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AN ACT

FURTHER TO

AMEND THE ACT

RESPECTING

THE MILITIA.

29 VICTORIA, CAP. 6.




OTTAWA:

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1865



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ANNO VICESIMO-NONO

VICTORIÆ REGINÆ.

CAP. VI.

An Act further to amend the Act respecting the Militia.

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The following paragraph is hereby added to and shall form and be read as part of the fifth section of the Act passed in the twenty-seventh year of Her Majesty's Reign, intituled : *An Act respecting the Militia*, and next after the addition to that section made by the first section of an Act made and passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intituled : *An Act to amend the Acts respecting the Militia and the Volunteer Militia Force*, that is to say—" and the Commander in Chief may, from time to time by any General Order, divide the Regimental Divisions respectively into Battalion Divisions, and the Battalion Divisions into Company Divisions, and may designate such Divisions by such names or numbers as he may see fit;"

Paragraph added to sect. 5 of 27 V. c. 2.

Commander in Chief may subdivide Regimental and Battalion Divisions.

2. In any Regimental Division in which, by order of the Commander in Chief, one Battalion or more has been or may be organized by ballot under the first-mentioned Act, the service militiamen may, after being balloted, be dealt with as forming one body of organized service militiamen, and may be remodelled and re-divided, according to local boundaries, by the Commander in Chief, who may by any General Order divide such service militiamen into Companies, and prescribe the local boundaries of each company division, and may form or divide such companies into a battalion or battalions, and prescribe the local boundaries of each battalion, if there be more than one.

Commander in Chief may re-divide Service Militia into Companies and Battalions by local boundaries.

3. The Service Militiamen, when so remodelled as aforesaid, resident in each Company Division, shall form the Company thereof, and such Company shall be a Company of the Battalion

Companies, Battalions and Regiments, how formed.

of the Battalion Division in which it lies; and all the Companies in any Battalion Division shall form the battalion thereof, and such Battalion shall be a battalion of the Regiment of the Regimental Division in which it lies: and all the Battalions in any Regimental Division shall form the Regiment thereof.

Service Militiamen to be enrolled from time to time.

4. The names of the Service Militiamen, when so remodelled as aforesaid, shall be enrolled from time to time in each Company Division by the Captain or other Officer commanding the Company thereof, with the assistance of the officers and non-commissioned officers of the Company; and it shall be the duty of the Captain, and under his orders, of the other officers and of the non-commissioned officers of the Company, by actual enquiry at each house in the Company Division, and by every other means in their power, to make and keep at all times a correct Roll of the Company (hereinafter called "Company Roll,") in such form as may be directed by the Adjutant General.

How roll shall be made and corrected.

Commanding officer to see that Rolls are properly made and corrected.

5. It shall be the duty of the Lieutenant Colonel or other officer commanding each organized Battalion of the Service Militia to see that Company Rolls are duly and properly made out and corrected from time to time by the Captains or other officers commanding Companies in such Battalion, in accordance with this Act and with the directions given by the Adjutant General, and to report such officers as fail or neglect to perform their duty in this respect.

Men liable to be enrolled to furnish information within a certain time.

6. Each man liable under this Act to be enrolled, but not enrolled on such Company Roll by the Captain or officer commanding any Company of such organized Service Militia, so remodelled, shall, within twenty days after he has become so liable, whether by the alteration of any Division, by change of residence or otherwise howsoever, furnish such Captain or officer with a statement in writing, shewing his name, his age, his place of residence, and whether he is single, married or a widower, and if a widower, whether or not he has a child or children.

Annual muster of each Company.

7. Each Company of an organized Service Battalion so remodelled, shall assemble for muster annually, at such place and hour, in such manner and for such purposes as the Commanding Officer of each Battalion may direct with respect to each Company therein; the muster day being, in Lower Canada, the twenty-ninth day of June, or, if that day fall on a Sunday, then the next day thereafter,—and in Upper Canada, the Queen's Birthday, or, if that day fall on a Sunday, then the next day thereafter; except that the Commander in Chief may, in his discretion, but on the application of the Lieutenant Colonel commanding any Service Battalion in Upper Canada, direct

Muster day.

Proviso.

that the annual muster day in such Division be the twenty-ninth day of June.

8. The officer commanding each Company of an organized Service Battalion so remodelled shall, within twenty days after the annual muster day for such Company, transmit a certified copy of such Company Roll, to the officer commanding the Battalion of which such Company forms a part, shewing in such form as may be prescribed by the Adjutant General, the names and ages of those who attended such muster, and the names of those absent from such muster, and the causes of such absence; and if exemption be claimed, the ground of such exemption, and what (if any) proof of the same; and the officer commanding such battalion shall, within forty days after such muster, prepare from such Company Rolls a correct Return of the Battalion under his command and forward it to the Adjutant General at Head Quarters.

Returns of those present at such musters. -

Return for the Battalion.

9. The Company Rolls kept by the Captains of Companies or Officers commanding Companies of the organized Service Militia so remodelled as aforesaid, shall be corrected from time to time, as changes occur which affect them respectively;—and every householder and resident in each Company Division, and every Assessor, Town Clerk or other Municipal officer, shall be at all times bound to give to the commanding officer, or any officer or non-commissioned officer of the Company of such division such information as may be required for the making of corrections in the Rolls of such Divisions, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information; and every organized Service militiaman shall be bound to give notice in writing to the Captain or other officer commanding the Company of the division in which he was last enrolled, of any change of residence or other circumstance affecting such militiaman, by which the Roll in which his name appears is affected; and in case of change of residence, such organized Service militiaman shall also, within twenty days after such change, give such notice, together with the statement in writing required by this Act, to the Captain or other officer commanding the Company of the division into which he removes.

Company rolls to be corrected from time to time.

Parties required to give information: and answer questions.

Changes of residence, &c., to be notified.

10. Whenever any man of the organized Service Militia so remodelled changes his residence from one Company Division to another within the same Battalion Division he shall thenceforward cease to be counted as one of the quota of the Division from which he has removed and shall be counted, for the remainder of his term of enrollment, as one of the quota of the Division to which he has removed; and any such man so removing who fails to give to the Officer commanding the Company of the Division into which he removes the notice and statement in writing required by this Act, shall be liable to be taken for

Militia man to be counted as one of the quota of the division into which he removes.

Penalty for not notifying removal.

enrollment for a full period of three years without reference to his former enrollment.

Right and duty of Militia man obtaining certificate of service enrollment before removing.

11. If any man of the organized Service Militia so remodelled about to change his residence to another Battalion Division communicates such his intention to the commanding Officer of his Service Battalion and obtains from him a certificate of Service enrollment, a duplicate of such certificate shall be forthwith sent by such Commanding Officer to the Commanding Officer of the Service Battalion of the Division to which the man is about to remove, and thereupon such man will be called upon to complete his term of enrollment in that Division; but any man so removing without having procured such certificate, as well as any man so removing and having procured such certificate, but thereafter failing to present himself at the first muster of the Service Battalion of the Division into which he has removed, and not satisfactorily accounting for his absence therefrom, or failing to give the notice and statement in writing required by this Act in case of change of residence, shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

Penalty for failure or not giving notice, &c.

Militia man leaving the Province, his duty.

12. If any man of the organized Service Militia so remodelled about to absent himself from the Province for a time, communicates such his intention to the Commanding Officer of his Service Battalion and obtains from him a certificate of Service enrollment, on the return of such man to the Province, at any time within a period of ten years, he shall, on production of such certificate, be allowed to complete his period of enrollment; otherwise he shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

Penalty for non-compliance.

Sect. 31 repealed and new section substituted.

13. The thirty-first section of the said Act is hereby repealed and the following section shall in lieu thereof be taken and read as the thirty-first section of the said Act, that is to say:

Calling out Service Militia, or any part thereof, for six days drill: pay.

“The Service Militia or any Company or Battalion thereof, or any part of any Company or Battalion, or any of the Officers of the Service Militia may, at any time in each year, be called out by General Order of the Commander in Chief for drill or instruction within each Regimental Division for a period not exceeding six days, under and pursuant to such rules and regulations in that behalf as may be prescribed in such General Order, and each non-commissioned officer and man shall be paid for each day's actual and *bonâ fide* drill as aforesaid the sum of fifty cents, and every Officer and Service Militiaman whilst so called out shall 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.”

To be subject to articles of war, &c.

14. The Commander in Chief 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 this Province and for such period as he may for such purpose prescribe, and he 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 and shall prescribe the allowances to be paid to such persons during their stay at the same; 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 for the period prescribed by the Commander in Chief for the duration of such Camp or Camps, 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.

Persons having obtained final certificates of Military Instruction may be called on to attend camps of instruction.

Persons attending subject to articles of war, &c.

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