

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, in the Fortieth Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France, and Ireland, being First Session of the Eighth General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

40 George III – Chapter 18

An Act in further addition to, and for altering and amending an Act, passed in the Thirty-fifth year of His present Majesty's reign, entitled, "An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province."

Be it enacted by the Lieutenant-Governor, Council and Assembly, that when any regiment, or detachment, of His Majesty's troops, shall be ordered to march from one district, or place, in this province, to another, it shall and may be lawful for the justices of the peace, inhabiting in, or near, any town or place, into, or through, which said regiment, or detachment, in the same way, and manner, and in the same inns, taverns and houses, as prescribed by the said act, for billeting the officers and soldiers of the militia in the like cases; and all persons upon whom any such officers and soldiers shall be quartered, shall, and they are hereby required, to furnish the officers and soldiers, so billeted upon them, with lodging and provisions, in manner prescribed by the said act for militia officers and soldiers, and to take from the officer commanding each regiment, or detachment, so quartered, and billeted, receipts, or certificates, of the number of meals furnished by such persons respectively to such regiment, or detachment, in order that the same may be applied for, and paid by the officer commanding the detachment, or party, or by the person or persons who may be appointed by the commander in chief for payment thereof.

II. And be it further enacted, that the price of a dinner, of good wholesome victuals, shall be at the rate of nine pence, and a breakfast, and a supper, one third less; such dinner to consist of good meat, bread, and vegetables, and breakfast, and supper, to be such as is usually given to farmers' servants in the country.

III. And be it further enacted, that whenever a rout shall be granted by the Governor, Lieutenant-Governor, or Commander in Chief, for the march of any body of His Majesty's regular troops, who are to be removed from one garrison, or post, to another, within the province, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw by warrant, on the treasury so much money as shall be sufficient to pay the full price of the soldiers' dinner, to be estimated at the rate aforesaid for each soldier every day he shall be on such march. Provided, that the sum to be drawn for in one year for such service, shall on no account exceed the sum of five hundred pounds: the payment to be made agreeable to such regulations, and certificates, as the Governor, Lieutenant-Governor, or Commander in Chief, shall, from time to time, make, touching the

premises; such regulation, and the forms of such certificates, to be delivered, with the said rout, to the commanding officer of the party to be removed.

IV. And be it further enacted, that it shall and may be lawful for any two of His Majesty's justices of the peace for the county, where any march of His Majesty's troops is to commence, or for the county through, or to, which any such march is to be continued, upon the application of the commanding officer of such troops, and a rout signed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order a suitable number of horses, carts and waggons, to be furnished, for conveying, upon such rout, the baggage of such troops, and to determine what persons shall provide the same, and the person or persons who shall accordingly carry and convey any such baggage, shall be entitled to receive payment for the same at the rate of one shilling per mile for the hire of one horse and cart, with one suitable driver, to carry a load, not exceeding five groce hundred weight, for a distance not to exceed twenty miles, and for every additional horse or horses, to be added to the draught of such cart, nine pence more per mile for each horse. Provided, the additional load to be carried shall not exceed five groce hundred weight for each additional horse. And if any such waggons or carts, so employed to carry any baggage as aforesaid, shall be required and ordered by the commanding officer of any detachment of such troops to halt at any particular stages or places, and for that cause shall be delayed in their rout, such detention shall be computed, and paid for, at the rate of two shillings and six pence for every hour of the day such detention may last. And the commanding-officer shall give certificates to the respective owners or carriers of such waggons and carts of the weights of the baggage, and the distance which the same shall have been so carried and conveyed by them, specifying also therein the time and cause of the detention of such waggons or carts, according to which receipts the owner of such horses, waggons or carts, shall be entitled to demand and receive payment, forthwith, of the officer commanding such detachment.

V. And be it further enacted, that if any person or persons shall refuse or neglect to furnish any such horses, carts or waggons upon the order of two of His Majesty's Justices of the peace given as aforesaid, without a reasonable excuse to be allowed by said Justices, on complaint thereof made by the said justices, or either of them, to the next court of general or quarter sessions of the peace for such county, the said court shall order the party complained against to be brought before them, and shall hear and determine such complaint: and if the person or persons complained against shall be convicted of wilfully disobeying the said order, he or they shall severally forfeit and pay forty shillings for such offence: to be levied by warrant of distress, and sale of the goods and chattels of such offender, and be paid to the officer commanding the militia in such county or distress, and applied to the services herein after mentioned. And if any officer commanding such detachment shall force or constrain any waggon or cart to travel more than twenty miles, or one day's journey, or shall refuse or neglect to discharge the same in due time to return home, or shall overload, or suffer to be overloaded, any such waggon or cart, either by permitting soldiers, their wives or children, to ride therein, or otherwise, or shall force waggons, carts or horses, from the owners thereof, by themselves, servants or soldiers;

every such offence shall forfeit the sum of forty shillings, and be liable also to the party injured for his reasonable damages; and no loaded waggon or cart, passing from town to town, nor any horse or horses, employed in travelling by or for the owner, shall be liable to be taken or constrained to transport such baggage as aforesaid.

VI. And be it further enacted, that all fines and forfeitures recovered by virtue of this act, or of the act hereby added to, shall be applied to the repairing of the arms of such militia, and to the providing and repairing of drums: and if there shall thereafter be any residue left in the hands of any commanding officer of militia, it shall then be laid out in the purchase of arms for such men of the same regiment as shall be recommended by the field officers for such donations.

VII. And be it further enacted, that the commanding officer of the several battalions, regiments and independent companies, of militia, shall, at the times and periods required by the eleventh section of the aforesaid act for them to make their returns of the strength of their regiments, return also to the adjutant-general, at the secretary's office in Halifax, an account of all the fines collected, or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure, for the information of the Commander in Chief, on pain of forfeiting twenty pounds for each and every neglect in making such return, or for any false return, wilfully made, concerning the receipt or expenditure of any such fine.

VIII. And be it further enacted, that all the provisions contained in this act shall extend to be applied to the march of the militia, as well as the regular troops: anything in the said before recited act to the contrary notwithstanding: which said recited act, entitled, "An Act, made in the thirty-fifth year of His Majesty's reign, entitled, 'An Act to amend, and reduce into one Act, the several laws, now in being, relating to a militia in this Province;'" and the act in amendment thereof, passed in the thirty-seventh year of His Majesty's reign, together with this act, shall be in full force, and continue until the first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.