

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Thirteenth day of February, 1813, in the Fifty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Third Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.

53 George III – Chapter 2

An Act to alter, amend and continue, the several Acts of the General Assembly of this Province, now in force, relating to a Militia.

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, each and every captain or commanding officer of a company, who shall neglect to enrol any militia-man within his district, liable to enrolment, for the space of seven days after he shall be informed that such person is within his district, shall forfeit and pay for the first offence, the sum of twenty shillings; and after the payment and conviction of the said offence, the sum of twenty shillings for each and every following week he shall so neglect.

II. And be it further enacted, that if any militia-man (having had notice) shall neglect to attend at such meetings of the militia company in which he is enrolled, as by law he is bound to attend, not being prevented by sickness, unavoidable accident, or other reasonable excuse satisfactory to the commanding officer of his company, he shall be subject for the first offence to a fine of five shillings; for the second offence to a fine of ten shillings; for the third offence to a fine of fifteen shillings; and for every subsequent offence to a fine of twenty shillings – which fines shall be imposed by the captain or commanding officer of the company.

III. And be it further enacted, that notice of the imposition of the said fines shall be given by the clerk, or a non-commissioned officer, or such person as shall for the time being perform the duty of clerk of the company district such militia men belong to, either personally, or in writing left with the master, parent or wife, or with his child, or servant of the age discretion.

IV. And be it further enacted, that it shall and may be lawful for every militia man, upon whom a fine shall be imposed as aforesaid, within the period of four days, if he shall adjudge himself aggrieved, to appeal to a board of officers, to be formed as hereafter is directed; and any person or persons so appealing, shall give notice of the appeal to the clerk, or person doing the duty of clerk, within the period herein before limited.

V. And be it further enacted, that the notice to be given of the meeting of any battalion or company of militia under the act of which this is an amendment, shall be by the

commanding officer, or any other commissioned or non-commissioned officer of the battalion or company, and not by a private militia man, unless such private militia man has the written orders of the commanding officer of the battalion or company to that effect.

VI. And be it further enacted, that when a militia man is not found at his own usual place of dwelling, to receive personal notice, the leaving notice either verbally, or in writing with such militia man's master, parent or wife, or with his child or servant, of the years of discretion, or giving him notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed a sufficient notice until the delinquent militia-man shall fully satisfy the commanding officer of his company, or a board of officers, that he was ignorant of such notice having been given.

VII. And be it further enacted, that all officers, under the rank of lieutenant-colonel, who shall fail to attend any meeting of the battalion or company of militia to which they respectively belong, without reasonable excuse, to be adjudged by a board of officers, to be appointed as is herein directed, for the purpose of hearing and determining appeals, shall respectively forfeit and pay for each and every default, according to their rank, that is to say – if a major, five pounds; if a captain, three pounds; and if a subaltern officer, two pounds – which fines shall be sued for by the adjutant of the battalion, and recovered in like manner as fines are that are imposed upon militia men for non-attendance; and out of the said fines the said adjutant shall deduct, to his own use, one fourth part for this trouble of collecting; and the other three fourths parts he shall pay over to the quarter-master of the battalion, to the use of the battalion.

VIII. And be it further enacted, that it shall be lawful for the lieutenant-colonel, or commanding officer of each battalion, from time to time as occasion may require, to form a board of officers of his battalion, consisting of three captains, or of a field officer and two captains, for the purpose of hearing and determining all appeals which shall be made by any militia man under the provisions of this act; and if the said board shall confirm the proceedings of the officers who shall have imposed the fine or fines upon the militia man, the said board shall certify the same in a schedule, signed by the field officer or president of the said board, and the said fines shall be levied by warrant, as in and by this act is directed.

IX. And be it further enacted, that all fines incurred by this act, and imposed upon any militia-man, conformable to the provisions of the same, shall be recovered before any one of His Majesty's justices of the peace, not being an officer of the company to which the militia-man belongs; which justice of the peace shall have no power to remit any such fine or fines; but, on proof that the delinquent militia-man had the notice by this act required of the imposition of the fine, and that he had not been relieved upon appeal, the said justice shall issue process for collecting the same as in cases of debt.

And whereas, during the time of war, the services of every inhabitant of this province in the militia may be required:

X. Be it therefore enacted, that no able bodied man (people called Quakers excepted), between the age of sixteen and sixty, shall be exempted from the provisions of this act, and of the several acts respecting the militia, which this act is made to alter, amend and continue, excepting established or licensed clergymen, or regularly ordained ministers of the gospel; His Majesty's council; the speaker and members of the assembly for the time being; the chief justice and judges of the supreme court; the judge of the admiralty; the attorney and solicitor general; the secretary of the province; the surveyor general; the treasurer of the province; the collectors of the customs and excise, and established waiters; storekeepers of government appointment; and persons actually in the constant employ of the civil and military departments of the army or navy, if exempted by special order of the lieutenant-governor, or commander in chief, and not otherwise.

XI. And be it further enacted, that all negro militia men, or people of colour, commonly so called, shall be set apart by the commanding officer of each and every battalion respectively, and formed into district companies or bands of pioneers, as their numbers may admit, to be commanded by such trusty non-commissioned officer of colour or otherwise, as the said commanding officer may appoint; under which non-commissioned officer, such companies or bands of pioneers shall assemble and train, at such times as the commanding officer of the battalion shall direct, so as that no greater share of militia training or other militia duty be imposed on such men of colour, than is authorised by the several acts relative to the militia to be imposed on other militia men.

And whereas, great inconvenience is experienced by reason of the frequent changing of the militia-men of the second battalion of militia out of one company of the said battalion into another company of the same:

XII. Be it further enacted, that each and every militia man of the second or Halifax battalion of militia, shall be bound to do and perform his several militia duties in and with that company of militia in which he is properly enrolled before the first day of April in each and every year: to which company he shall be deemed as belonging for the year next following such enrolment; any transfer of his residence within the limits of the said battalion notwithstanding.

XIII. And be it further enacted, that any militia man of the said battalion, who shall remove from the limits of the company districts in which he is enrolled, shall, one week after the removal to another company district, give notice to the clerk of his company of his new place of residence, and in like manner shall notify the said clerk of any removal; and in case of neglect the said militia man shall, for each offence forfeit and pay a fine of ten shillings.

XIV. And be it further enacted, that it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to accept the voluntary service of any one or more of the embodied militia-men of this province, for the defence of the neighbouring province of New Brunswick against the common enemy; and such militia-men, while serving in the said province of New Brunswick, shall be subject to, and governed by, the laws and

regulations made for the ordering and government of the embodied militia of this province, and to none other.

XV. And be it further enacted, that from and after the publication of this act, every male inhabitant of this province, between the age of sixteen years and sixty, and liable by law to serve in the militia of this province, shall be bound to enrol himself, and shall be subject to be enrolled in the militia company of the district in which he resides, within thirty days after the time of his coming into this province, and shall not, as heretofore, be allowed the term of three months in which to enrol himself.

XVI. And be it further enacted, that where militia guards shall be appointed for the purpose of watching and warding, that the said duties shall be equally and fairly distributed to and amongst, and equally and fairly borne, by each and every able bodied militia man of the district, as well officers and those exempted from militia trainings as others, in his turn, according to a list or roster to be kept by the commanding officer of each militia company; and every person refusing or neglecting, by himself, or sufficient substitute, to perform his fair term of watching and warding in manner, and the time, directed by the commanding officer of his company, shall forfeit and pay, for each and every neglect or refusal, a fine of ten shillings to the use of the company, and to be disposed of for the use and benefit of the company in such manner as the commanding officer of the said company shall direct.

XVII. Provided always, nevertheless, that nothing in this act contained, shall extend, or be construed to extend, the number of days required for training to be performed by militia men between the age of fifty and sixty years, or to subject any militia man above fifty years of age, to any of the fines imposed by this act for non-attendance at company or battalion trainings.

XVIII. And be it further enacted, that where, from the exposed situation of the district and the appearance or threatenings of the enemy, or by direction of the Lieutenant-Governor or Commander in Chief for the time being, militia guards shall be so appointed, and kept, as that any militia man's duty of watching and warding shall exceed the number of six days or nights in any one year, it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to cause every such militia man's service over and above the said number of six days or nights, to be paid for out of the treasury of this province, according to the rate of militia pay, by the act allowed, whereof this act is in amendment, upon such over-service being duly stated and certified, by the commander of each battalion of militia respectively, in manner and form as shall be prescribed by the said Lieutenant-Governor or Commander in Chief.

XIX. And be it further enacted, that every person or persons who shall wilfully make or cause to be made any false alarm shall forfeit and pay for every and each offence the sum of ten pounds, to be recovered by bill, plaint or information, in any court of record in this province, one half thereof to the person who shall prosecute for the same, the other half to the use of the battalion in the district of which the offence shall be committed.

XX. And be it further enacted, that it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to draw by warrant from the treasury of the province, such sum and sums of inquiry as the Lieutenant-Governor or Commander in Chief may from time to time think proper to form for the purpose of enquiring into such charges and allegations as may be exhibited against militia officers.

And whereas certain persons are herein exempted from militia trainings, and it is reasonable that they should pay a sum of money for such exemption, in order that militia duties may be borne equally by all the inhabitants of the province:

XXI. Be it therefore enacted, that every person above exempted, except clergymen, shall pay seven shillings and six pence for each and every day he would have been liable to trainings in case he had not been exempted; which sum shall be recovered and applied in the manner as is directed for fines for the non-attendance of militia men.

XXII. And be it further enacted, that this act, and the act, passed in the forty-eighth year of his Majesty's reign, entitled, "An Act to provide for the greater security of the Province by a better regulation of a militia, and to repeal the Militia Laws now in force;" and the act, passed in the forty-ninth year of his Majesty's reign, in amendment thereof, except such parts of the said acts as are altered and repealed by this act, shall be in force, and continue, until the eighteenth day of March, which will be in the year of our lord one thousand eight hundred and fourteen, and from thence until the end of the next session of the general assembly.