

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1839. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 1

An Act to amend the Laws now in force relating to the Militia in this Province. Passed 21st February 1839.

- I. Whereas it is expedient and necessary for the Militia service of this Province, that the Commander and Chief for the time being should have the power of forming the several Companies of Artillery and Sea Fencibles into separate and distinct Battalions, Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and immediately after the passing of this Act, the Lieutenant Governor and Commander in Chief for the time being in this Province, be and he is hereby authorized to form the said Companies of Artillery and Sea Fencibles into separate and distinct Battalions.

- II. And be it further enacted, That the Non-Commissioned Officers and Privates of the said Corps respectively, and also the Non-Commissioned Officers and privates of any uniformed Company of Dragoons or Riflemen, who shall submit their names through their respective Commanding Officers to the Commander in Chief for the time being as Volunteers for actual service, shall be exempted from Draft by Ballot, and having so volunteered shall be liable to perform all duties required by the Commander in Chief, and shall be liable to all the pains and penalties imposed by Law on persons so drafted by ballot; and when called out into such actual service, the said Corps, or such portions thereof as may be required, shall be under the command of Officers belonging to their respective Corps, and shall be formed into Companies separate and distinct from persons drafted by Ballot as aforesaid.

- III. And be it further enacted, That in case any person belonging to either of the said Corps, whose name shall have been so submitted as aforesaid, shall refuse when called upon to perform any of the duties required of him, he shall be subject to a fine of ten pounds, and in case he neglect or refuse to pay the same, he shall be committed to the nearest County Gaol where he can be safely kept, by warrant under the hand of the Commanding Officer of the Battalion, Troop or Company to which he may belong, where he shall remain three Calendar months, or until he pay the said fine; and that after such refusal and payment of the said fine or suffering the said imprisonment, such person, in case of a Draft by Ballot, shall be liable and subject thereto, anything in this Act to the contrary notwithstanding: Provided always, that nothing in this Act shall extend or be construed to extend to exempt any of the said Artillery, Sea Fencibles, Dragoons or Riflemen from the control and command of the commanding Officer of the Regiment or Draft to which they may be attached.

- IV. And be it enacted, That this Act may be altered, amended or repealed, by any Act to be passed during the present Session of the General Assembly