

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1792.* Fredericton: Christopher Sower, Printer to the King's Most Excellent Majesty, 1792.

32 George III – Chapter 1

**An Act for continuing the establishment of a Militia and for Regulating the same.**

Whereas a well regulated Militia in this Province will tend not only to the security and defence thereof but to the honor and service of His Majesty. And whereas the Law of the Province intituled "An Act for Establishing a Militia in the Province of New Brunswick and for regulating the same" will cease to be in force after the first day of March next.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the first day of March next, every male inhabitant within this province from sixteen to fifty years of age, shall be inrolled in one of the Independent companies, or of the Regimental companies of Foot where he dwells or resides, and all Captains or Commanding Officers of Independent and other companies in the several towns or parishes within the province are hereby required to take due care to inroll in a book or register, to be kept by them for that purpose, all male inhabitants from sixteen to fifty years of age: and that once in every year, and oftener if thereunto required, each Captain or Commanding Officer of a company shall give to his Colonel or, in his absence, to the next Commanding Officer of the regiment, and such Colonel or next Commanding Officer of the regiment, and the Captains or Commanding Officers of unregimented companies, shall give to the Captain General or Commander in Chief for the time being fair, written rolls of their respective companies and regiments.

II. And be it enacted, That the Militia shall be formed, into regiments by counties.

III. And be it also enacted, That once in every year and not oftener command may be given by the Captain and, in his absence, by the next Commanding Officer of each and every company, that the company under his command, whether, the same be an Independent or Regimental company, shall meet at some convenient place within his district and as near the center thereof as conveniently may be, to be then and there mustered and exercised, whereof notice shall be given at least ten days before the day of muster.

IV. And be it further enacted, That no Unregimented or Independent company shall consist of more than fifty men, including Non-commissioned Officers, and that every Captain or Officer, commanding such Company shall, when thereunto requested, deliver a copy of his muster roll to, the Colonel or Commanding Officer of the regiment or battallion of the county where such Unregimented or Independent company may be, and in case of a general alarm or invasion, all such Unregimented or Independent companies shall, in the absence of the Captain General or Commander in Chief, be under the immediate command and direction of the Colonel and in his absence the next Commanding Officer of such regiment or battallion.

V. And be it enacted, That every person inrolled as aforesaid shall at all times be provided with a good and sufficient musket, or fuzee, bayonet, cartridge box, one pound of gun powder and two pounds of sizeable bullets, and being so provided shall, if required, once in every year, and not oftener, appear at the time and place appointed as aforesaid to be mustered and exercised, and on failure thereof shall forfeit and pay a fine of Five Shillings, to be levied by distress and sale of the offender's goods by the Captain's or Commanding Officer's warrant directed to a Serjeant or Corporal of the company to which such person so offending belongs, who are respectively empowered to serve and execute the same, rendering the overplus if any, after deducting the costs and charges of such distress and sale to the offender; such fine to be applied to defray the charges of purchasing drums, fifes and colours for the use of the said company.

VI. And be it enacted, That every person inrolled as aforesaid and appearing under arms, who shall refuse or neglect to perform such military duty as shall be required of him, or shall on the day of muster depart from the company when under arms without leave from die Commanding Officer, shall forfeit and pay a fine of five shillings to be recovered and applied as aforesaid. Always provided, that the Members of His Majesty's Council, Members of the Assembly, Justices of the Peace, High Sheriffs, Coroners, and all persons who have held any commission civil or military under His Majesty, Ministers of the Gospel, Physicians, Surgeons, School Masters, one Miller to a Grist-Mill and one Ferry-man to every public ferry, shall be free from being inrolled in the Militia.

VII. And be it enacted, That no Militia Commissioned Officer shall be liable or subject to serve as Constable any law or usage to the contrary notwithstanding.

VIII. And be it further enacted, That in case of an alarm, invasion, insurrection or rebellion, every Officer of the Militia shall have full power and authority by virtue of this act and is hereby required forthwith to raise the Militia or Company under his command, and every Commanding Officer of the regiment in every county upon any alarm or receiving intelligence of any insurrection, invasion or rebellion shall forthwith dispatch an express to the Captain General or Commander in Chief for the time being, notifying the danger and the strength and motions of the enemy, and the said Commanding Officer is hereby empowered to impress boats, men and horses as the service may require; and shall draw together the Militia under his command and march them to such place or places within this province as he shall judge most convenient for opposing the enemy or to such place or places within the province as shall be directed by the Captain General or Commander in Chief for the time being; and every Non-commissioned Officer or private man for his neglect of such duty shall forfeit and pay five pounds to be recovered and applied as aforesaid, and that no distress for any fine under this act shall be made or punishment inflicted, unless within three months next after the offence be committed.

IX. And be it further enacted, That the notice of muster required by this act, and the levying of the several fines herein before recited, shall be served and executed by a Non-commissioned Officer under the warrant of the Commanding Officer of, each company; and, in case of neglect or refusal, such Non-commissioned Officer shall forfeit and pay a fine of twenty shillings, to be recovered and applied as aforesaid. And in all cases where there are no effects whereon to levy the several fines imposed by this act, the said Commanding Officer is hereby empowered by his

warrant to commit the person so offending to the next Gaol; there to be and remain not exceeding ten days.

X. And be it enacted, That if any person be wounded or disabled upon any invasion, insurrection or rebellion, he shall be taken care of and provided for, at the expense of the province during the time of such disability.

XI. Provided always, and it is enacted, That every person professing himself to be of the people called Quakers and producing to the Captain or Commanding Officer of the company in whose district he resides, a certificate from one of their meetings, signed by six or more of the principal people of such meeting, that such person had been deemed and allowed one of the people called Quakers, for the space of one whole year or more before the date of the certificate, such person so producing such certificate, shall be and hereby is exempted from the ordinary duties of training or mustering, unless upon an alarm, invasion, insurrection or rebellion.

XII. And be it enacted, That this act shall be and remain in force until the first day of March, which will be in the year of our LORD one thousand seven hundred and ninety-seven and no longer.