when he is called out for drill and exercise under the twenty fourth Section of this Act, or on actual service, or while marching to or returning from the place appointed for such training, muster, or duty, unless the sum due for which he may be arrested shall amount to eighty dollars.

ACCOUNT OF MONEYS.

107. A detailed account of all moneys received and expended under this Act, shall be laid before each Branch of the Provincial Legislature within fifteen days after the opening of the then next Session.

INTERPRETATION CLAUSE.

108. The word "Corps" shall, for the purposes of this Act, mean any troop of cavalry, field battery or foot company of artillery, or volunteer company of infantry, engineers, or sea fencibles, or any Battalion or Regiment of the Militia, whether volunteers or otherwise; and the word "man" or "Militiaman" shall mean any person enrolled or liable to be enrolled in the Militia, under the rank of a commissioned officer.

CAP. II.

An Act to revive and continue an Act to regulate the sale of Spirituous Liquors.

Passed 31st May, 1865.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to regulate the sale of Spirituous Liquors*, be and the same is hereby revived and continued in full force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

CAP. III.

An Act to amend the Law relating to the collection of Taxes and small Debts in the Parish of Portland, in the City and County of Saint John, and for other purposes in the said Parish; and also to limit the jurisdiction of the Police Magistrate for the European and North American Railway, and of non-resident Justices in Civil Actions.

Section.	Section.
1. Police Magistrate to receive all Taxes, (exception.) To give security for himself and Agents.	9. Penalty for committing nuisances on streets, &c.
2. Prescribes mode for recovery of Taxes.	10. Penalty for incumbering streets.
3. To what the Receiver shall be subject to; what remuneration intitled to.	11. Penalty for removing horses, &c., or leaving vehicles on streets.
4. All Acts inconsistent repealed.	12. Penalty for mutilation of erections in Cemeteries, or disturbing persons therein.
5. Provides for lighting the streets; expenses, how to be defrayed.	13. Extends powers of Police Magistrate.
6, 7. Provides for suppression of disorderly houses, and states penalty.	14. What fees taxable by Police Magistrate, &c.
8. States penalty for three or more persons obstructing passage way.	15. Limits jurisdiction of Police Railway Magistrate.
	Form of Execution.