

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1823. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1823.

4 George IV – Chapter 30

An Act to provide for calling in the Arms issued to the Militia of this Province. Passed the 27th March, 1823.

Whereas it is deemed expedient to make some provision for the more effectually enforcing the return of such Arms and Accoutrements as have been, or may hereafter be, issued from His Majesty's stores for the use of the Militia in this Province, when and so often as the same may be called in—

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That when any order shall be hereafter given, by or under the direction of the Commander in Chief of this Province, for the time being, for the calling in the Arms and Accoutrements, or any of them, which have been or may hereafter be issued from His Majesty's stores, for the use of the Militia, in any part of this Province, and public notice thereof given by the Captains of the Companies of the respective Battalions to which such order may extend, it shall be the duty of every person or persons having in their possession such Arms and Accoutrements, forthwith to return all such Arms and Accoutrements, complete, to the Quarter-Masters of their respective Battalions in the district where they may reside, who shall give to such person or persons a receipt for the same; and if any person or persons having in their possession such Arms or Accoutrements as aforesaid, shall refuse or neglect to return the same complete, to the Quarter-Master of the Battalion in the district where such person or persons may reside, within ten days after such public notice as aforesaid, of calling in the same shall have been given, such person or persons so offending, and also every person or persons persuading, exciting, or endeavouring in any way wilfully to induce any other person so to offend, shall for each and every such offence, forfeit and pay the sum of Five Pounds, to be recovered upon conviction before any one Justice of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges of such conviction, distress, and sale, to the offender, which penalty shall be paid to the Quarter-Master of the Battalion in the district where such person or persons may reside, to be by him accounted for to the Commanding Officer of such Battalion, and applied to the contingent expenses of such Battalion; and for want of effects whereupon to levy the said fine of Five Pounds, such offender shall be imprisoned not exceeding twenty days nor less than ten days. Provided always, that no such conviction shall take place for any such offence, except at the instance and prosecution of the Quarter-Master or Commanding Officer of the Battalion to which such Arms or Accoutrements shall belong.

II. And be it further enacted, That this Act shall continue and be in force for three years, and thence to the end of the then next Session of the General Assembly.