

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 17

An Act in amendment of the Act for the Regulation of the Militia so far as respects the City of Saint John. Passed the 19th March, 1827.

Whereas the Provisions of the Act made and passed in the sixth year of His Majesty's Reign intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia and to make further provision for the same," directing the Companies to be taken from certain districts, have been found very inconvenient in the City of Saint John.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That so much of the said recited Act as requires the appointment of Company Districts shall not extend or be construed to extend to that part of the City of Saint John lying on the Eastern side of the Harbour Saint John, or the Militia belonging to that part of the said City, any thing in the said recited Act to the contrary notwithstanding.

II. And be it further enacted, That there be appointed some fit Person as Regimental Enrolling Officer for the said City who shall be allowed for his service such suitable yearly sum as the Lieutenant-Colonel commanding the Regiment with the consent and approbation of the Majors of both Battalions may direct to be paid out of the fines and other contingent monies of the said Battalions, each Battalion paying an equal proportion thereof, and that it shall be the duty of such Officer to keep a general Muster Roll, containing the names of all persons liable to do duty in the said City Militia; and in order to the obtaining the same, the several Captains of Companies in the Regiment of City Militia shall forthwith furnish the said Enrolling Officer with lists of the Persons belonging to such Companies at the time of the last General Inspection, and the said Enrolling Officer shall with the approbation of the Commanding Officer of the said City Militia appoint a time for taking such Enrolment, and shall also put up notices in the most public places in the City, and advertise in the Newspapers at least ten days before the time appointed, requiring all Persons so liable to Militia duty, and not yet enrolled in any Company, to come forward and enroll themselves, or send a written notification of their names and places of abode; and all Persons so liable to do Militia duty, and not yet enrolled in any Company, who shall neglect to enroll themselves or send such written notification to the Enrolling Officer after such Notices and Advertisements as aforesaid, shall be liable to a fine of twenty shillings, and also ten shillings per diem for each and every day he may be absent from Militia duty, to be recovered with costs in the Clerk's Court of the said City at the suit of the said Enrolling Officer; the said Fines to be applied as directed in and by the Eighteenth Section of the said recited Act.

III. And be it further enacted, That the Persons contained in the said lists to be furnished by the said Captains, shall, to the extent allowed by Law, compose the Companies of such Captains respectively; and if any Companies contain more than the proper number the Captains thereof shall select such as they please thereout to compose their respective Companies; and the

remainder shall be considered as unattached but still belonging to the Battalion to which the said Companies may be attached; and when the Companies are thus properly formed, no person belonging to them shall be allowed to change from one Company to another in the same Battalion, without the consent of the Major Commanding such Battalion; or from one Battalion to another without the consent of the Majors Commanding both battalions, or Officers commanding both the said Battalions.

IV. And be it further enacted, That all Persons liable as aforesaid, and who have not yet enrolled themselves; or who may hereafter become liable, resident in King's Ward and Duke's Ward, shall be considered as belonging to the first Battalion; and those resident in Queen's Ward and Sidney Ward in the second Battalion; and the several unattached persons belonging to each Battalion shall be appointed to such Companies as the Enrolling Officer with the approbation of the Commanding Officer of the Battalion may direct: and the remainder shall be formed into one or more Divisions or Companies, and shall be under command of such Officers as the Officer commanding the Battalion may select for the purpose of taking charge of drilling and exercising such persons; and that the Officer appointed to the command of any such Division or Company shall have the same power with respect to the imposing or adjudging fines and forfeitures as any Captain of a Company now by Law possesses, with respect to his Company; Provided always, that nothing herein contained shall be considered as in any manner preventing a General order to be issued for forming such unattached persons or any of them into regular Companies, whenever it may be considered proper to appoint additional Companies to the said Battalions or either of them.

V. And be it further enacted, That any of the present Companies that are or shall hereafter become deficient in their proper complement of men, may, by and with the approbation and consent of the Major or other Officer commanding the Battalion, complete their Companies out of the unattached List of such Battalion; and any person so unattached may with the consent of the Captain or other officer Commanding, enroll themselves in any Company so deficient in number, until the same is complete.

VI. And be it further enacted, That in case any difference or dispute, should arise as to what Company any man belongs, the Major or other Officer commanding the Battalion shall have the sole power of determining, and his decision shall be final.

VII. Provided always, and be it further enacted, That for the encouragement of Companies putting themselves in uniform, any person may, with the approbation of the Captain of any uniform Company in the Battalion to which he belongs, and of the Major or Officer commanding such Battalion, attach himself to such uniform Company, first however giving due notice to the Enrolling Officer, and also to the Captain of the Company he is desirous of leaving (if belonging to any) of his wish and intention; and also providing himself with the proper uniform of the Company to which he is desirous of attaching himself; provided that no man shall change from one uniform Company to another, without the consent of the Officers commanding both Companies, and the Officer commanding the Battalion.

VIII. And be it further enacted, That any person now belonging, or who may hereafter be attached, to a uniform Company, neglecting or refusing to appear in the uniform of such Company when turned out to Drill or Inspection, may, by order of the Commanding Officer, of the Battalion, be removed from such Company and placed on the unattached list, or attached to any other Company in the Battalion the said Commanding Officer may appoint.

IX. And be it further enacted, That the Quarter Masters of the Battalions shall furnish lists of Exempts and Aliens now resident, or who may hereafter become resident, within the respective districts of such Battalions, to the said Enrolling Officer, who shall enter the names and places of abode of such Exempts and Aliens in a book for that purpose to be kept; and that it shall be the duty of such Enrolling Officer on or before the first day of June in each year, to transmit to the said Quarter Masters a roll of the Exempts and Aliens within the limits of their respective Battalions, in order that such Quarter Masters may proceed to the collection of the fines from such Exempts and Aliens.

X. And be it further enacted, That the said recited Act shall remain and continue in full force except as herein expressly altered; and that none of the provisions of this Act shall extend or be construed to extend to any other of the Militia Forces of this Province excepting those of the Eastern part of the City of Saint John only.