

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1838.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 1

**An Act in addition to an Act, 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. Passed 22d January 1838.**

Whereas during the existence of the disturbances or the reasonable apprehension of the repetition thereof in the Canadian Provinces, it is expedient that Legislative aid should be immediately afforded, to enable His Excellency the Lieutenant Governor or Commander in Chief for the time being, to organize one or more battalions of Provincial Troops for the support of the Queen's Government in the Canadas, and for the performance of garrison or other duties in this Province;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after die passing of this Act, His Excellency the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and he is hereby authorized and empowered to enrol and organize in such manner as to the said Commander in Chief for the time being may seem meet and proper, from the several regiments of Militia in this Province, as many men who may voluntarily enlist as hereinafter mentioned, not exceeding in the whole one thousand two hundred rank and file.

II. And be it enacted, That there be paid to each and every man, on enlistment, the sum or bounty of five pounds, in manner following, (that is to say,) the sum of two pounds ten shillings on enrolling his name with and putting himself under the command of such person or persons as may be for that purpose appointed by the said Commander in Chief for the time being, and the residue or further sum of two pounds ten shillings, whenever it shall be made to appear to the satisfaction of the Commanding Officer that the requisite Regimental necessaries have been provided; and that on receipt of the first sum and enrolment as aforesaid, each and every man shall be thenceforth subject to all the provisions and regulations of the Act of the Imperial Parliament made and passed in the seventh year of the Reign of his late Majesty King William the Fourth, intituled An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters, and of the Rules and Articles for the better government of Her Majesty's Forces, founded upon and in accordance with the above recited Act.

III. And be it enacted, That the said bounty money shall be paid out of the Province Treasury by warrant under the hand and seal of His Excellency the Lieutenant Governor, by and with the advice and consent of the Executive Council: Provided that no further sum be granted out of the Province Funds towards the payment of the Officers and Men contemplated to volunteer and be enrolled by the provisions of this Act, than the bounties hereinbefore stated.

IV. And be it enacted, That from and after the enrolment and organization of the said Corps, or so soon after the commencement thereof as may be thought proper, the said Corps or any part thereof may be marched as occasion may require, to any part of the British North American Colonies.

V. And be it enacted, That in case it shall be deemed necessary to order the aforesaid Corps to march beyond the limits of this Province, or in case the said Corps should not be raised, and it should be thought advisable, from the absence of the Queen's Troops, to call out any portion of the Militia for Garrison Duty, it shall and may be lawful for the Commander in Chief for the time being, to call out such portion of the Militia of this Province as he may deem necessary for the performance of Garrison or other Military duty within this Province, the same to be drafted by ballot according to the mode prescribed in and by the thirteenth section of the aforesaid Act to which this is an amendment: Provided always, that the number of Militia to be called out as aforesaid shall not exceed three hundred Rank and File.

VI. And be it enacted, That whenever the said Commander in Chief shall think it expedient to order a draft by ballot as aforesaid, volunteers who offer themselves for service may be accepted, and being so accepted shall be subject to the same provisions and regulations as though they had been drafted by ballot.

VII. And be it enacted, That the Officers, Non-commissioned Officers, Drummers, Fifers, Buglers and Privates, so called out for Provincial Duty as last aforesaid, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Drummers, Fifers, Buglers and Privates of Her Majesty's Regular Troops respectively receive, to be reckoned from the day of their being enrolled until their discharge respectively; and at the time of their discharge they shall be allowed respectively a number of days pay to defray their expenses to their usual place of residence within the Province, at the rate of fifteen miles per day, together with an additional bounty to each man of the Non-commissioned Officers, Drummers, Fifers, Buglers and Privates, who shall have served faithfully during their term of service, of two pounds ten shillings; which pay and bounty for the said last mentioned Corps so to be called out as last aforesaid, shall be paid out of the Province Treasury by warrant under the hand and seal of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council.

VIII. And be it enacted, That this Act shall continue and be in full force and effect for the space of two years, from and after the passing thereof, and if the said Commander in Chief shall think proper to discharge the said Corps or either of them, before the expiration of the said term of two years, it shall and may be lawful for him so to do by general order to that effect; provided always that the said first mentioned Corps be not discharged without the limits of this Province.

IX. And be it enacted, That this Act may be altered or amended by any Act or Acts to be passed in this Session of the Legislature.