

## CAP. XX.

*Winteculy*  
 An Act to authorise the Justices of the Peace for the County of Northumberland, to hold a Special Session for the purpose of appointing Town or Parish Officers for the present year. Passed the 7th of March, 1814.

Justices at a Special Session may appoint Town or Parish Officers.

To have the same power as if appointed under the Act of 26th Geo. 3.

*BE* it enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Northumberland, shall and may have power, and they are hereby authorised and empowered, to hold a Special Session of the Peace in and for the said County, at the Court House of the same County; at any time within the month of March, in the present year, for the purpose of appointing Commissioners and Surveyors of Highways, and other Officers for the several Towns or Parishes within the said County; which Town or Parish Officers so appointed shall be duly sworn, and be liable to serve in their several and respective stations, and shall have the same power and authority to all intents and purposes, and be subject to the like pains and penalties for refusing to serve, as if the same Officers had been appointed under and by virtue of an Act made and passed in the Twenty-sixth Year of the Reign of his present Majesty, intituled, "An Act for the appointment of Town or Parish Officers in the several Counties in this Province," or by any other Act now in force, authorising the appointment of any Town or Parish Officers; and shall hold and exercise their respective offices until others shall be legally appointed and sworn in their stead.

## CAP. XXI.

An Act to continue and amend an Act, intituled "An Act for regulating the Militia." Passed the 7th of March, 1814.

Preamble:

**W**HEREAS the Act made and passed in the Fifty-third Year of his present Majesty's Reign, intituled "An Act for regulating the Militia," is near expiring, and whereas it is deemed expedient to continue the same with some amendments thereto—

I. *Be it enacted by the President, Council and Assembly,* That the third, fifth, sixth and seventh sections of the said recited Act, be, and the same sections are hereby repealed.

Former Act in part repealed.

Commander in Chief may call out and keep together the Militia, those above fifty years excepted two days in each year.

II. *And be it further enacted,* That the Commander in Chief may, at such convenient season of the year as he may judge fit, interfering as little as possible with Seed Time and Harvest, order out and keep each Battalion, together or in Divisions within their respective Districts (those above fifty years of age excepted) for any time not exceeding two days in each year: Provided always, that no person shall be required to travel more than thirty miles from his usual place of residence to attend the training of the Battalion or the Division thereof to which he may belong.

No person to travel more than thirty miles to Battalion training.

III. *And be it further enacted*, That every Battalion, except those persons above fifty years of age, shall be called out and rendezvous by Companies four days in every year, for the purpose of disciplining and improving in Martial Exercises; the times and places of such rendezvous to be appointed by the Commanding Officer of the Battalion, and arranged on different days, or in such manner that the Field and Staff Officers may have an opportunity of attending the several Companies in order to introduce uniformity in the manœuvres and discipline of the Battalion; and the Commanding Officer of any Battalion may assemble any two or more of the Companies together as he may judge expedient: Provided that no Company shall be obliged to go more than twelve miles from the usual place of rendezvous of such Company.

Commanding Officers of Battalions, to call out the Militia by Companies, four days in each year.

And may assemble two or more Companies together. Provided that no Company shall go more than twelve miles from the usual rendezvous.

IV. *And be it further enacted*, That notice of the times and places appointed for assembling the Militia by Battalions or Divisions thereof, or by Companies as aforesaid, shall be given in writing by the Captains or Officers commanding Companies, who shall cause such notice to be posted up by a Non-commissioned Officer, at least ten days before the respective times of meeting, in three of the most public and conspicuous places within the Districts of the several Companies; which notification so given, shall be deemed a sufficient warning: Provided always, that five days personal notice to the individual of the time and place of assembling shall in all cases be deemed sufficient without such notice in writing.

Ten days notice in writing to be given by Captains of the times and places of assembling, to be posted up by a Non-commissioned Officer.

Five days personal notice sufficient.

V. *And be it further enacted*, That such Non-commissioned Officers, and other fit persons as the Commander in Chief shall in his discretion think proper to employ, (and under such regulations and directions as he shall think fit,) for the purpose of drilling the Commissioned, Non-commissioned Officers and Privates in the several Battalions and Companies, at the several and respective times when such Battalions and Companies shall be called out for training and exercise, under and by virtue of this Act, and the Act to which this is an amendment, shall be entitled to receive *four shillings* per day, during the time they shall be so employed, and at the same rate for every fifteen miles travelling, in going to and returning from such service, to be paid out of the Treasury of this Province: And in such districts and places where Military Drills cannot conveniently be sent, the Commanding Officers of the several Battalions are authorized to employ proper Drills not exceeding four for any one Battalion, who shall be entitled to the same pay as other Drills, to be paid in manner aforesaid, which service and travel of such persons so to be employed, shall be certified by the Commanding Officer of the Battalion or Company in the drilling of which such persons shall be respectively employed.

Persons employed to drill the Militia, to be paid four shillings per day during the time they are employed, and at the same rate for every fifteen miles travel, the service and travel to be certified by the Commanding Officer of the Battalion or Company.

VI. *And be it further enacted*, That every Non-commissioned Officer and Private who shall neglect to appear at any Battalion or Company muster, agreeably to the provisions of this Act, shall be liable to a fine of *ten shillings* for each and every day that he shall so neglect to appear; and every Non-commissioned Officer and Private, who after having appeared at any Battalion or Company muster, shall at any time during the said days herein before required of him to attend, be absent from his Battalion or Company without leave from his Commanding Officer, shall for each and every time that he shall be so absent without leave, be liable to a fine of *ten shillings*, which fines shall be recovered as herein after mentioned: Provided always,

Persons neglecting to appear, or being absent without leave, to forfeit Ten Shillings for each and every offence.

Excuses which may be admitted.

that no excuse shall be admitted for non-attendance, except sickness or lameness of the individual to prevent his attendance, or extreme illness

illness of some part of his family, or detention by unforeseen and unavoidable circumstances, to be manifest by legal proof given on the part of the delinquent : And provided also, that persons other than substitutes who shall have been embodied and on actual service, for the space of twenty days, and also persons who shall have procured substitutes to perform such actual service, shall not be required to attend any such Battalion or Company muster, during the same year in which such actual service shall have been performed.

Persons, other than substitutes, who have been embodied for twenty days, exempted from drill during that year.

Commanding Officers of Battalions may appoint Drummers, &c.

Commanding Officers of Companies with consent of Commanding Officer of Battalion, may appoint Non-commissioned Officers.

Persons so appointed, to forfeit Twenty Shillings for neglect of duty.

VII. *And be it further enacted*, That the Commanding Officer of each Battalion shall have power to appoint from time to time; suitable persons as Drummers, Buglers, and Fifers to his Battalion, and to displace them and to appoint others in their stead; and that the Commanding Officer of a Company shall have power, with the consent of the Commanding Officer of the Battalion to which he may belong, to nominate and appoint Serjeants and Corporals, for the Company under his command; and if any person so to be appointed shall refuse to accept the office to which he shall be appointed, or having accepted, shall refuse or neglect to perform his duty, he shall for every offence forfeit and pay the sum of *twenty shillings*; but there shall not be appointed more than three Serjeants and three Corporals to any one Company, except Flank Companies, which may have four Serjeants each.

Fines to be recovered before the Captains of Companies, and levied by a Non-commissioned Officer by distress.

VIII. *And be it further enacted*, That all fines imposed by the foregoing sections of this Act, shall be recoverable before the Captain or Officer commanding the Company to which the delinquent may belong, and be levied by distress and sale of the delinquent's goods by an order of the said Commanding Officer, directed to a Non-commissioned Officer of the same Company, who is hereby empowered to serve and execute the same (with the like fees as Constables may receive) rendering the overplus if any, after deducting the costs and charges of such distress and sale to the delinquent; and if no goods or effects shall be found whereon to levy the said fine, such delinquent shall, by warrant under the hand and seal of such Commanding Officer, be committed to the County Gaol, there to remain for the term of two days for the fine for each day's delinquency; and the keeper of any Gaol is hereby authorized to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary Gaol fees, together with such fees as the Non-commissioned Officer may be entitled to receive as herein before mentioned: Provided always, that any such delinquent may appeal from the sentence of the Commanding Officer of the Company to which he may belong, to the Commanding Officer of the Battalion, who is hereby authorized and empowered to remit the fine imposed upon such delinquent either in part or the whole, as the circumstances of the case may require.

For want of goods, delinquent to be imprisoned.

Delinquent may appeal from the sentence of the Captain to the Commanding Officer of the Battalion.

IX. *And be it further enacted*, That all orders to be issued by any Commanding Officer of a Company, under and by virtue of the provisions of this Act, for the purpose of levying fines, shall be in the form following, to wit:—

Form of an Order of Distress.

“ To A. B. Serjeant, (or Corporal)  
“ You are hereby required forthwith to demand of N. B.  
“ the sum of \_\_\_\_\_ being the amount of a Fine imposed  
“ upon him under and by virtue of the Militia Law, and on his  
“ refusal to pay the same, to levy and distrain the amount there-  
“ of, of the goods and chattels of the said N. B. and to sell  
“ and dispose of the goods and chattels so to be distrained, within six  
“ days,

“ days, unless the said sum of \_\_\_\_\_ together with reasonable  
 “ charges of taking and keeping such distress shall be sooner paid,  
 “ and return to me what you shall do by virtue of this order.

“ Given under my Hand this \_\_\_\_\_ day of \_\_\_\_\_

And that all Warrants to be issued by the Commanding Officer of any Company for the imprisonment of any delinquent, shall be in the form following, to wit:—

“ To A. B. Serjeant, (or Corporal.)

Form of an Order of Commitment.

“ Whereas a Fine of \_\_\_\_\_ has been imposed upon  
 “ N. B. for an offence against the provisions of the Militia Law,  
 “ which fine has not been paid, these are therefore to require and  
 “ command you to convey and deliver into the custody of the  
 “ keeper of the common County Gaol the body of the said N.  
 “ B. and you the said keeper are hereby required to receive the  
 “ said N. B. into your custody in the said Gaol, and him there  
 “ safely keep for the space of \_\_\_\_\_ days unless the said fine with  
 “ the accustomed fees shall be sooner paid.

“ Given under my Hand and Seal the \_\_\_\_\_ day of \_\_\_\_\_

X. *And be it further enacted*, That every Non-commissioned Officer or Private, who shall be guilty of drunkenness, contemptuous or riotous behaviour, disobedience of orders, or shall otherwise misbehave himself during the time he shall be ordered out, as herein before provided by this Act; and every person who shall wilfully interrupt any body of Militia when ordered out under this Act, whilst on duty or at exercise; and every Captain or Subaltern Officer of any Battalion who shall be guilty of contemptuous behaviour, disobedience of orders, or otherwise misbehave himself at any time when ordered out as herein before mentioned, shall be respectively subject to the like pains and penalties as are provided in and by the twelfth, thirteenth, and fourteenth sections of the herein before recited Act, to be recovered and inflicted in the same manner as therein and thereby is provided.

Non-commissioned Officers and Privates misbehaving,

Persons interrupting Militia, on duty,

Captains and Subalterns misbehaving,

respectively subject to the penalties provided by the 12th, 13th, and 14th sections of the former Act.

XI. *And be it further enacted*, That every person enrolled in the Militia, shall at all times when called out, under and by virtue of this Act, appear with such arms, accoutrements and ammunition, as have been or may hereafter be issued to him by Government, or with arms, accoutrements and ammunition of his own, equally sufficient in complete order, and for not appearing with such arms, accoutrements and ammunition, or appearing with a part, and not the whole, or with any of them, which in the opinion of the Commanding Officer for the time being, at the place where such Militia are ordered to assemble, are not in good and serviceable order, such person shall for each and every neglect, forfeit and pay a sum not less than *two* nor more than *ten shillings*, to be inflicted and recovered by the Commanding Officer of the Company to which such person shall belong, who is hereby authorised and empowered to levy and receive the same in manner and form, as is directed in and by the seventh section of this Act.

Persons called out to appear with arms, ammunition and accoutrements in complete order,

under the penalty of not less than Two nor more than Ten Shillings,

to be inflicted by the Commanding Officer of the Company.

XII. *And be it further enacted*, That all persons other than British Subjects, and who shall have resided for the space of two months in this Province, shall pay to the Quarter-Master of the Battalion in the District in which they shall reside, the sum of *forty shillings* each, and the Quarter-Master of such Battalion is hereby authorised to demand and receive the same, and upon neglect or refusal to pay the same, the said Quarter-Master is hereby authorised and

Persons not being British Subjects who have resided for two months in the Province, to pay Forty Shillings per annum, to be demanded and recovered by the Quarter-Masters of Battalions.

and required to proceed for the recovery thereof in the like manner as is provided by the twentieth section of the herein before recited Act: Provided always, that no person not being a British Subject, shall be liable to pay in any one year during his residence in this Province, more than the said sum of *forty shillings*.

All fines and sums of money received, to be paid to the Quarter-Masters of Battalions, who shall account every six months to the Commanding Officer of the Battalion, and pay the amount into the Province Treasury, subject to appropriations by order of the Commander in Chief for contingencies.

XIII. *And be it further enacted*, That all fines, penalties and sums of money whatsoever, received, or which shall hereafter be received, under and by virtue of the provisions of this Act and the herein before recited Act, shall be paid into the hands of the Quarter-Masters of the different Battalions; and the Quarter-Master of each Battalion shall every six months render an account of all such fines, penalties, and sums of money, so by him received, to the Commanding Officer of the Battalion, and forthwith pay the amount thereof into the Province Treasury, rendering therewith an account of the same; subject nevertheless to such appropriations as the Commander in Chief shall from time to time direct for the contingent uses of the respective Battalions.

Limitation.

XIV. *And be it further enacted*, That the said herein before recited Act, except wherein it is hereby altered, together with this Act, shall continue in force for two years, or until the end of the next Session of the General Assembly.

#### CAP. XXII.

An Act to appropriate a part of the Public Revenue for the Services therein mentioned. Passed the 7th of March, 1814.

Sums to be paid out of the Treasury.

*BE it enacted by the President, Council and Assembly*, That there be allowed and paid out of the Treasury of the Province, unto the several Persons hereafter mentioned, the following sums, to wit:—

To the Speaker.

To the Speaker of the House of Assembly, the sum of *fifty pounds*.

Members of the Assembly.

To the Members of the House of Assembly for defraying the expences of their attendance during the present Session, and for travelling charges, reckoning twenty miles for each day's travel, to be certified by the Speaker, *ten shillings* per diem.

Chaplain of the Council.

To the Chaplain of the Council in General Assembly, the sum of *twenty pounds*.

Chaplain of the House of Assembly.

To the Chaplain of the House of Assembly, the sum of *twenty pounds*, and a further sum of *five pounds* for travelling charges.

Clerk of the Council.

To the Clerk of the Council in General Assembly, the sum of *fifty pounds*, and the sum of *twenty shillings* per diem during the present Session.

Clerk of the Assembly.

To the Clerk of the House of Assembly, the sum of *fifty pounds*, and *twenty shillings* per diem during the present Session.

Serjeant at Arms to the Council.

To the Serjeant at Arms attending the Council in General Assembly, *fifteen shillings* per diem during the present Session.

To