

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday, the First day of February, 1826, in the Seventh year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Sixth Session of the Twelfth General Assembly, convened in the said Province.

7 George IV – Chapter 10

An Act to alter and continue the Acts for the regulation of the Militia.

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that an act, made and passed in the first year of His present Majesty's reign, entitled, "An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force;" and also, an act passed in the fourth year of His said Majesty's reign, to alter and continue the said act, and every matter, clause and thing, in the said acts contained, except so much thereof as may be hereby altered, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next session of the general assembly.

II. And be it further enacted, that hereafter, instead of the four meetings of militia, for the purpose of training, as directed by the twenty-seventh section of the first mentioned act hereby continued, the militia shall be called out and assemble twice in the year, and no more, either by the entire regiment or battalion, or by such detachments as the commanding officers of the respective regiments or battalions shall direct, and on such days as the governor may appoint for that purpose.

III. And be it further enacted, that instead of the fines imposed by the twenty-eighth section of the said act, for non-attendance at any regiment or battalion meeting, each and every militia-man, not attending such meeting, conformably to law, shall, for the first offence, be subject to a fine of ten shillings, and for the second like offence, in the same year, to a fine of twenty shillings, which fines for non-attendance shall be sued for, prosecuted and recovered, and be applied conformably to the provisions of the said continued acts, by the clerk of the company to which the offender may belong, but in the name of the commanding officer of such company, instead of the clerk thereof; and that such clerk shall be a competent witness, upon such prosecution: any law, usage, or custom, to the contrary notwithstanding.

IV. And be it further enacted, that in all cases of appeal, to a board of officers, against any fine according to the provisions of the acts hereby continued, the notice of such appeal thereby prescribed, shall be given in writing; which notice shall be laid before the board of officers appointed to consider such appeal, at their meeting, for that purpose; and no appeal shall be by them considered, unless such notice of the same shall have been so given in writing: and notice of the time of meeting of the board to consider the appeals, shall be given by the clerk to the appellent.

V. And be it further enacted, that the fine to which every enrolled militia-man appearing on parade, who shall refuse or neglect to perform militia duty, or shall depart from his company without leave from the commanding officer of the regiment, battalion, or company, to which he shall belong, is made subject, under and by the twenty-eighth section of the said first mentioned continued act, shall be imposed by the then present commanding officer of the regiment or battalion, or detachment thereof, on parade, in place of the commanding officer of the company, as provided in and by the said section.

VI. And be it further enacted, that each and every militia-man, duly enrolled according to the provisions of said continued acts, and who shall have received notice of any militia muster or training, conformably thereto, shall be wholly free and exempt from arrest, under and by virtue of any civil process during the days which such muster or training shall take place: provided, he shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every sheriff or other officer, actually making such arrest, shall be subject and liable to an action for damages at the suit of the party who shall be so arrested.