

31 Victoria, c. 40 (Canada)

An Act respecting the Militia and Defence of the Dominion of Canada.

[Assented to 22nd May, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

COMMAND IN CHIEF.

Command in Chief vested in H.M: how exercised.

1. As provided by the [fifteenth section of "The British North America Act, 1867,"](#) the Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is vested in the Queen, and shall be exercised and administered by Her Majesty personally or by the Governor as Her Representative.

DEPARTMENT OF MILITIA AND DEFENCE.

Minister and Department of Militia and Defence, his duties, &c.

2. There shall be a Minister of the Militia and Defence who shall be charged with and be responsible for the administration of Militia Affairs, including all matters involving expenditure, and of the fortifications, gunboats, ordinance, ammuniton, arms, armories, stors, munitions and habiliments of war belonging to Canada:

Initiative in money matters.

(2) The Minister of Militia and Defence shall have the initiative in all Militia affairs involving the expenditure of money;

Further duties of Minister of Militia and defence.

(3) The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Minister of Militia and Defence.

Deputy: and officers and their duties.

3. The Governor may appoint a Deputy of the Minister of Militia and Defence, and such other Departments an may be necessary for carrying on the business of the Department; and the duties of such Officers shall he prescribed, and their salaries fixed by the Governor in Council.

MILITIAMEN.

Militia of whom composed.

4. The Militia shall consist of all the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty--not exempted or disqualified by law, and being British subjects by birth or naturalization;

Proviso.

but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *Levée en Masse*:

Classes.

5. The male population so liable to serve in the Militia, shall be divided into four classes;

First.

The *first* Class shall comprise those of the age of eighteen years and upwards, but under thirty years, who are unmarried, or widowers without children;

Second.

The *second* class shall comprise those of the age of thirty years and upwards, but under forty-five years, who are unmarried, or widowers without children;

Third.

The *third* Class shall comprise those of the age of eighteen years and upwards, but under forty-five years, who are married, or widowers with children;

Fourth.

The *fourth* Class shall comprise those of the age of forty-five years and upwards, but under sixty years;

Order for service.

And the above shall be the order in which the male population shall be called upon to serve.

Division.

6. The Militia shall be divided into Active and Reserve Militia:

Active.

The *Active Militia* shall consist of the *Volunteer Militia*, the *Regular Militia*, and the *Marine Militia*:

Volunteer.

The Volunteer Militia shall be composed of Corps raised by voluntary enlistment;

Regular.

The Regular Militia shall be composed of men who voluntarily enlist to serve in the same; or of men balloted to serve; or of men who voluntarily enlist to serve with the balloted men and of men balloted to serve;

Marine.

The Marine Militia shall be composed of seamen, sailors, and persons whose usual occupation is upon any steam or sailing craft, navigating the waters of the Dominion;

Reserve.

The Reserve Militia shall consist of the whole of the men who are not serving in the Active Militia of the time being.

PERIOD OF SERVICE.

Existing Volunteer Corps continued.

7. Every Volunteer Corps duly authorized previously to and existing on the day on which this Act shall come into force, including the Officers commissioned thereto, shall for the purposes of this Act be held to be existing and shall be continued as such, subject to the provisions of this Act;

Muster thereof, within three months.

and within three months after the day on which this Act shall come into force, all such Corps shall be mustered by their Captains or Commanding Officers, the provisions of this Act shall be explained to them,

Men willing to serve sign a Roll.

and such of the men as have not previously given notice of their desire to be discharged, shall take the Oath hereinafter prescribed, and be re-enrolled as Volunteer Militia, and each man shall sign a Muster Roll;

Exemptions in favour of such as complete their period of service.

and thereafter such men of any Volunteer Corps, in any Regimental Division, as complete three years: continuous service in such Corps, or complete three years including any previous continuous service in the same corps immediately before such muster, or had served three years continuously in such corps immediately before such muster, and are discharged after giving the required notice, shall not be liable to be balloted for any period of drill or training of the Active Militia, until all the other men in the first, second and third classes of Militiamen in the Company Division within which they reside, have volunteered or been balloted to serve.

Notice before retiring.

8. No member of a Volunteer Militia Corps, enrolled or re-enrolled under this Act, shall be permitted to retire therefrom in time of peace, without giving to his Commanding Officer six months' notice of his intention.

Period of service.

9. Hereafter the period of service in the Volunteer Militia in time of peace shall be three years. And in Regular Militia.

10. The period of service required of the Regular and Marine Militia in time of peace shall be two years, and thence until other men are taken to serve in their stead, or they are relieved by order of Her Majesty;

Exemptions in favour of men serving two years.

and such of the men as are enrolled in any Service Company of Regular or Marine Militia, for drill and training during any such two years, shall not again be liable to be taken for drill and training, until all the other men in the first, second, and third classes of Militiamen, in the same Company division, have volunteered or been balloted to serve.

And of Volunteers or Regular Militiamen, having already served their period.

11. Any Volunteer or Regular Militiamen who shall have completed within the year immediately preceding the day on which this Act shall come into force, the full term of continuous service, according to the tenor of their articles of engagement, in the case of Volunteers, or the period of drill and training for which they were taken, in the case of Regular Militiamen, under the laws then existing in any of the Provinces within this Dominion, shall be entitled to such exemption as is accorded to Active Militiamen who complete any period of drill or training under this Act;

Exception, as to men balloted under Act of Prov. of Canada, 27 V. c. 2.

save and except that the men who have been balloted under authority of [chapter two of the Statutes of the late Province of Canada](#), passed in the twenty-seventh year of Her Majesty's Reign, and of the amendments thereto, shall be liable to serve until replaced by Active Militiamen organized under this Act, but shall not thereby be exempt from liability, if balloted to serve in any quota of Militiamen required at any time to be organized under this Act.

MILITARY DIVISIONS.

Military Districts.

12. Her Majesty may divide Canada into nine Military Districts, viz: one comprising the Province of Nova Scotia, one comprising the Province of New Brunswick, three in the Province of Quebec, and four in the Province of Ontario.

Number and limits may be altered by H. M.

13. Her Majesty may alter the Districts, specified in the next preceding section, and increase or diminish the number thereof as may be deemed necessary: and may name the territorial divisions which shall form each of the three Military Districts of Quebec, and each of the four Military Districts of Ontario, and may alter the same from time to time.

Regimental, Brigade and Company Divisions.

14. Her Majesty may, from time to time, divide each Military District into such number of Regimental and Brigade Divisions as may be deemed expedient, and may subdivide such Regimental Divisions into Company Divisions;—

Power to alter, &c.

and may, from time to time, alter such Divisions or increase or diminish the number thereof; Proviso.

but all Military Districts and Divisions existing on the day on which this Act shall come into force shall be continued as such, until altered under the provisions of this Act.

ENROLMENT.

Through what officers, order, &c., relating to enrolment shall be sent, &c., for Regimental Divisions.

15. For each Regimental Division there shall be appointed from the residents therein, one Lieutenant-Colonel and two Majors of Reserve Militia; but such Officers may be appointed from among non-residents in the Regimental Division in exceptional cases in which it shall appear to Her Majesty that such appointments will be more conducive to the interest of the Militia service; All orders and reports, relating to the enrolment at any time of Militiamen within the Regimental Division, shall sent to, and received through and acted on by the Lieutenant-Colonel, or in his absence through the senior Major of the Division, for the time being, who shall act instead of the Lieutenant-Colonel during such absence:

And for Company Divisions.

(2) And for each Company Division there shall be appointed from the residents therein, one Captain, one Lieutenant and one Ensign of Reserve Militia; and all orders and reports relating to the enrolment at any time of Militiamen within the Company Division shall be sent to, and acted on by the Captain; or in his absence they shall be sent to the next senior Officer of the Company Division, for the time being, who shall act instead of the Captain during such absence.

How, when and by whom the enrolment shall be made.

16. The enrolment of the Militia shall be made in each Company Division by the Captain thereof, with the assistance of the Officers and non-commissioned officers of the Company Division;— and it shall be the duty of the Captain, and under his orders, of the other Officers and non-commissioned officers of the Company Division, by actual enquiry at each house therein, and by every other means in their power, to make and complete, on or before the twenty-eighth day of February, in the year one thousand eight hundred and sixty-nine, and on or before the twenty-eighth day of February in each alternate year thereafter,

What it must shew.

a corrected roll, in duplicate, of the names of all the men in the different classes resident within the Company Division, specifying separately those who are seamen or sailors, or persons engaged in or upon any steam or sailing craft upon the lakes or waters of the Dominion, those who are *bona fide* enrolled members of any Company of Volunteer Militia, and those who, after

the day on which this Act shall come into force, shall have completed such a term of service in the Militia as will by law exempt them until they are again required in their turn to serve:

To be made in Duplicate.

(2) One copy of such roll is to be retained by the Captain, and the other to get forwarded, on or before the first day of April following the taking of the enrolment, to the Lieutenant-Colonel of the Regimental Division,

One copy to Adj. General.

which last-named Officer shall cause a copy of all the rolls of Militiamen in the several Company Divisions within the Regimental Division to be forwarded without delay to the Adjutant-General of Militia;

Provision if Roll be not made in time

but if from any cause the duties prescribed by this section cannot in any particular case be carried into effect within the time specified, a special Report of the facts relating to the delay shall made to the Adjutant-General, who shall without delay fix another period within which the enrolment shall be completed and the rolls be forwarded;

Roll to be embodiment.

(3) The enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable to serve under the provisions of this Act, unless exempt by law.

EXEMPTIONS.

Persons exempt from enrolment and from serving at any time.

17. The following persons only, between the ages of eighteen and sixty years, shall be exempt from enrolment, and from serving at from actual service at any time:

The Judges of all the Courts of Law or Equity in the Dominion of Canada;

The Clergy and Ministers of all Religious denominations;

The Professors in any College or University and all Teachers in religious orders;

The Warden, Keepers and Guards of the Penitentiaries, and the Officers, Keepers and Guards of all public Lunatic Asylums;

Persons disabled by bodily infirmity;

The only son of a widow, being her only support;

Exemption except in special cases, but enrolled.

(2) And the following, though enrolled, shall be exempt from actual service at any time except in case of war, invasion or insurrection:

Half-pay and Retired Officers of Her Majesty's Army or Navy;

Seafaring Men and Sailors actually employed in their calling;

Pilots and Apprentice Pilots during the season of navigation;

Masters of Public and Common Schools actually engaged in teaching;

Quakers, &c.

Any person bearing a certificate from the Society of Quakers, Menonists or Tunkers, or any inhabitant of Canada, of any Religious denomination, otherwise subject to Military duty, but who, from the doctrines of his Religion, is averse to bearing arms and refuses personal Military Service, shall be exempt from such service when balloted in time of peace, or war,

Conditions.

upon such conditions and under such regulations as the Governor in Council may, from time to time, prescribe;

Exemption must be claimed.

(3) No person shall have the benefit of exemption, unless he has, at least one month before he claims such benefit, filed with the Captain of the Company Division within the limits whereof he resides, his *Affidavit* made before some Magistrate (or affirmation in cases where persons are allowed to affirm) of the facts on which he rests his claim;

Proof of Exemption.

(4) Whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant;

Not to prevent voluntary service.

(5) Exemption shall not prevent any person from serving if he desires it and is not disabled by bodily infirmity.

ACTIVE MILITIA.

Corps of which the active Militia shall consist.

18. The Active Militia Force shall consist of Troops of Cavalry, Field Batteries of Artillery, Companies of Mounted Infantry, Companies of Engineers, Brigades and Batteries of Garrison Artillery, Battalions and Companies of Infantry, and Naval and Marine Corps, in such proportions as Her Majesty shall appoint; and the strength of each such Troop, Battery, Battalion, Company or Corps, shall be regulated, and officers appointed thereto, from time to time, by Her Majesty;

Enrolling horses.

(2) Her Majesty may make regulations for the enrolment of such horses as may be necessary for the purposes of Field Batteries of Artillery and Troops of Cavalry;

Other corps when required.

(3) A military train, and a medical staff, as well as commissariat, hospital and ambulance Corps, may be formed whenever the exigencies of the service may require the same, at such places and in such manner, and of such strength, including the proper Officers, as Her Majesty may direct.

Signing Roll and taking oath of Allegiance.

19. Every Active Militiaman shall sign a service Roll in which the conditions of his service shall be stated; and every Officer of Militia, on appointment, and every non-commissioned officer and man, on enrolment, shall take the oath following:

Form of oath.

“I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty.”

How administered.

Which oath may be administered by the Commanding Officer of the Corps, he having previously taken the oath before a Justice of the Peace.

Corps of Volunteers.

20. Her Majesty may accept the services of Corps of Volunteers, under such regulations as may from time to time be made.

Articles of engagement of Volunteer Corps: they must be cept at full strength, otherwise lable to be disbnded, &c.

21. Any Volunteer Corps may enter into any articles of engagement and make Regulations not inconsistent with this Act, to be approved by Her Majesty; but the Commanding Officers of all Corps of Volunteer Militia shall be responsible that their Corps respectively are kept up to the

full strength; and in the event of failure of any Corps to maintain such complement of men for each respectively as Her Majesty may consider necessary for its efficiency or of any Corps becoming inefficient, Her Majesty may disband such Corps; and may also disband any Corps of Volunteer Militia if considered necessary to do so.

BALLOTING.

Each Company in a Regimental Division to furnish its quota;

22. At any time when Militiamen are required to be drafted in any Regimental Division, each Company Division therein shall, subject to the provisions of the two sections immediately following the present section, contribute its quota according to the number of Militiamen on the rolls and liable to serve, the class, or classes, from which the men are to be taken;

Company divisions to receive credit for men furnished.

and when Volunteer, or Regular, or Marine Militiamen, are accepted or taken or balloted to serve in any quota, the Company Division or Divisions furnishing the men shall receive credit therefor; Men drafted to be appointed to Corps, &c.

and the Active Militiamen taken, or accepted, and enrolled for service, from time to time, in any Company or Regimental Division, shall be attached or appointed to such Companies, Corps, or Battalions of the Active Militia as Her Majesty may order:

If a Volunteer Corps is disbanded.

(2) When a Volunteer Corps in any Regimental Division for any cause ceases to exist, Her Majesty may make good the quota of that Division by the organization of Regular Militiamen to replace such Corps;

Service Companies.

and when Companies of Regular Militiamen are taken or balloted in any Regimental Division, they shall be called the Service Companies thereof;

Filling vacancies in Service Companies.

(3) When by reason of death or removal, vacancies occur in any Service Company of Militia organized under this Act, such vacancies shall be filled by other men to be drawn from the Reserve Militia, in the same manner as the men for that Corps were originally supplied.

Provisions for balloting if the number of Volunteers are not sufficient for the *quota*.

23. When Active Militiamen are required to be organized at any time, either for drill or for actual service, and enough men do not volunteer in any Company Division to complete the quota required from that division, the men enrolled in the first class and liable to serve shall be first balloted, and if the number of men required to be balloted is greater than the whole number of men in the first class, then the number requisite to make up the deficiency shall be taken from those in the second class, and if more men than the whole number in the first and second classes are still required, then the number requisite to make up the deficiency shall be taken from the third class, and in like manner, if more men than are in the first, second, and third classes, are still required, then the number requisite to make up the deficiency shall be taken from the fourth class;

Proviso: as to sons in one family.

but at no time shall more than one son belonging to the same family residing in the same house, if there be more than one inscribed on the Militia Roll, be drawn, unless the number of names so inscribed be insufficient to complete the required proportion of service men:

Men not taken for service may volunteer in adjacent Regimental Division.

(2) Any man not taken for service for the time being in any Corps organized in the Regimental Division in which he resides, may volunteer to serve in any Corps in any Regimental Division

contiguous thereto, and in such case the Company Division in which he resides, shall have credit for such volunteer;

Exemption on completing his service

and the man shall, on completing his full period of service, be entitled to the same exemption in his Company Division, as though he had served with men raised therein for the same period.

When a company Division has furnished more than its *quota*.

24. When any Company Division shall have furnished more men than its quota, as compared with other Company Divisions in the same Regimental Division, such Company Division shall not again be called upon in time of peace for more men, until the other Company Divisions have supplied men to equalize the proportion for each, according to the number of names inscribed on the Militia Rolls thereof respectively.

Regulations respecting ballot, enrolment, &c. to be made by Governor in Council.

25. The Governor in Council may from time to time make regulations for taking the enrolment and ballot; for fixing the day on which the taking of the enrolment shall be commenced in each of the several Military Districts respectively; for notifying the men liable to be taken, or those balloted in any Company Division for service in any quota; for finally deciding claims of applicants for exemption, and for the administration of Oaths before Justices of the Peace or the Commanding Officer of a Corps, to ascertain any facts in reference to such claim of exemption; for medical examinations; and for the discharge of such men as are unfit to serve; and relating to every other matter and thing not inconsistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such numbers of the Volunteer, the Regular, the Marine, or the Reserve Militiamen in any Company Division as are required at any time;

Exemption on providing a substitute, on payment of \$30.

but any Militiaman balloted and notified for service may, at an time, be exempt, until again required in his turn to serve by furnishing an acceptable substitute, on or before the day fixed for his appearance, or, in time of peace, by forthwith paying to the Captain of the Company Division within which he resides, the sum of thirty dollars, which said sum, shall by the Captain be paid to another man who is approved, and is willing to serve as substitute for such balloted man;

If the substitute is drawn his principal must supply his place.

but, if during any period of service, any man who is serving in the active Militia as a substitute for another, shall become liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the Militiaman in whose stead he was serving.

Service man attaining 45 years.

26. Any Active Militiaman who may, during any period of service, attain the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve.

IN AID OF THE CIVIL POWER.

By whom Active Militia may be called out.

27. The Corps composing the Active Militia shall be liable to be called out with their arms and ammunition in aid of the Civil Power in ease of riot or other emergency requiring such services, whether such riot or emergency occurs within or without the Municipality in which such Corps is raised or organized; and it shall be the duty of the Deputy Adjutant General of the District, or failing him, of the Brigade Major, or failing him, of the senior Officer of the Active Militia present at any locality, to call out the same or such portion thereof as is necessary for the purpose of quelling any riot, when thereunto required in writing by the Mayor, Warden or other Head of

the Municipality in which such riot takes place, or by any two Magistrates therein, and to obey such instructions as may be lawfully given him by any Magistrate in regard to such riot; They must obey the call.

and every Officer, non-commissioned officer and man of such Active Militia or any portion thereof, shall on every such occasion, obey the orders of his Commanding Officer;

to be special Constables.

and the Officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of Office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only;

To be paid by municipality, and at what rates.

and they shall, when so employed, receive from the Municipality in which their services are required, the following rates of pay, that is to say: Officers, the same pay as that Officers of corresponding rank in Her Majesty's Service, with an additional sum to each mounted Officer of two dollars per day, and non-commissioned Officers and Privates the sum of one dollar each, per day, with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, and they shall be also provided with proper lodging by such Municipality;—

Recovery if not paid.

and the said sums, and the value of such lodging, if not furnished by the Municipality, may be recovered from it by the Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

ADJUTANT GENERAL.

Qualification and appointment.

28. There shall be appointed an Adjutant General of Militia for the Dominion of Canada, who shall be a person educated to the military profession, and who has attained the rank of Field Officer in Her Majesty's regular army:

Rank, command and pay.

(2) The Adjutant General shall have the rank of Colonel in the Militia, and shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and shall be paid at the rate of three thousand dollars per annum;

Duties.

(3) The Governor in Council shall, from time to time, make such orders as may be necessary, respecting the duties to be performed by the Adjutant General of Militia, and by the Officers of the Militia generally.

D. A. G. at Head Quarters.

29. There shall be a Deputy Adjutant General of Militia at Head Quarters, who shall have the rank of Lieutenant Colonel in the Militia; and who shall be paid at the rate of two thousand two hundred and forty dollars per annum:

DISTRICT STAFF.

D. A. G. in each Military District.

30. In and for each of the nine Military Districts mentioned in [section twelve](#) of this Act, there shall be appointed one Deputy Adjutant General of Militia, who shall have the rank of Lieutenant Colonel, and who shall command the Militia in his District;

Pay.

and he shall be paid at the rate of one thousand two hundred dollars per annum.

Staff and other officers.

(2) There shall also be appointed in each of the Military Districts aforesaid such staff Officers and such other Officers as may be necessary;

Pay.

and the salaries of such Officers shall be fixed by the Governor in Council.

OFFICERS.

Commissions: non-commissioned Officers.

31. Commissions of Officers in the Militia shall be granted by Her Majesty during pleasure, and all non-commissioned officers in the Militia shall be appointed by the Officer commanding the Corps or Battalion to which they belong, and shall hold their rank during pleasure:

Commissions need not be enregistered if full: exception.

(2) Commissions of officers in the Militia, except the Adjutant General and Deputy Adjutants General, need not be enregistered at full length, but a record of them shall be kept in the Office of the Adjutant General.

Officers holding commissions when this act passes.

32. Officers holding Commissions in the Militia in any of the Provinces of the Dominion, on the day on which this Act shall come into force, may be placed on the retired list, with or without a step of honorary rank to those below the rank of Lieutenant Colonel; and Her Majesty may appoint Officers from the retired list to Commissions in the Militia;

Proviso.

but no Officer from the retired list shall be bound to serve in the Militia in a lower grade than that of his retired rank.

Conditions of appointment as regards qualifications.

33. No person shall be appointed an Officer in the Active Militia, except provisional, until he has obtained a certificate of fitness from one of the Military Schools of the Dominion or a Board of Officers of the Active Militia, to be constituted as Her Majesty may appoint;

Certificates from Schools of Military Instruction &c.

or unless he had obtained a certificate, from one of the Schools of Military Instruction, heretofore established in the late Province of Canada, or from any Board of Officers which had been appointed for that purpose in any of the Provinces of the Dominion; and Her Majesty may prescribe conditions as to the qualification of Officers of different grades, by General Order; Board for examination.

and may order the assembling of such Boards, as often as may be expedient; and may dispense with the conditions of this section in the case of men who have served as Officers or non-commissioned Officers in Her Majesty's regular army:

Rank limited in peace time.

(2) In time of peace no person except the Adjutant General shall hold higher rank in the Militia than that of Lieutenant-Colonel,

Proviso.

but Officers at the time when this Act shall come into force, holding the rank of Colonel, shall retain the same;

And when called out.

(3) Her Majesty may, however, when the Militia is called out, and the exigencies of the service so require, appoint therein Colonels and other Officers of superior rank, in no case to exceed that of Major General.

Staff Officers.

34. Her Majesty may appoint Staff Officers of the Militia with such rank as from time to time may be found requisite or necessary for the efficiency of the Militia service; and 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 such as may from time to time be prescribed.

Relative rank of officers.

35. The relative rank and authority of Officers in the Militia of Canada, shall be the same as the relative rank and authority of Officers in Her Majesty's regular army; and any Body of Militia assembled on parade, shall be commanded by the Officer highest in rank then present, on duty and in uniform, or the senior of two or more Officers of equal rank;

Proviso

provided that no Officer whose rank is provisional only shall under any circumstances command an Officer of the same grade whose rank is substantive.

Officers of H. M. army to command Militia officers of like rank.

36. Officers of Her Majesty's Regular Army shall always be reckoned senior to Militia Officers of the same rank, whatever be the dates of their respective Commissions;—and Colonels appointed by Commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of Militia, whatever be the dates of their respective Commissions.

CLOTHING, AND ARMS AND ACCOUTREMENTS.

Officers to furnish their own.

37. Officers shall provide their own uniforms, arms and accoutrements; and the arms and accoutrements of all Officers on the Militia Staff, and of the Officers and men of the Active Militia, and the horses used by them as such, shall be exempt from seizure in execution and from distress and assessment;

Exemptions from seizure.

and the Officers, non-commissioned officers and men of the Active Militia, shall be exempt from serving as Jurors or Constables;

Exemption of Active Militia

and a certificate, under the hand of the Commanding Officer of any such Corps, shall be sufficient evidence of the service in his Corps of any Officer, non-commissioned officer or man.

Quality of arms, &c.

38. The arms and accoutrements of the Officers and men of the Active Militia shall be such as Her Majesty shall from time to time direct; and no such arms and accoutrements of the men shall be left in their possession except by special authority.

Responsibility for damages.

39. The value of all such articles of public property as may have become deficient or damaged, while in possession an Corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister of Militia and Defence or by any other person authorized by him, from the Officer in command of such Corps;

Recovery of damages.

and the Officer commanding any Corps shall have power to recover the value of such articles of public property as have become deficient, or damaged while in possession of his Corps, otherwise than through fair wear and tear or unavoidable accident, from the man or men who may be responsible for the same.

Uniform clothing.

40. Such of the several Corps of Active Militia heretofore organized or hereafter to organize as may, for that purpose, be named and specified, shall be supplied with uniform clothing of such one and similar colour, pattern and design, as may be ordered for each arm of the service designated in this Act;

Renewal.

and if necessary, such uniform clothing may be replaced in every successive period of five years from the Original issue;

Delivery.

and the said uniform clothing shall be delivered to the Officer commanding the Corps, to be by him delivered to the non-commissioned officers and privates, on such conditions and upon such security as may be directed;

Regulations

and Her Majesty may, from time to time, make such regulations in respect to the uniform clothing, and may prescribe penalties for any infraction of such regulations as may be deemed necessary or expedient;

Proviso.

but nothing herein contained shall prevent the re-supplying of clothing within the period aforesaid in special cases.

Arms and accoutrements.

41. The several Corps of Militia shall be furnished with arms and accoutrements, and the same shall be kept in public armories, wherever there are such;

Safe keeping

and where there are no such public armories, and until the same are provided, the Officer commanding each Corps shall himself actually keep the arms and accoutrements in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personall responsible for such arms and accoutrements;

Allowance for care of.

and the Officer commanding any such Corps may, in the discretion of the Governor in Council, be allowed annually, such sum for the care of such arms and accoutrements as may appear proper for the same;

Regulations as to removal.

and no Arms or Accoutrements shall be taken or removed from any such public armoury, or from the care of such Commanding Officer, except under such regulations as may be made in respect to the same by Her Majesty.

Militiaman leaving Canada to return clothing &c.

42. Any man serving in the Active Militia who may require to leave Canada shall first return to the Captain of his Company all articles of public clothing, or public property which he may have had in his possession, and shall obtain a written discharge from the Commanding Officer of his Corps;

Penalty.

and any Militiaman who may leave Canada, with any articles of public clothing or other public property in his possession, shall be guilty of embezzlement, and may be tried for the same at an subsequent time;

Proof.

and a record in the books of his corps of his having so received and not having returned any articles of public clothing or other public property, shall be evidence of possession;

Receipt on delivery.

and he shall be entitled to quittance by certificate and to see it recorded in the books of his corps on returning such articles.

When only to appear in uniform.

43. No Corps of the Active Militia, and no non-commissioned officer or private shall at any time appear in uniform or armed or accoutred, except when on duty or *bonâ fide* at parade or drill or at target practice, or at Reviews or on Field-days or Inspections, or by order of the Commanding Officer.

DRILL AND TRAINING.

40,000 Militiamen to be trained yearly in time of peace: how selected.

44. In time of peace there shall be trained and drilled annually, for such periods as are authorized by this Act, and under such regulations as Her Majesty may, from time to time prescribe, the Officers of Militia mentioned in the three following sections and forty thousand Active militiamen; and Her Majesty shall from time to time by General Orders, designate the Regimental Divisions required to furnish the men for purposes of such training and drill:

Proviso: as to Regimental divisions in which there are Volunteers.

but in any Regimental Division where, in proportion to the number of names inscribed on the Militia Rolls, as compared with other Regimental Divisions, Volunteers are organized and perform the regulated drills for Volunteers, Her Majesty may dispense with the annual and drill of such a number of Regular Militia as, with the Volunteers, are in excess of the quota which would otherwise be required in that Regimental Division.

Volunteer Militia.

Drilling Officers and men of Volunteers.

45. Her Majesty may order the Officers, non-commissioned officers, and privates of the several Corps of the Volunteer Militia or any portion thereof to drill for a period not exceeding sixteen days nor less than eight days in each year:

Pay.

and for each day's drill of three hours, every officer, non-commissioned officer and private shall receive fifty cents;

Horses

and the non-commissioned officers and privates of mounted Corps, shall receive for each day's drill of three hours, seventy-five cents for each horse that has taken part in such drill.

Regular Militia.

The same of Service Militia.

46. Her Majesty may order to assemble, for a period not exceeding sixteen nor less than eight days in each year, all the Officers, non-commissioned officers and privates of the Service Companies of the Regular Militia required for service, and the Officers of the Reserve Militia, or any portion thereof, at such times and places as may be thought proper, for drill and exercise:

Pay.

and for each day's drill of three hours every Officer, non-commissioned officer and private shall receive fifty cents;

Horses

and the non-commissioned officers and privates of mounted Corps, shall receive for each day's drill of three hours, seventy-five cents for each horse that has taken part in such drill.

Marine Militia.

The same of Marine Militia.

47. Her Majesty may order the Officers and men of the Marine Militia, or any portion thereof, to be trained and drilled for a period not exceeding sixteen days nor less than eight days in each year, at such times and places, and in such manner as may be thought proper;

Pay.

and for each day's drill every Officer and Man shall receive fifty cents.

Payments, conditions of.

48. Payments for drill, shall be made only upon proof of compliance with such regulations touching such drill, and the efficiency of the several Corps, as Her Majesty may order; and any officer, non-commissioned officer or private, absent from drill, shall forfeit his pay therefor.

Drill Instructors.

49. Her Majesty may from time to time appoint competent persons to instruct and drill the Militia,

and may award such remuneration therefor as the Governor in Council may order.

Occasional drill without pay.

50. Such of the Officers and men of any Corps of the Active Militia as reside within two miles of the place appointed for drill, may assemble or be ordered out by the officer commanding it for drill or exercise, at other times than when performing the annual drills, under regulations to be approved by Her Majesty, and without receiving any pay therefor.

Dispensing with drill and training, in any year.

51. Her Majesty may, by any General Order, dispense with the drill or training of any Corps or part of a Corps of the Active Militia, either in any particular year or until further order, and may, in like manner, again direct such drill and training, or either of them, to be resumed if it may seem fit, and an such order shall have the force of law according to the terms thereof;

Remote parts of districts.

and Her Majesty may also dispense with the formation, or drill and training, of service Companies of the Regular Militia in remote portions of Districts.

INSPECTIONS.

Inspections.

52. The several Corps of the Active Militia shall be subject to such inspections, from time to time, as Her Majesty may direct.

RIFLE RANGES AND DRILL SHEDS.

Rifle Ranges, &c.

53. At, or as near as may be to the head-quarters of every Regimental Division, there may be provided a Rifle Range with suitable butts, targets, and other necessary appliances;

Land.

and Her Majesty may order the appropriation of such land as may be necessary for the same at a proper valuation, and may stop,

Practice.

at such time as may be necessary during the target practice of the Active Militia, the traffic on any roads not being Mail Roads that may cross the line of fire, and may make such other regulations, for conducting target practice and registering the results thereof, and for the safety of the public, as may be necessary,

Penalties.

and may impose penalties for wilful damage to any such butts, targets and appliances;

Inspection: compensation for damages.

and all such Ranges shall be subject to inspection and approval before being used, and the owners of private property shall be compensated for any damage that may accrue to their respective properties from the use of any such Rifle Range.

Aid to Local authorities for Drill Sheds, &c.

54. The Governor in Council may, from time to time, make regulations relating to the conditions upon which Government aid shall be granted towards the construction, by the local authorities, of Drill Sheds and armouries, in any Regimental Division, and the use thereof by the militia.

SCHOOLS OF MILITARY INSTRUCTION.

To be established in each Province.

55. For the purpose of enabling Officers of the Militia, or candidates for Commissions or promotion in the Militia, to perfect themselves in a knowledge of their military duties, drill and discipline, there may be established Schools of Military Instruction in each Province of the Dominion, and for at purpose arrangements may be entered into with the Officer Commanding Her Majesty's Forces in British North America, for the best means of effecting the same in connection with any Regiment or Regiments of Her Majesty's Forces or otherwise;

Regulations by Governor in Council.

and all necessary Rules and Regulations, as to the terms upon which such instruction may be compensated for, and generally for the advancement of Military Education amongst the Officers and Candidates for Commissions as aforesaid, may be made by the Governor in Council.

Selection of pupils.

56. Her Majesty shall, from time to time, from among the applicants for such purpose, select such persons in each Province of the Dominion as may be fit to attend such schools of Military Instruction, and if necessary remove them;

Allowance.

and the allowances to be paid to such persons during their stay at the school, and the period for which they shall undergo such instruction, shall be regulated by the Governor in Council;

Obligations of pupils: signing Roll.

and every person who shall enter upon the course of Military Instruction as hereinbefore provided, shall thereupon and thenceforth, and for the period prescribed in such regulations, upon his signing a Roll of Entry for such instruction, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind, to which Her Majesty's Troops are subject.

Camps of instruction.

57. Her Majesty may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction and whether the same be Commissioned Officers or not, to attend a Camp or Camps of Instruction at such time and place in Canada, and for such period as may for such purpose be prescribed,

Regulations.

and Her Majesty may make all necessary rules and regulations for the command, and discipline and good management of such Camp or Camps and for the mode of instruction thereat; Allowances.

and the allowances to be paid to such persons during their stay at the same shall be fixed by the Governor in Council;

Signing Roll.

and every person who shall report himself at such Camp or Camps, and shall sign a Roll of Entry thereat, shall thereupon and thenceforth and or the duration of such Camp or Camps,

Subject to the mutiny Act, &c.

be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's Troops are subject.

RIFLE AND DRILL ASSOCIATIONS.

Associations may be sanctioned.

58. Her Majesty may sanction the organization of Rifle Associations, and of associations for purposes of Drill and of independent Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, or of Militia Officers, or of men on the Militia Rolls, under such regulations as may, from time to time, be approved by Her Majesty;

Proviso.

but such Associations or Companies shall not be provided with any clothing or allowance therefor.

MILITARY INSTRUCTION IN SCHOOLS AND COLLEGES.

Arms, &c., for pupils.

59. There shall be furnished to every Normal School, University, College or School in Canada, in which there shall be instituted classes of instruction in Military Drill and Exercises under regulations prescribed by Her Majesty, arms and accoutrements necessary for the instruction of the pupils thereof over the age of twelve years.

CALLING OUT THE MILITIA.

Commanding Officer may call out on sudden emergencies.

60. The Officer commanding any Military District or Division, or the Officer commanding any Corps of Active Militia, may, upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of Her Majesty is known, and the Militia so called out by their Commanding Officer shall immediately obey all such orders as he may give, and march to such place within or without the District or Division as he may direct.

H. M. may call out in case of war, &c.

61. Her Majesty may call out the Militia or any part thereof for actual service, either within or without the Dominion, at any time, whenever it appears advisable so to do by reason of war invasion or insurrection, or danger of any of them;

Period of service.

and the Militiamen, when so called out for actual service, shall continue to serve for at least one year from the date of their being called out for actual service, if required so to do, or for any other period which Her Majesty may appoint:

Militiamen for reliefs.

(2) Her Majesty may, from time to time, direct the furnishing by any Regimental Division, of such number of Militiamen as may be required either for reliefs, or to fill vacancies in Corps on actual service;

Militia called may be commanded by Commander of H. M. Forces.

(3) Whenever the Militia or any part thereof are called out for actual service by reason of war, invasion, or insurrection, Her Majesty may place them under the orders of the Commander of Her Regular Forces in Canada.

Period of service.

62. In time of war no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement;

May be extended in case of necessity.

but Her Majesty may, in cases of unavoidable necessity (of which necessity Her Majesty shall be the sole judge), call upon any Militiaman to continue to serve beyond his period of general service, or voluntary engagement, or beyond his one year's service in the field, for any period not exceeding six months.

Pay of Militia when called out.

63. Whenever the Militia or any part, or Corps thereof, shall be called out for actual service, the Officers, non-commissioned officers and men so called out shall be paid at such rates of daily pay as are paid to Officers, non-commissioned officers and men of the relative and corresponding grade in Her Majesty's Service, or such other rates as may for the time being be fixed by the Governor in Council.

Active Militia to be subject to H. M.'s Regulations and to articles of War when called out, &c.

64. The Active Militia shall be subject to the Queen's Regulations and Orders for the army; and every Officer and man of the Militia shall, from the time of being called out for actual service, and also during the period of annual drill or training under the provisions of this Act, and also during any drill or parade of his corps at which he may be present in the ranks or as a spectator, and also while wearing the uniform of his Corps, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in Canada, and not inconsistent with this Act;

Exception.

except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws;

Exception.

and except also that Her Majesty may direct that any provisions of the said laws or regulations shall not apply to the Militia Force;

Trial by Court Martial after discharge or relief.

but any Officer, non-commissioned officer or man charged with any offence committed while serving in the Militia, shall be held liable to be tried by Court Martial, and if convicted to be punished therefor, within six months after his discharge from the Militia or after the Corps to which he belongs or belonged is relieved from actual service, notwithstanding that he shall have been so discharged from the Active Militia, or that the Corps to which he belonged shall have been so relieved from actual service:

Trial for desertion.

and any Officer, non-commissioned officer or private of the Militia may be tried for the crime of desertion at any time, without reference to the length of time which may have elapsed since his desertion.

Keeping Rolls of each Company.

65. It shall be the duty of the Captain or other Officer commanding any company of Active Militia, with the assistance of the Officers and non-commissioned officers of his Company, to make and keep at all times a correct Roll of the Company in such form as Her Majesty may direct;

Duty of Commanding Officer and of Adjutant.

and it shall be the duty of the Lieutenant-Colonel or other Officer commanding any battalion of Active Militia, and under him especially of the Adjutant, to see that the Company Rolls above referred to are properly made out, and corrected from time to time by the Captains or other Officers commanding companies in such Battalion, and to report such Officers as fail to perform their duty in this respect.

Attendance at rendez-vous.

66. Each Militiaman called out for actual service shall attend at such time and place as may be required by the Officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer may direct.

Absence for 7 days, desertion.

67. Any Militiaman who when called out for actual service, shall without leave absent himself from his Corps, for a longer period than seven days, may be tried by Militia Court Martial as a deserter.

Provision for family of men killed.

68. When any Officer or man is killed in actual service, or dies from wounds or disease contracted on actual service, provision shall be made for his wife and family out of the public funds:

And for men permanently disabled.

(2) And all cases of permanent disability, arising from injuries received or illness contracted on actual service, shall be reported on by a Medical Board, and compensation awarded, under such regulations as may be made from time to time by the Governor in Council; and any medical practitioner who shall sign a false certificate in any such case, shall incur a penalty of four hundred dollars.

REGULATIONS FOR THE BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &C., FOR THEIR TRANSPORT AND USE.

Governor in Council to make regulations.

69. The Governor in Council may make regulations for the billeting and cantoning of Troops and Militia when on active service, for the furnishing of carriages, horses and other conveyance for their transport and use, and for adequate compensation therefor; and may by such regulations impose fines not exceeding twenty dollars, and imprisonment in cases of default of payment of such fines.

Penalty for refusing conveyance.

70. Any person lawfully required under this Act, or by any regulation made under the authority thereof, to furnish any railway car or engine, boat or other craft, for the conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding four hundred dollars for each such offence.

Not to be quartered on Nuns.

71. Nothing in this Act contained or in any regulations made under the authority thereof shall be construed to authorize the quartering or billeting of any Troops or Militia, either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige an such Religious Order to receive such Troops or Militia, or to garnish them with lodging or house room.

COURTS OF ENQUIRY AND COURTS MARTIAL.

H. M. may convene Courts of Inquiry.

72. Her Majesty may convene Courts of Enquiry and appoint Officers of the Militia to constitute such Courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any Officer, non-commissioned officer or private of the force;

And Courts Martial.

and shall have power at any time to convene Militia Courts Martial and to delegate power to convene such Courts, and to appoint Officers to constitute the same, for the purpose of trying any Officer, non-commissioned officer or private of the Militia for any offences under this Act, Proviso.

but no Officer of Her Majesty's regular army on full pay shall sit on any Militia Court Martial. Regulations respecting, and powers, &c., of such courts.

73. The regulations for the composition of Militia Courts of Enquiry and Courts Martial, and the modes of procedure and powers thereof, shall be the same as the regulations which may at the time be in force for the composition, modes of procedure and powers, of Courts of Enquiry and Courts Martial or Her Majesty's regular army, and which are not inconsistent with this Act; and the pay and allowances of Officers and others attending such Courts may be fixed by the Governor in Council.

Sentence of death in certain cases only.

74. No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—and no sentence of any General Court Martial shall be carried into effect until approved by Her Majesty.

OFFENCES AND PENALTIES.

Claiming pay for drills not performed.

75. Any Officer commanding a Corps of Militia, who shall knowingly claim pay on account of any drills performed with his Corps, for any man belonging to any other Corps of Militia, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial;

Including men not duly enrolled.

and any Officer commanding a Corps of Militia, who shall include in any parade state or other Return, any man not duly enrolled and attested as a Militiaman, shall be guilty of a misdemeanour, and shall be likewise liable to be tried and punished by Court Martial;

Claiming pay for drill performed with another Corps.

and any non-commissioned officer or private of the Militia who may claim or receive pay on account of any drill performed in the ranks of any other than his own proper Corps, shall be guilty of a misdemeanour, and shall likewise be liable to be tried and punished by Court Martial.

Fraudulently retaining pay of men.

76. Any Officer or non-commissioned officer of the 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 Officer, non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed the service;

Signing false parade state, roll, &c.

and any Officer or non-commissioned officer who may sign a false parade state, roll, or pay-list, or any false return whatever, shall be guilty of a misdemeanour, and shall be likewise liable to be tried by Court Martial for the offence;

False swearing, &c.

and any person making an Affidavit or Declaration required in and by this Act, or by any regulation made under the authority thereof, and swearing or declaring falsely therein, shall be guilty of perjury.

Refusing to give information: or giving false.

77. Any person of whom information is required by any Officer, or non-commissioned officer, making any Militia Roll, in order to enable him to comply with the provisions of this Act, refusing to give such information or giving false information, shall forfeit and pay a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated, and every person refusing to give his own name and proper information, when applied to as aforesaid, or giving a false name or information, shall forfeit and pay a penalty not exceeding twenty dollars:

Refusing to make enrolment, ballot, &c.

(2) And any Officer or non-commissioned officer of the militia, refusing or neglecting to make any enrolment or ballot or to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any regulation made under the authority thereof, shall incur a penalty, if an Officer, not exceeding fifty dollars, if a non-commissioned officer, not exceeding twenty-five dollars for each offence.

Men drafted, &c. refusing to take oath.

78. Any militiaman, drafted or liable to be drafted for service, who shall refuse or neglect to take the oath hereinbefore prescribed, when tendered to him by a Justice of the Peace or by any Commissioned Officer in command of the Corps to which such militiaman belongs, or in whose District he resides, shall be subject to imprisonment for a period not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be subject to a further imprisonment not exceeding twelve months; and he may on due proof in either case be summarily committed upon the warrant of any two Justices of the Peace.

Personating others, at parade, &c.

79. An Officer, non-commissioned officer or private who shall falsely personate another at any parade of the Militia, or on any other occasion, for any of the purposes required by this Act, shall be liable to a fine not exceeding one hundred dollars and shall be guilty of a misdemeanour;

Refusing to assist in making Rolls, &c.

and any officer or non-commissioned officer of the Militia refusing or neglecting to assist his Commanding Officer in making any roll or return, or refusing or neglecting to obtain or to assist him in obtaining any information which he may require in order to make or correct any roll or return, shall incur a penalty, if an Officer, not exceeding fifty dollars; if a non-commissioned officer, not exceeding twenty-five dollars for each offence;

Or to give information for them.

and any person refusing or neglecting to give any notice or information necessary for making or correcting the of any Company, which he is required by this Act to give to the Commanding

Officer of such Company or to any Officer or non-commissioned officer thereof demanding the same at any seasonable hour and place, shall incur a penalty of ten dollars for each offence.
Refusing to attend drill.

80. Any Officer, non-commissioned officer or private of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an Officer, of ten dollars, if a non-commissioned officer or private of five dollars, for each offence; and absence for each day shall be held to be a separate offence;

Hindering Militia at Drill.

and any person who interrupts or hinders any Militia at Drill, or trespasses on the bounds set out by the Officer for such Drill, shall 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 Drill be over for the day;

Insolent or disorderly behavior.

and any Officer non-commissioned officer or private disobeying any lawful order of his superior Officer, or being guilty of any insolent or disorderly behaviour towards such Officer, shall incur a penalty, if an Officer of twenty dollars, if a non-commissioned officer or private of ten dollars for each offence.

Not keeping arms in proper order.

81. Any non-commissioned officer or private who fails to keep in proper order any arms or accoutrements delivered or intrusted to him, or who appears at drill, parade, or on 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;

Disposing of them, &c.

and any person who unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown, or who 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 be upon him) shall incur a penalty of twenty dollars for each offence;—

Proviso.

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 subjected to the penalty aforesaid;—

Arrest, &c., by order of a J. P.

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 Canada, carrying with him any such arms, accoutrements or articles.

Refusing to aid the Civil power.

82. Any Officer, non-commissioned officer or private of the Militia who, when his Corps is lawfully called upon to act in aid of the civil power refuses or neglects to go out with such Corps, or to obey any lawful order of his superior Officer, shall incur a penalty, if an Officer not exceeding forty dollars, if a non-commissioned officer or private, not exceeding twenty dollars for each offence.

Resisting draft, &c.

83. Any person who resists any draft of men enrolled under this Act, or counsels or aids any person to resist any such draft, or in the performance of any service in relation thereto, or counsels any drafted man not to appear at the place of rendez-vous, or wilfully dissuades him from the performance of any duty required by law of Militiamen, shall, upon conviction thereof,

be subject to a fine of not exceeding one hundred dollars, or to imprisonment not exceeding six months, or to both of the said punishments.

Contravening this Act in any way.

84. Any person who wilfully contravenes any enactment of this Act, shall, when no other penalty is imposed for such contravention, 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.

RECOVERY OF PENALTIES.

How recoverable.

85. All penalties incurred under this Act shall be recoverable, with costs, by summary conviction on the evidence of one credible witness, on complaint or information before one Justice of the Peace; and in case of non-payment of the penalty immediately after conviction,

Imprisonment if not paid.

the convicting Justice may commit the person so convicted and making default in payment of such penalty and costs, to the common jail of the territorial division for which the said Justice is then acting, or to some house of correction or lock-up house situate therein, for a period of not more than forty days when the penalty does not exceed twenty dollars, and for a period of not more than sixty days when it exceeds the last mentioned sum.

PROSECUTIONS.

On whose complaint only prosecutions should be brought.

86. No prosecution against an Officer of the Militia for any penalty under this Act or under any regulation made should be under the authority thereof, shall be brought except on the complaint of the Adjutant General; and no such prosecution against any non-commissioned officer or private the Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Corps, or Captain of the Company or Corps to which such non-commissioned officer or private belongs;—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;

Within what time.

and no such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms, accoutrements or other articles delivered to the Militia, or for desertion.

Bonds under this Act to be valid.

87. Every bond to the Crown entered into before any Judge or Justice the Peace, or officer authorized to take the same, by any person under the authority of this Act, or according to any General Order or Regulations made under it, for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly.

Recovery of sums payable to Crown.

88. Every sum of money which any person or coporation is under this Act liable to pay or repay to the Crown, is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered as such.

In what local jurisdiction actions, &c. shall be brought.

89. Every action and prosecution against any Officer or person, for any thing done in contravention to this Act, or to any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in Ontario, New Brunswick and Nova Scotia, in the county, where the act complained of was done, and shall not be commenced after the end of six months from the date of such contravention, except as hereinbefore provided;—

General issue.

and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial;—

Tender of amends.

and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought:

Actions for things done in pursuance of this Act.

(2) But no action or prosecution shall be brought against any Officer or person, for anything purporting to be done under the authority of this Act, until at least one month after notice in the 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.

H. M. may remit penalties.

90. Every penalty when recovered shall be paid over to the Receiver General: but Her Majesty may remit any penalty incurred under the provisions of this Act.

NOTICES, ORDERS, & C.

Orders, &c., need not be in writing, unless herein required so to be.

91. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, provided it be communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order.

General Orders in Canada Gazette.

92. All [General Orders of Militia](#), or other Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the [Canada Gazette](#);—and a copy of the said Gazette purporting to contain them shall be evidence of such orders.

Notifying orders.

93. Every Order made by the Commanding Officer of any Corps of Militia, shall be held to be sufficiently notified to all persons whom it may concern by insertion in some newspaper published in the Regimental Division, in which such Corps is situated, or, if there no such newspaper, then by posting a copy thereof on the door of every place of public worship or of some other public place, in each Company Division affected by such orders.

Proof of commissions, &c.

94. The production of a Commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *primâ facie* evidence of such Commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such Commission, appointment, warrant or order.

EXPENDITURE.

Payments to be made by warrant.

95. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor to the Receiver General; Proviso.

but no sum of money shall be so paid unless it be included in some appropriation made by Parliament; and a detailed account of moneys so expended shall be laid before Parliament during the then next session thereof.

GENERAL POWER TO MAKE REGULATIONS.

Power to enforce fines.

96. The Governor in Council may make regulations relating to anything necessary to be done for the carrying into effect of this Act, and may by such regulations impose fines not exceeding twenty dollars each an imprisonment in case of default of payment of any such fine.

REGULATIONS.

Regulations to be published.

97. All [regulations](#) made under the authority of this Act shall be published in the [Canada Gazette](#); and when so published, they shall have the force of Law as fully as if they were contained in this Act, of which they shall be deemed to form a part:

Certain Copies to be evidence.

(2) All copies of such Regulations printed by the Queen's Printer shall be evidence of such regulations and of their contents, and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shown, and shall be judicially noticed by all Judges, Justices of the Peace and others without being specially pleaded;

To be laid before Parliament.

(3) All Regulations made under this Act, and an annual report of the state of the Militia, shall be laid before Parliament by the Minister of Militia and Defence, within the first thirty days of the then next session thereof.

INTERPRETATION .

Interpretation Act.

98. The [Interpretation Act](#) shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act:

Word "Corps," explained.

(2) The word "Corps" shall, for the purposes of this Act, include any Field Battery, Brigade or Battery of Artillery, Troop of Cavalry, or any Company, Battalion, or Regiment.

REPEAL OF ACTS.

Inconsistent enactments repealed.

99. All Acts or parts of Acts relating to the Militia, in force in either of the Provinces which constitute the Dominion of Canada, repugnant to or inconsistent with the provisions of this Act, are hereby repealed.

WHEN THIS ACT SHALL COME INTO FORCE.

Commencement of Act.

100. This Act shall come into force on the First day of October next, or on such earlier day as may be appointed for that purpose in a Proclamation to be issued by the Governor General.

(Source: https://en.wikisource.org/wiki/An_Act_respecting_the_Militia_and_Defence_of_the_Dominion_of_Canada)