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1927



CHAPTER 132.

An Act respecting the Militia and Defence of Canada.

SHORT TITLE.

1. This may be cited as the Militia Act. R.S., c. 41, Short title. s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, Definitions.

- (a) "corps" means a military body appearing in the list of establishments as a separate unit; "Corps."
- (b) "emergency" means war, invasion, riot or insurrection, real or apprehended; "Emer-gency."
- (c) "general orders" means orders and instructions issued to the militia through or by the Adjutant General with the approval of the Minister; "General orders."
- (d) "man" includes a warrant officer and non-com-missioned officer as well as a private; "Man."
- (e) "Militia" means all the military forces of Canada; "Militia."
- (f) "Minister" means the Minister of National Defence; "Minister."
- (g) "on active service," as applied to a person subject to military service, means whenever he is enrolled, enlisted, drafted or warned for service or duty during an emergency, or when he is on duty, or has been warned for duty in aid of the civil power; "On active service."
- (h) "on service" means when called upon for the per-formance of any military duties other than those speci-fied as active service; "On service."
- (i) "Permanent Force" means that portion of the Active Militia of Canada permanently embodied for the pur-pose of providing for the care and protection of forts, magazines, armaments, warlike stores and other mili-tary service, and of securing the establishment of schools for military instructions; "Permanent Force."
- (j) "prescribed" means prescribed by this Act or by regulations made hereunder; "Pre-scribed."
- (k) "regulations" means regulations made by the Gov-ernor in Council under the authority of this Act. "Regula-tions."

R.S., c. 41, s. 2; 1922, c. 34, s. 7.
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3.
R.S., 1927.

Interpreta-
tion of regu-
lations and
orders.

3. The Interpretation Act and the last preceding section of this Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act. R.S., c. 41, s. 3.

COMMAND IN CHIEF.

Command
in chief
vested in
His
Majesty.

4. The command in chief of the Militia is declared to continue and be vested in the King, and shall be exercised and administered by His Majesty or by the Governor General as his representative. R.S., c. 41, s. 4.

DEPARTMENT OF NATIONAL DEFENCE.

Duties.

5. The Governor in Council may, from time to time, make such orders as are necessary respecting the duties to be performed by the Minister. R.S., c. 41, s. 5; 1922, c. 34, s. 8.

WORKS FOR DEFENCE.

Minister
to have
control of
military
buildings
and forts.

6. The Minister shall have the control and management including charge of the maintenance and repair, of all military buildings, and also of the construction, maintenance and repair of all forts and fortifications and other works for defence in Canada. R.S., c. 41, s. 8.

Occupation
of property
on emer-
gency.

7. Whenever an emergency exists, the officer commanding the Militia in the locality, or any officer duly authorized by him, may, subject to the regulations, enter upon and occupy with troops, or other persons, any buildings or land for defence purposes, and may dig trenches and throw up field-works on any such lands, and may fortify any buildings, and may, for the purposes aforesaid, destroy or desolate and lay waste any such buildings or lands, and destroy food, crops, fodder, stores, or other things, and slaughter live stock, or may take or cause to be taken, any such food, crops, fodder, stores or other things; and may drive or cause to be driven, any live stock to some place of safety; and may also impress any horses, mules, oxen or other animals required for military purposes.

Compensa-
tion.

2. Any person injured by the exercise of any of the provisions of this section shall be compensated from the Consolidated Revenue Fund of Canada. R.S., c. 41, s. 9.

LIABILITY TO MILITARY SERVICE.

Composi-
tion of
Militia—
age.
Proviso.

8. All the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia: Provided that the Governor General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *levée en masse*.

2. Nothing in this section shall prevent any male inhabitant of Canada, under the age of eighteen years, enlisting as a bugler, trumpeter, or drummer. R.S., c. 41, s. 10. Without exception.

9. The following persons only shall be exempt from liability to service in the Militia:— Exemption from service.

- Members of the King's Privy Council for Canada;
- Judges of all courts of justice;
- Members of the executive councils of provinces;
- Deputy ministers of the federal and provincial governments;
- Clergy and ministers of all religious denominations;
- Telegraph clerks in actual employment;
- Officers and clerks regularly employed in the collection of the revenue;
- Wardens and officers of all public prisons and lunatic asylums;
- Members of the Naval Militia;
- Members of the police force and fire brigade permanently employed in incorporated cities, towns and villages;
- Professors in colleges and universities, and teachers in religious orders;
- Persons disabled by bodily or mental infirmity;
- The only son of a widow, being her only support;
- Pilots and apprentice pilots during the season of navigation;
- Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military service, under such conditions as are prescribed. R.S., c. 41, s. 11.

10. Half-pay and retired officers of the regular forces shall not be required to serve in the Militia in a lower grade than that of their rank in such forces. Half-pay and retired officers.

2. No person shall be entitled to exemption unless he has, at least one month before he claims such exemptions, filed with the commanding officer within the limits whereof he resides, his affidavit, made before some justice of the peace, of the facts on which he rests his claim. R.S., c. 41, s. 12. Affidavit of person claiming exemptions.

11. When exemption is claimed on any ground, the burden of proof shall always rest on the person claiming it. R.S., c. 41, s. 13. Proof of exemption.

12. Exemption shall not prevent any person from serving in the Militia if he desires to serve and is not disabled by bodily or mental infirmity. R.S., c. 41, s. 14. Exemption not to prevent volunteering.

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R.S., 1927.

Classes of militiamen.	13. The male population liable to serve in the Militia shall be divided into four classes:—
First class.	The first class shall comprise all those of the age of eighteen years and upwards, but under thirty years, who are unmarried or widowers without children;
Second class.	The second class shall comprise all those of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children;
Third class.	The third class shall comprise all those of the age of eighteen years and upwards, but under forty-five years who are married or widowers with children;
Fourth class.	The fourth class shall comprise all those of the age of forty-five years and upwards, but under sixty years.
Order of service.	2. The said several classes shall be called upon to serve in the order in which they are referred to in this section. R.S., c. 41, s. 15.

DIVISION OF MILITIA.

Division of Militia.	14. The Militia of Canada shall be divided into Active and Reserve Militia.
Active Militia.	2. The Active Militia shall consist of, (a) corps raised by voluntary enlistment; (b) corps raised by ballot.
Reserve Militia.	3. The Reserve Militia shall be raised and maintained under regulations prescribed by the Governor in Council. R.S., c. 41, s. 16.

PERIOD OF SERVICE.

Period of service.	15. The period of service in time of peace shall be, (a) for the Active Militia, three years; (b) for the Reserve Militia, such period as is prescribed. R.S., c. 41, s. 17.
Present corps continued.	16. Every corps, duly authorized previously to, and existing on, the first day of November, in the year of our Lord one thousand nine hundred and four, including the officers commissioned thereto, shall, for the purposes of this Act, be held to be existing, and shall be continued as such, subject to the provisions of this Act. R.S., c. 41, s. 18.
Notice to be given of retirement.	17. No officer or man of an Active Militia corps, raised and maintained by voluntary enlistment, shall be permitted to retire therefrom in time of peace, without giving to his commanding officer six months' notice of his intention so to do. R.S., c. 41, s. 19.
Discharge on completion of service.	18. Any person who has voluntarily enlisted, or been called upon to serve in the Militia, shall be entitled to be discharged at the expiration of the term of service for

which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months. R.S., c. 41, s. 20.

MILITARY DIVISIONS.

- 19.** The Governor in Council may,
- (a) direct that any portion of Canada shall be a military district for the purposes of this Act, and may alter the limits of any such district; Military districts.
 - (b) cause two or more districts to be grouped together for the purposes of command and administration; and Grouping.
 - (c) divide any military districts into subdistricts, brigade, regimental and company divisions, as appears expedient. R.S., c. 41, s. 21. Dividing.

ACTIVE MILITIA.

- 20.** The Active Militia shall consist of such corps as are from time to time named by the Governor in Council. Constitution of corps.
2. The Governor in Council may, at any time, disband any corps or portion of a corps, if he considers it advisable so to do. R.S., c. 41, s. 22. Disbanding corps.

21. The following oath shall be taken and subscribed before one of such commissioned officers of the Militia as are authorized for that purpose by any general order or by regulation, or before a justice of the peace, by every person upon engaging to serve in the Active Militia:— Oath of militiamen.

“I, A. B., do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty.” Form.

2. Such oath shall have the effect of a written engagement with the King, binding the person subscribing it to serve in the Militia until he is legally discharged, dismissed or removed, or until his resignation is accepted. R.S., c. 41, s. 23. Constitutes written engagement.

PERMANENT FORCE.

22. There shall continue to be a Permanent Force which shall consist of such permanently embodied corps not exceeding ten thousand men, enrolled for continuous service, as are, from time to time, authorized by the Governor in Council. Constitution of permanent force.

2. The Permanent Force shall be available at all times for general service.

3. The Permanent Force shall furnish schools of instruction for the Militia, and provide instructors therefor. R.S., c. 41, s. 24; 1919, c. 60, s. 1.

ENROLMENT.

Regulations
for enrol-
ment.

23. The Governor in Council shall, from time to time, make all regulations necessary for the enrolment of persons liable to military service, and of cadets, and for all procedure in connection therewith, and for determining, subject to the provisions of this Act, the order in which the persons in the classes fixed by this Act shall serve.

2. Such regulations shall have the same force and effect as if they formed part of this Act. R.S., c. 41, s. 25.

ENROLMENT BY BALLOT.

Ballot when
enough do
not
volunteer.

24. When men are required to organize or complete a corps at any time, either for training or for an emergency, and enough men do not volunteer to complete the quota required, the men liable to serve shall be drafted by ballot.

Number
from one
family.

2. If there are inscribed on the Militia roll more than one son belonging to the same family residing in the same house, only one of such sons shall be drawn, unless the number of names so inscribed is insufficient to complete the required proportion of service men. R.S., c. 41, s. 26.

Regulations.

25. The Governor in Council may, from time to time, make regulations,

Enrolment.

(a) for fixing the day on which the taking of the enrolment shall be commenced in each of the several military districts respectively;

Notifying
men.

(b) for notifying the men liable to be taken, or those balloted for service in any quota;

Deciding
exemptions.

(c) for finally deciding claims of applicants for exemption, and for the administration of oaths before a commissioned officer of a corps;

Ascertain-
ing facts.

(d) for ascertaining the facts in reference to claims for exemption, for medical examinations, and for the discharge of such men as are unfit to serve; and

General.

(e) relating to every other matter and thing not inconsistent with this Act, and necessary to be done in the enrolling, balloting, warning and bringing into service of such number of men as are required at any time.

Substitute.

2. Any man balloted and notified for service, may, at any time, be exempt until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance: Provided that if during any period of service, any man who is serving in the Active Militia as a substitute for another, becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the man in whose stead he was serving. R.S., c. 41, s. 27.

26. Every man of the Active Militia of the first or second class shall be required to complete the full period for which he volunteered or was balloted to serve, notwithstanding that during any such period of service he attains the limit age of thirty years, or forty-five years, as the case may be, according to his class. R.S., c. 41, s. 28.

OFFICERS COMMANDING THE MILITIA.

27. There may be appointed an officer, called the General Officer Commanding, who shall hold rank not below that of colonel in the Militia or in His Majesty's regular army, who may, subject to the regulations and under the direction of the Minister, be charged with the military command of the Militia.

2. In the event of a vacancy in the office of general officer commanding, or in the absence of that officer from Canada, the Governor may detail an officer of the headquarters staff, who shall be charged with the military command of the Militia. R.S., c. 41, s. 29; 1919 (2nd session), c. 23, s. 1.

28. There may be appointed an officer, who shall hold rank not below that of colonel in the Militia or in His Majesty's regular army, who may, subject to the regulations and under the direction of the Minister, be charged with the military inspection of the Militia. R.S., c. 41, s. 30; 1919 (2nd session), c. 23, s. 1.

29. The duties and authority of each of the officers respectively referred to in the two last preceding sections shall be defined by the Governor in Council. R.S., c. 41, s. 31.

30. The Governor in Council may establish a general staff, headquarters staff, and district staff, and may appoint a chief of the general staff, and such officers to the respective staffs as are deemed necessary, and shall define their duties and authority. R.S., c. 41, s. 35.

31. In and for each of the military districts there shall be appointed by the Governor in Council, an officer called the District Officer Commanding, of rank not lower than that of lieutenant-colonel, who shall, subject to the regulations, command the Militia in his district.

2. There shall also be appointed such other officers as are from time to time deemed expedient. R.S., c. 41, s. 36.

- 32.** The pay and allowances of the officers of the general staff, headquarters staff and district staff, including officers seconded for duty in the public service of Canada, shall be fixed by the Governor in Council. 1919 (2nd session), c. 23, s. 1.
- OFFICERS.
- 33.** Commissions of officers in the Militia shall be granted by His Majesty during pleasure, and all warrant and non-commissioned officers shall be appointed in such manner and shall hold such rank as are prescribed by the regulations. R.S., c. 41, s. 38.
- 34.** The Governor General may cause his signature to be affixed to any commission granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority.
2. The signature so affixed shall be, to all intents and purposes, as valid and effectual as if in the handwriting of the Governor General.
3. Neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown. R.S., c. 41, s. 39.
- 35.** Officers of the Militia may under such regulations, as are made from time to time, be appointed to corps, and may be transferred to an unattached list, or may be retired with or without honorary rank, and may be reappointed from the retired list.
2. No officer shall be bound to serve in the Militia in a lower grade than that of the rank with which he has been retired. R.S., c. 41, s. 40.
- 36.** All commissions and appointments in the Militia of Canada, existing on the first day of November, in the year of our Lord one thousand nine hundred and four, shall have the same force, effect and authority as if issued and made in the Militia under this Act. R.S., c. 41, s. 41.
- 37.** In time of peace no officer shall be appointed to a higher permanent rank in the Militia than that of major-general or surgeon-general, and the number of such appointments and the qualification for such rank shall be as prescribed. 1912, c. 34, s. 1.
- 38.** Whenever the Militia is called out on active service during an emergency, the Governor in Council may appoint officers to a rank superior to that of major-general. 1912, c. 34, s. 1.

39. The honorary rank of major-general or surgeon-general may, for valuable services rendered to the country, be conferred on retirement upon colonels who have held the higher staff appointments. 1912, c. 34, s. 1. Honorary rank on retirement.

40. The Governor in Council may make regulations, applying to officers and others belonging to His Majesty's regular forces, and to officers of any military force of any part of His Majesty's dominions, when serving in Canada, and to officers of the militia, as to the persons to be invested as officers or otherwise with command over the militia or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised: Provided that command shall not be given to any person over a person superior in rank to himself. R.S., c. 41, s. 45. Regulations respecting command. Proviso.

41. Commissions of officers of the Royal Canadian Mounted Police Force serving with the Militia by order of the Governor in Council shall for the purpose of seniority and command be considered equivalent to commissions issued to the officers of the Militia of corresponding rank from their respective dates according to the following scale, that is to say:— Commissioned officers of Mounted Police Force serving with Militia. Seniority.

Commissioner—as lieutenant-colonel;	Commissioner.
Assistant commissioner—on appointment, as major,—	Assistant commissioner.
after three years' service, as lieutenant-colonel;	Superintendent.
Senior superintendent—as major;	Inspector.
Other superintendents—as captains;	Surgeon.
Inspector—as lieutenant;	Surgeon.
Senior surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia;	Assistant.
Assistant surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia;	Veterinary.
Veterinary surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia. R.S., c. 41, s. 46; 1919 (2nd session), c. 28, s. 1.	

ARMS, CLOTHING AND EQUIPMENT.

42. The uniform, arms, clothing and equipment of the Militia shall be of such pattern and design as are from time to time prescribed, and shall be issued under regulations. R.S., c. 41, s. 47. Arms and equipment of militia.

43. With the exception of mounted officers, to whom saddlery may be issued as prescribed, officers of the Militia shall provide their own uniform and equipment. R.S., c. 41, s. 48. Uniform and equipment of officers.

Responsibility for damages.

44. The value of all such articles of public property as have become deficient or damaged, while in possession of any corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister or by any other person authorized by him, from the officer in command of such corps.

Recovery of value of lost or damaged property.

2. The officer commanding any corps may recover the value of such articles of public property, or property of the corps, as have become deficient or damaged, or damaged while in possession of his corps, otherwise than through fair wear and tear or unavoidable accident, from the officer, man or men responsible therefor. R.S., c. 41, s. 49.

Man leaving Canada to return property.

45. Every man serving in the Militia, who is about to leave Canada, shall first return to the captain or senior officer of his company all articles of public or corps property which he has in his possession, and obtain a written discharge from such officer, which shall be recorded in the books of the corps. R.S., c. 41, s. 50.

Uniform not worn except

46. No corps and no non-commissioned officer or man shall, at any time, appear in uniform or armed or accoutred, except,

On duty.
At drill.
Target practice.
Reviews.
By permission.

(a) when actually on duty;
(b) at parade or drill;
(c) at target practice;
(d) at reviews or on field days or inspections; or
(e) by permission of the commanding officer of the corps. R.S., c. 41, s. 51.

DRILL AND TRAINING.

Annual drill.

47. The Governor in Council may order the Active Militia, or any portion thereof, to drill or train for a period of not more than thirty days in each year. R.S., c. 41, s. 52.

PAY AND ALLOWANCES.

Pay of permanent force.

48. Officers, warrant officers and non-commissioned officers of the Permanent Force shall be entitled to daily pay and allowances at rates to be prescribed.

Governor in Council to fix.

2. The Governor in Council may, from time to time, fix the sums to be paid to privates of the permanent force, regard being had to length of service, good conduct and efficiency.

Time served in regular forces may be counted in certain cases.

3. Time served in His Majesty's regular forces may be counted for the purposes of any regulations with regard to pay and allowances in the case of non-commissioned officers and men transferred to the permanent force in connection with the taking over by the Government of Canada of the garrisons of Halifax and Esquimaux. R.S., c. 41, s. 53; 1919, c. 60, s. 2.

49. When on active service, during the period of annual drill and training, and when otherwise on duty, the pay and allowances of officers and men of the Active Militia, other than the Permanent Force, shall be at such rates as may be prescribed by the Governor in Council. R.S., c. 41, s. 54; 1919, c. 60, s. 3.

50. Payments for the drill and training of the Militia shall only be made upon proof of compliance with the regulations concerning the same. R.S., c. 41, s. 55.

51. When corps of the Militia are ordered to assemble in a camp of exercise for drill and training they shall be considered to be on service during the whole of the period for which they were called out, and when so assembled all ranks shall receive rations and shelter at the public expense in addition to their daily pay. R.S., c. 41, s. 56.

RIFLE RANGES AND DRILL SHEDS.

52. At or as near as possible to the headquarters of every regimental division, there may be provided a rifle range with suitable butts, targets and other necessary appliances.

2. All such ranges shall be subject to inspection and approval before being used. R.S., c. 41, s. 57.

53. The Governor in Council may stop, at such time as is necessary during the target practice of the Militia, the traffic on any roads, not being mail roads that cross the line of fire, and may make such other regulations for conducting target practice and registering the results thereof, and for the safety of the public, as are necessary, and may impose penalties for wilful damage to any such butts, targets and appliances. R.S., c. 41, s. 58.

54. His Majesty shall be liable to make compensation for the death of any person, or for any injury to the person or to property, arising from the use of any such rifle range or of any rifle range under the control of the Department of National Defence for target practice, carried on in accordance with the regulations of the Governor in Council in that behalf.

2. There shall be no claim to compensation

(a) where death or injury to the person is due to negligence on the part of the person killed or injured;

(b) where such person at the time death or injury was sustained was present as a spectator at the shooting, or for the purpose of taking part in the shooting, or in some official or other capacity in connection therewith; or

Negligence
of owner.

(c) in case of injury to property, where such injury is due to negligence on the part of the owner of the property. R.S., c. 41, s. 59.

Shooting
privileges.

55. For the purpose of erecting works of defence, artillery ranges, or rifle ranges, shooting privileges, without any further property right, may be acquired on land adjoining such works of defence or ranges.

Compensa-
tion.

2. Compensation therefor shall be subject to the provisions of the Expropriation Act. R.S., c. 41, s. 60.

Militia
land not
required
may be
disposed of.

56. Any land now held or hereafter acquired by His Majesty for militia purposes, in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained therefor, may be sold or disposed of by direction of the Governor in Council.

Application
of proceeds.

2. If any portion of the cost of such lands, or of any building thereon, has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such municipality or expended therein for other militia purposes of a permanent nature. R.S., c. 41, s. 61.

RIFLE ASSOCIATIONS AND CLUBS.

Regulations.
Manage-
ment.

57. The Governor in Council may make regulations—
(a) for the management of rifle associations and clubs, existing or hereafter formed;

Constitu-
tion.

(b) for prescribing the constitution, objects and duties of such associations and clubs, and the conducting of their business and rifle meetings; and

Rifles and
ammuni-
tion.

(c) for furnishing rifles and ammunition for the training and practice of persons, whether they are, or are not, members of the Militia. R.S., c. 41, s. 62.

On emer-
gency, mem-
bers become
militiamen.

58. In case of emergency the members of rifle associations and clubs shall become members of the Militia, and shall be under the command of the district officer commanding; and so long as the emergency exists, and until lawfully discharged, all members of such associations and clubs shall remain members of the Militia, and shall be subject to drill, training and discipline to the same extent as other members thereof. R.S., c. 41, s. 63.

CADET CORPS.

School
cadets.

59. The Minister may

(a) authorize boys over twelve years of age, who are attending school, to be formed into school cadet corps;

Senior
cadets.

(b) authorize boys over fourteen years of age, and under eighteen years of age, to be formed into senior cadet corps;

(c) authorize cadet corps, or any portion thereof, or any members thereof, to drill or train for a period of not more than thirty days in each year. R.S., c. 41, s. 64; 1912, c. 34, s. 2. ^{Cadet corps.}

60. All cadet corps shall be subject to the authority and under the orders of the district officer commanding. R.S., c. 41, s. 65. ^{Under orders of D.O.C.}

61. Cadet corps shall be drilled and trained as prescribed, and may be furnished with arms, ammunition and equipment, under the conditions prescribed. R.S., c. 41, s. 66. ^{Drill and equipment.}

62. Cadet corps shall not be liable to service in the Militia in any emergency, save only in the case of a *levée en masse*. R.S., c. 41, s. 67. ^{Liability to service.}

CALLING OUT THE MILITIA FOR DUTY.

63. The Militia or any part thereof, or any officer or man thereof, may be called out for any military purpose other than drill or training, at such times and in such manner as is prescribed. R.S., c. 41, s. 68. ^{Regulations for calling out militia.}

ACTIVE SERVICE.

64. The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency. R.S., c. 41, s. 69. ^{Active service.}

65. Every member of the Militia, called out for active service, shall attend at such time and place as is required by the officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer directs. R.S., c. 41, s. 70. ^{Attendance at rendez-vous.}

66. Whenever the Governor in Council places the Militia, or any part thereof, on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day. R.S., c. 41, s. 71. ^{Calling of Parliament.}

67. In time of war, when the Militia is called out for active service to serve conjointly with His Majesty's regular forces, His Majesty may place in command thereof a senior general officer of His regular army. R.S., c. 41, s. 72. ^{Command in time of war.}

- 68.** In time of war no man shall be required to serve in the field continuously for a longer period than one year: Provided that,
- War service period.
- Volunteers. (a) any man who volunteers to serve for the war, or for any longer period than one year, shall be compelled to fulfil his engagement; and
- Extending period by Governor in Council. (b) that the Governor in Council may, in cases of unavoidable necessity, of which the Governor in Council shall be the sole judge, call upon any militiaman to continue to serve beyond his one year's service in the field for any period not exceeding six months.
- Permanent Force. 2. This section shall not apply to the Permanent Force. R.S., c. 41, s. 73.
- 69.** The *Army Act* for the time being in force in Great Britain, the King's regulations, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the regulations made hereunder, shall have force and effect as if they had been enacted by the Parliament of Canada for the government of the Militia.
- Army Act and regulations.
- When in force. 2. Every officer and man of the Militia shall be subject to such Acts, regulations and laws
- Active service. Annual drill. (a) from the time of being called out for active service;
- When on duty. (b) during the period of annual drill or training under the provisions of this Act;
- (c) at any time while upon military duty or in the uniform of his corps or within any rifle range or any armoury or other place where arms, guns, ammunition or other military stores are kept, or within any drill shed or other building or place used for militia purposes;
- During drill. (d) during any drill or parade of his corps at which he is present in the ranks;
- Going or coming. (e) when going to or from the place of drill or parade; and
- When spectator. (f) at any drill or parade of his corps at which he is present as a spectator whether in uniform or not.
- Permanent Force. 3. Officers and men of the Permanent Force and members of the permanent staff of the Militia shall at all times be subject to military law. R.S., c. 41, s. 74.
- 70.** Whenever any officer, non-commissioned officer or man of the Royal Canadian Mounted Police Force is serving with the Militia by order of the Governor in Council, every such officer, non-commissioned officer and man shall be subject to this Act in the same manner and to the same extent as the Militia. R.S., c. 41, s. 75.
- Officers and men of Royal Canadian Mounted Police when serving with the Militia.

71. Every officer or man charged with any offence committed while serving in the Militia, shall, while so serving, be liable to be tried by court martial, and if convicted to be punished therefor. Trial by court martial while serving.

2. Every such officer or man so charged with any offence notwithstanding he has been discharged from the Militia, or that the corps to which he belongs or belonged is relieved from active service, may be tried, convicted and punished by court martial for such offence, within six months after being so discharged, or after such corps is so relieved from active service. After discharge for offence while serving.

3. Any officer or man of the Militia may be tried by court martial for the crime of desertion at any time, without reference to the length of time which has elapsed since his desertion. R.S., c. 41, s. 76. Trial for desertion.

72. Every member of the Militia called out for active service who absents himself without leave from his corps, for a longer period than seven days, may be tried by court-martial as a deserter. R.S., c. 41, s. 77. Absent over seven days.

73. When any officer or soldier is killed on active service, or dies from wounds or disease contracted on active service, drill or training, or on duty, provision shall be made for his wife and family out of the public funds at the prescribed rates. R.S., c. 41, s. 78. Provision for families of men killed.

74. Every case of permanent disability, arising from injuries received or illness contracted on active service, drill or training, or on duty, shall be reported on by a medical board and compensation awarded, under such regulations as are made, from time to time, by the Governor in Council. R.S., c. 41, s. 79. And for men permanently disabled.

AID OF THE CIVIL POWER.

75. The Active Militia, or any corps thereof, shall be liable to be called out for active service, within or without the municipality in which such corps is raised or organized, with their arms, ammunition and equipment, in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of the civil authority hereinafter designated in that behalf, anticipated as likely to occur, which is beyond the powers of the civil authorities to suppress, or to prevent, or to deal with. 1924, c. 57, s. 1. Militia may be called out to suppress riot.

76. In any case where a riot or disturbance occurs, or is anticipated as likely to occur, the Attorney General, or the acting Attorney General, of the province in which is situated the place where such riot or disturbance occurs, or is anticipated as likely to occur, on his own motion or upon receiving Attorney General may requisition Active Militia upon judge's notification.

receiving notification from a judge of a superior or county or district court, having jurisdiction in such place, that the services of the Active Militia are required in aid of the civil power, may by requisition in writing addressed to the district officer commanding the military district in which such place is situated, require the Active Militia or such portion thereof as the district officer commanding considers necessary, to be called out on active service in aid of the civil power. 1924, c. 57, s. 1.

Officers to
call out
militia.

77. The district officer commanding a military district, if he is present in the military district and able to act, or if he is not so present, or from sickness or other cause unable to act, the officer appointed to administer the district, or for the time being performing the duties of district officer commanding shall call out the Active Militia in the district of which he is in command, or such portion thereof as he considers necessary for the purpose of suppressing or preventing any such actual or anticipated riot or disturbance upon receiving a requisition in writing made by the authority hereinbefore designated in that behalf: Provided that, so far as the Permanent Force is available, it shall be employed upon the duty of suppressing or preventing such actual or anticipated riot or disturbance, and recourse shall not be had to other militia corps except to the extent that the Permanent Force is not sufficient or not available. 1924, c. 57, s. 1.

Proviso as
to
Permanent
Force.

Power to
call out
militia in
other
districts.

78. The power to call out the Active Militia, or such portion thereof as he considers necessary, vested by the preceding section in a district officer commanding, or the officer appointed to administer the district, or, for the time being, performing the duty of district officer commanding, as the case may be, shall extend only to the calling out of the Active Militia in the district of which he is in command.

2. If the said district officer commanding, or other officer aforesaid considers that the services of the Active Militia in districts other than the one of which he is in command are necessary for the purpose of suppressing or preventing any such actual or anticipated riot or disturbance, the said district officer commanding or other officer aforesaid shall notify the Adjutant-General of the number of officers and other ranks, together with their horses and equipment which he so considers necessary, of which number the said district officer commanding or other officer aforesaid shall be the sole judge, and upon receiving such notification the Adjutant-General may call out such of the Active Militia as in his judgment are available to meet the requirements of the said district officer command-

2792

ing,

ing, or other officer aforesaid, as set forth in such notification, and shall cause them to be despatched to the said district officer commanding, or other officer aforesaid. 1924, c. 57, s. 1.

79. Any statements of fact contained in any requisition made under the provisions of this Act shall be final and binding upon the province concerned, and any such statements of fact shall not be open to dispute by the officer upon whom such requisition is made. 1924, c. 57, s. 1. Statements of fact to be binding and not open to dispute.

80. The requisition may be in the following form, or to the like effect, and the form may be varied to suit the facts of the case:— Form of requisition.

Province of }
To wit: }

Whereas information has been received by me from responsible persons (or a notification has been received by me from the county (district) court judge having jurisdiction in such place), that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with), and requiring the aid of the Active Militia to that end has occurred and is in progress (or is anticipated as likely to occur) at Form.

And whereas it has been made to appear to my satisfaction that the services of the Active Militia are required in aid of the civil power.

Now Therefore I, the Attorney General of under and by virtue of the powers conferred by the Militia Act do hereby require you to call out the Active Militia or such portion thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) such riot or disturbance.

And for and on behalf of the said Province of I, the said Attorney General, hereby undertake that all expenses and costs incurred by His Majesty by reason of the Militia, or any part thereof, being called out or serving in aid of the civil power pursuant to this requisition shall be paid to His Majesty by the said Province.

Dated at this 192 .

Attorney General.

1924, c. 57, s. 1.

What requisition must show.

81. In every requisition in writing as aforesaid it shall be stated that information has been received by the Attorney General from responsible persons or, as the case may be, that a notification has been received by the Attorney General from the county court or district court judge, or from a judge of a superior court, as the case may be, that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with as the case may be has occurred, or is anticipated as likely to occur and that the services of the Active Militia are required in aid of the civil power. The said requisition shall further state that it has been made to appear to the satisfaction of the said Attorney General that the services of the Active Militia are so required.

Requisition to contain undertaking that the province shall pay costs.

2. Moreover in every case there shall be embodied in the requisition, which shall be signed by the Attorney General, an unconditional undertaking that the province shall pay to His Majesty all expenses and costs incurred by His Majesty by reason of the militia, or any part thereof, being called out or serving in aid of the civil power as by the requisition required.

Statements of fact to be binding upon the province and not open to dispute.

3. Every statement of fact contained in any requisition made under the provisions of this Act shall be conclusive and binding upon the province on behalf of which the requisition is made; and every undertaking or promise in any such requisition contained shall be binding upon the province and not open to any question or dispute by reason of any alleged incompetence or lack of authority on the part of the Attorney General to make the same, or for any other reason.

Enquiry and report by Attorney General.

4. In every case where a requisition is made by an Attorney General of a province requiring the militia or any part thereof to be called out in aid of the civil power, the Attorney General who made the said requisition shall, within seven days after the making of such requisition, cause an enquiry to be made into the circumstances which occasioned the calling out of the militia or any part thereof, and shall send a report upon such circumstances to the Secretary of State. 1924, c. 57, s. 1.

Officers and men shall have powers and duties of special constables.

82. The officers and men of such Active Militia when so called out, shall, without any further authority or appointment, and without taking oath of office, be held to have and may exercise, in addition to their military powers and duties, all the powers and duties of special constables, so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their military superior officer.

Duty.

2. Every officer and man of the Active Militia, at all times and while so called out, shall obey the orders of his military superior officer. 1924, c. 57, s. 1.

83. The Active Militia when so called out shall remain on duty in such strength as the district officer commanding or other officer who has called them out deems necessary, or shall order, until notification is received from the authority which made the requisition for calling out the Active Militia that their services are no longer required in aid of the civil power, and the said district officer commanding or other officer may from time to time as in his opinion the exigencies of the case require increase or diminish the number of officers and men called out. 1924, c. 57, s. 1.

Remaining on duty and withdrawal of militia.

Increase or decrease of force.

84. All expenses and costs incurred by His Majesty by reason of any of the militia being so called out in aid of the civil power, shall be paid to His Majesty by the province of which the Attorney General made the requisition requiring them to be so called out.

Province to pay expenses and costs.

2. His Majesty may retain from any annual grant payable by Canada to such province and under the control of the Parliament of Canada, any unpaid balance of moneys due to His Majesty by such province under the provisions of this section. 1924, c. 57, s. 1.

Unpaid balances retained from grants.

85. Such moneys as are required to meet the expense and costs occasioned by the calling out of the Militia as hereinbefore provided and for their services shall, pending payment by the province, be advanced in the first instance out of the Consolidated Revenue Fund by the authority of the Governor in Council, but shall be payable by and recoverable from the province to and by His Majesty as moneys paid by the latter to and for the use of the province at the request of the latter. 1924, c. 57, s. 1.

Advances in first instance.

Recovery.

BILLETING OF THE MILITIA.

86. The Governor in Council may make regulations for the quartering, billeting, and cantoning of the Militia, and may, by such regulations, impose penalties, not exceeding fifty dollars, for any breach thereof. R.S., c. 41, s. 91.

Regulations.

87. Nothing in this Act or the regulations shall authorize the quartering or billeting of the Militia, or any part thereof, in any house occupied solely by females, or oblige the occupiers of any such house to receive the Militia, or any part thereof, or to furnish them with lodging or house room. R.S., c. 41, s. 92.

Militia not to be quartered in houses occupied by females solely.

TRANSPORT.

88. The Governor in Council may make regulations requiring any person in whom any railway, tramway, boat, barge, scow, or steamship or other vessel, or any wagon, carriage or pack animal is vested, or any employee of any

Regulations for transport.

176½

2795

such

R.S., 1927.

Compliance compulsory.

such person, to convey to and from any point or place, any portion of the Militia, together with such of their horses, guns, ammunition, forage, baggage and stores, as may be required to be carried or conveyed; and such person or employee shall thereupon provide the necessary engines, carriages, trucks and rolling stock, boat, barge, scow, steamship, or other vessel, or pack animals, together with the persons and materials necessary for their use, within a reasonable time before such order is to be complied with. R.S., c. 41, s. 93.

Recompense.

89. The rates of hire or recompense for the transport of Militia, or any portion thereof, and their horses, guns, ammunition, forage, baggage and stores, shall be fixed by the Governor in Council. R.S., c. 41, s. 94.

Government may take possession of railways on emergency.

90. When the Governor in Council declares that an emergency has arisen in which it is expedient for the public service that the Government should have control of the railways in Canada, or any of them, the Minister may, by warrant under his hand, empower any person or persons named in such warrant to take possession, in the name or on behalf of His Majesty, of any railway in Canada, and of the plant belonging thereto, or of any part thereof, or to take possession of any plant without taking possession of the railway itself, and to use it for His Majesty's service at such times and in such manner as the Minister directs; and the directors, officers and servants of such railway shall obey the directions of the Minister as to the use of the railway or plant as aforesaid for His Majesty's service.

Minister directs use.

Duration of control.

2. Any such warrant granted by the Minister shall remain in force so long as, in the opinion of the Minister, the emergency exists. R.S., c. 41, s. 95.

Compensation to owners.

91. There shall be paid to any person whose railway or plant is taken possession of in pursuance of this Act, out of moneys to be provided by Parliament, such full compensation, for any loss or injury he sustains by the exercise of the powers of the Minister under the last preceding section, as is agreed upon between the Minister and the said person, or, in case of difference, as is fixed upon reference to the Exchequer Court of Canada. R.S., c. 41, s. 96.

Saving as to existing contracts.

92. Where any railway or plant is taken possession of in the name or on behalf of His Majesty in pursuance of this Act, all contracts and engagements between the person whose railway is so taken possession of and the directors, officers and servants of such person, or between such person and any other person, in relation to the working or maintenance of the railway, or in relation to the supply

or working of the plant of the railway, which would, if such possession had not been taken, have been enforceable by or against the said person, shall, during the continuance of such possession, be enforceable by or against the Government of Canada. R.S., c. 41, s. 97.

COURTS OF INQUIRY AND COURTS-MARTIAL.

93. The Governor in Council may convene courts of inquiry, and appoint officers of the Militia to constitute such courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, or with the conduct of any officer or man of the force; and may, at any time, convene courts-martial and delegate power to convene such courts, and to appoint officers to constitute them, for the purpose of trying any officer or man of the Militia for any offence under this Act, or for the purpose of trying any other person punishable under this Act, and may also delegate power to approve, confirm, mitigate or remit any sentence of any such court. R.S., c. 41, s. 98.

94. The regulations for the composition of courts of inquiry and courts-martial, and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts-martial for His Majesty's regular army, and which are not inconsistent with this Act or the regulations made hereunder. R.S., c. 41, s. 99.

95. The remuneration of persons attending such courts may be fixed by the Governor in Council. R.S., c. 41, s. 100.

96. Every person required to give evidence before a court-martial may in the prescribed manner be summoned, or ordered to attend. R.S., c. 41, s. 101.

97. If any person, being a citizen or subject of any foreign state or country at peace with His Majesty, is or continues in arms against His Majesty, within Canada, or commits any act of hostility therein, or enters Canada with design or intent to levy war against His Majesty, the Governor in Council may order the assembling of a militia general court-martial for the trial of such person, under this Act.

2. Upon being found guilty by such court-martial of offending against the provisions of this section, such person shall be sentenced by such court-martial to suffer death, or such other punishment as the court awards. R.S., c. 41, s. 102.

Courts-martial general for trial of subjects.

98. Every subject of His Majesty, within Canada, who levies war against His Majesty, in company with any of the subjects or citizens of any foreign state or country then at peace with His Majesty, or enters Canada in company with any such subjects or citizens with intent to levy war on His Majesty, or who, with the design or intent to aid and assist, joins himself to any person or persons whomsoever, whether subjects or aliens, who have entered Canada with design or intent to levy war on His Majesty, may be tried and punished by a militia general court-martial, in the same manner as any citizen or subject of a foreign state or country at peace with His Majesty may be tried and punished under the last preceding section. R.S., c. 41, s. 103.

Sentence subject to approval.

99. No sentence of any general court-martial shall be carried into effect until approved by the Governor in Council. R.S., c. 41, s. 104.

EVIDENCE.

Proof of commissions.

100. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making it. R.S., c. 41, s. 105.

Proof of general orders.

101. A copy of the *Canada Gazette* purporting to contain General Orders issued to the Militia shall be evidence of such orders. R.S., c. 41, s. 106.

Proof of possession of property.

102. A record in the books of the corps of any man serving in the Militia, of his having received and not having returned any articles of public clothing, or other public or corps property, shall be evidence that the same are in his possession. R.S., c. 41, s. 107.

OFFENCES AND PENALTIES.

Medical practitioner signing false certificate.

103. Every medical practitioner, who signs a false certificate in respect of any case of permanent disability, arising from injuries received or illness contracted on active service, drill, or training, or on duty, coming before a medical board for report, shall incur a penalty of four hundred dollars. R.S., c. 41, s. 108.

Forging stamped signature of Governor General.

104. The forging or counterfeiting of any stamped signature of the Governor General, in use for stamping commissions granted or issued under this Act, or the uttering thereof, knowing it to be forged or counterfeited, shall

be an indictable offence, punishable in like manner as the Penalty.
forgery of the privy seal or seal-at-arms of the Governor
General. R.S., c. 41, s. 109.

105. Every person who leaves Canada with any article Leaving
of public clothing or other public or corps property in his ^{Canada}
possession, is guilty of theft, and may be tried therefor at ^{with militia}
any time. R.S., c. 41, s. 110. ^{property.}

106. Any officer who knowingly
(a) claims pay on account of any drills performed with ^{Claiming}
his corps for any man belonging to any other corps; ^{pay for}
(b) claims pay for officers or men not present; or ^{drill}
(c) includes in any parade state, or other return, the ^{performed}
name of any person not duly enlisted; ^{irregularly.}
is guilty of an indictable offence.

2. Every man who claims, or has received pay on ac- ^{Receiving}
count of any drill performed in the ranks of any other ^{pay for}
than his own proper corps, or in more than one corps in ^{such}
any one year is guilty of an indictable offence. R.S., c. ^{case.}
41, s. 111.

107. Any officer or man who obtains by means of any ^{Unlawfully}
false pretense, or who unlawfully retains or keeps in his ^{retaining}
possession, any of the pay or moneys belonging to any ^{pay of}
other officer or man, is guilty of an indictable offence. R.S., ^{others.}
c. 41, s. 112.

108. Any officer or man, who knowingly signs a false ^{False}
parade state, roll or pay-list, or any false return whatso- ^{returns.}
ever, is guilty of an indictable offence. R.S., c. 41, s. 113.

109. Every person of whom information is required by ^{Refusing}
any officer making any roll, in order to enable such officer ^{required in-}
to comply with the provisions of this Act, who when ap- ^{formation or}
plied to by such officer ^{giving false}
^{information.}

(a) refuses to give such information;
(b) gives false information;
(c) refuses to give his own name and proper informa-
tion; or
(d) gives a false name or false information;

shall,

(a) for each item of information demanded and refused;
(b) for each item of information falsely stated;
(c) for refusing to give his own name or proper informa-
tion; or
(d) for giving a false name or false information;
incur a penalty not exceeding twenty dollars. R.S., c. 41, ^{Penalty.}
s. 114.

Refusing to
make enrol-
ment or
ballot.

Penalty.

110. Every officer and every man of the Militia who refuses or neglects to make any enrolment or ballot, or to make or transmit, as herein prescribed, any roll or return or copy thereof, required by this Act or by the regulations, shall incur a penalty, if an officer, not exceeding fifty dollars, and, if a man, not exceeding twenty-five dollars, for each offence. R.S., c. 41, s. 115.

Men
drafted
refusing to
be sworn.

Penalty.

111. Every man drafted for service in the Militia, who refuses or neglects to take the oath or to make the declaration hereinbefore prescribed, when tendered to him by a justice of the peace or by any commissioned officer duly authorized for that purpose, shall on summary conviction before two justices of the peace be liable to imprisonment for a term not exceeding six months, and for every subsequent neglect or refusal to a further imprisonment not exceeding twelve months. R.S., c. 41, s. 116.

Personation
on
parade.

Penalty.

112. Every officer and man of the Militia, and every person whatsoever, who at any parade, or on any other occasion for any of the purposes required by this Act, falsely personates another is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars. R.S., c. 41, s. 117.

Refusing to
assist in
making rolls.

Penalty.

113. Every officer and man of the Militia who refuses or neglects to assist his commanding officer in making any roll or return, or refuses or neglects to obtain or to assist him in obtaining any information which he requires in order to make or correct any roll or return, shall incur a penalty, if an officer not exceeding fifty dollars, and if a man, not exceeding twenty-five dollars, for each offence. R.S., c. 41, s. 118.

Or to give
information
for making
them.

Penalty.

114. Every person required by this Act to give to the commanding officer of any company, or to any officer or non-commissioned officer thereof, any notice or information necessary for making or correcting the roll of any company, who refuses or neglects to give such notice or information to any such officer, demanding it at any reasonable hour and place, shall incur a penalty of ten dollars for each offence. R.S., c. 41, s. 119.

Refusing to
attend drill.

Penalty.

115. Every officer and man of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an officer, of ten dollars, and if a man of five dollars for each offence.

Cumulative
absence.

2. Every day's absence shall be held to be a separate offence. R.S., c. 41, s. 120.

116. Every person who interrupts or hinders any portion of the Militia at drill, or trespasses on the bounds set out by the proper officer for such drill, shall incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the commanding officer until such drill is over for the day. R.S., c. 41, s. 121.

Hindering Militia at drill.

Penalty.

117. Every officer and man of the Militia who disobeys any lawful order of his superior officer, or who when on service is guilty of any insolent or disorderly behaviour towards such officer, shall incur a penalty, if an officer, of twenty-five dollars, and if a man, of ten dollars for each offence. R.S., c. 41, s. 122.

Disobedience or insolent behaviour.

Penalty.

118. Every man who fails to keep in proper order any arms or accoutrements delivered or entrusted to him, or who appears at drill, parade or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence. R.S., c. 41, s. 123.

Not keeping arms in proper order.

Penalty.

119. Every person who

(a) unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown or corps;

(b) refuses to deliver up any arms, accoutrements or other articles in his possession belonging to the Crown or corps when lawfully required; or

(c) has in his possession any arms, accoutrements or other articles belonging to the Crown or corps except for lawful cause, the proof of which shall lie upon him; shall incur a penalty of twenty dollars for each offence.

Unlawfully disposing of arms or property and unlawful possession.

Penalty.

2. Every such person may be arrested by order of the justice of the peace before whom a complaint is made, upon affidavit showing that there is reason to believe that such offender is about to leave Canada, carrying with him any such arms, accoutrements or articles.

Arrest.

3. Nothing in this section shall prevent such person from being indicted and punished for any greater offence, if the facts amount to such greater offence. R.S., c. 41, s. 124.

As to greater offence.

120. Every officer and man of the Militia who, when his corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such corps, or to obey any lawful order of his superior officer, shall, if an officer, incur a penalty not exceeding one hundred dollars, and if a man, a penalty not exceeding twenty dollars for each offence. R.S., c. 41, s. 125.

Refusing aid to civil power.

Penalty.

121. Every person who

Resisting calling out. (a) resists any calling out of any man enlisted or drafted under regulations, or any process prescribed for enforcing enrolment by ballot;

Counselling to resist. (b) counsels or aids any person to resist any calling out of any man, enlisted or drafted under the regulations, or under any process prescribed for enforcing enrolment by ballot, or the performance of any service in relation thereto;

Not to appear. (c) counsels or aids any man enlisted or liable to military service, not to appear at the place of rendezvous;

Dissuading. (d) dissuades any man enlisted or liable to military service, from the performance of any duty he is required by law or regulation to perform;

Acts detrimental. (e) does any act to the detriment of any man enlisted or liable to military service, in consequence of his having performed any such duty;

Interfering with drill. (f) interferes with the drill or training of any corps or portion thereof; or

Obstructing corps. (g) obstructs any corps or portion thereof, on the march or elsewhere;

Penalty. shall incur a penalty not exceeding one hundred dollars. R.S., c. 41, s. 126.

122. Every person lawfully required under this Act, or the regulations, to furnish a car, engine, boat, barge, scow, steamship or other vessel, wagon, carriage, or pack animal, for the conveyance or use of any portion of the Militia, who refuses or neglects to furnish it, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding one year, with or without hard labour, or to both the penalty and imprisonment, at the discretion of the court. R.S., c. 41, s. 127.

Refusal to furnish transport.

Penalty.

123. Every person, not being at the time an officer or man of the Militia, or a member of a rifle association or club formed or recognized under regulations, who, without the consent of the person in charge of such rifle range, or of some person authorized in that behalf by regulations, uses for target practice a rifle range which has been inspected and approved, shall incur a penalty not exceeding twenty-five dollars. R.S., c. 41, s. 128.

Unauthorized use of rifle range.

Penalty.

124. Every person who wilfully violates any provision of this Act, shall, when no other penalty is imposed for such violation, incur a penalty not exceeding twenty dollars, for each offence.

Other violations.

Penalty. 2. Nothing in this section shall prevent his being indicted and punished for any greater offence if the facts amount to such greater offence. R.S., c. 41, s. 129.

PROCEDURE.

125. Except as otherwise herein provided, every penalty incurred under this Act, shall be recoverable, with costs, on summary conviction, before one justice of the peace. Recovery of penalties.

2. In default of immediate payment on conviction, the convicting justice may commit the person so convicted to the common gaol of the territorial division for which the said justice is then acting, or to some lock-up situate therein, for a term not exceeding forty days, if the penalty does not exceed twenty dollars, and for a term not exceeding sixty days, if it exceeds that sum. R.S., c. 41, s. 130. Imprisonment in default of payment.

126. No prosecution against any officer in the Militia for any penalty under this Act or under any regulation made hereunder shall be brought, except on the complaint of the officer for the time being commanding the Militia. Prosecution against officer.

2. No prosecution against any man in the Militia for any penalty under this Act, or under any regulation, shall be brought except on complaint by or in the name of the commanding officer or adjutant of the corps or captain of the company or corps, to which such man belongs or belonged. Prosecution against men.

3. The officer for the time being commanding the said corps or company may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the officer commanding the said corps or company. Authority for complaint.

4. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged excepting for the offence of unlawfully buying, selling or having in possession arms, accoutrements or other articles belonging to the Crown or corps, or for desertion. R.S., c. 41, s. 131. Within what time.

127. Every sum of money which any person or corporation is, under this Act, liable to pay or repay to the Crown or which is equivalent to the damages done to any arms or any other property of the Crown used for military purposes, shall be a debt due to the Crown, and may be recovered as such. R.S., c. 41, s. 132. Recovery of sums payable to Crown.

128. Every bond to the Crown entered into by any person before any judge or justice of the peace, or officer of the Militia, in conformity with any general order or regulation for the purpose of securing the payment of any Bonds under this Act valid.

sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly. R.S., c. 41, s. 133.

Property of
corps
vested in
His
Majesty.

129. For the purpose of legal proceedings, all moneys subscribed by or for, or otherwise appropriated to the use of, any corps, and all arms, ammunition, clothing, equipment, musical instruments, or other things belonging to, or used by, any corps, shall be deemed to be the property of His Majesty. R.S., c. 41, s. 134.

Contempt of
court-
martial.

130. If any person who is not enrolled in the Militia is summoned as a witness before a court-martial, and, after payment or tender of the reasonable expenses of his attendance, makes default in attending, or, being in attendance as a witness

Refusing
oath.

(a) refuses to take an oath or affirmation lawfully required by the court to be taken;

Documents.

(b) refuses to produce any document in his power or control lawfully required by the court to be produced by him;

Disturbance.

(c) refuses to answer any question to which the court lawfully requires an answer; or

(d) is guilty of any contempt of the court-martial by causing any interruption or disturbance in its proceedings;

Certifying
contempt.

the president of the court shall certify the default, refusal or contempt of such person under his hand to a judge of any court of justice in the locality having power to punish persons guilty of like offences in that court.

Punish-
ment.

2. Such court may thereupon inquire thereinto, hearing such person and any witnesses that may be produced for or against him and, if such person is found guilty, punish him in like manner as if he had committed the offence in a proceeding in such court. R.S., c. 41, s. 135.

EXECUTION OF WARRANTS AND SENTENCES.

Detention
in gaol.

131. The governor, keeper or warden of every gaol, prison or penitentiary in Canada, shall receive and detain, according to the exigency of any warrant under the hand of any district officer commanding, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law.

Cognizance
of warrant.

2. Every such governor, keeper or warden shall take cognizance of any warrant purporting to be signed by any such officer as aforesaid. R.S., c. 41, s. 136.

132. Any prisoner sentenced for any term by any military, naval or militia court-martial, or by any military or naval authority under this or any Military Act, may be sentenced to imprisonment in a penitentiary. Imprisonment in penitentiary.

2. If such prisoner is sentenced to a term less than two years, he may be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some other lawful prison or place of confinement other than a penitentiary in which imprisonment may be lawfully executed. R.S., c. 41, s. 137. Imprisonment in gaol.

133. Any officer or man of the Militia sentenced to be imprisoned may, if the Governor in Council by regulation or otherwise directs, be imprisoned in any place specially appointed therefor, instead of in a gaol, prison or penitentiary. R.S., c. 41, s. 138. Imprisonment in a place specially appointed.

ENFORCING ACT—PROTECTION.

134. Every action against any officer or person, for any thing purporting to be done in pursuance of this Act or of any regulation, shall be laid and tried in the judicial district where the act complained of was done, and shall be commenced within six months from the time of the act committed. Place and time of actions.

2. In any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial. General issue.

3. No plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought: Provided that where money is paid into court after action brought and without tender before action the plaintiff may in the discretion of the court recover costs of action down to the time of such payment into court. R.S., c. 41, s. 139. Tender of amends. Proviso as to costs.

135. No action shall be brought against any officer or person for anything purporting to be done in pursuance of this Act, or of any regulation, until at least one month after notice in writing of such action has been served upon him, or left at his usual place of abode. Notice of action.

2. In such notice the cause of action, and the court in which it is to be brought, shall be stated, and the name and place of abode of the claimant and his solicitor shall be endorsed thereon. R.S., c. 41, s. 140. Contents of notice.

ORDERS—NOTIFICATION.

Notice of
general
orders.

136. All general orders issued to the Militia shall be held sufficiently notified to all persons whom they concern by their insertion in the *Canada Gazette*. R.S., c. 41, s. 141.

Other
orders.

137. Every order made by the commanding officer of any corps of the Militia, other than the Permanent Force, shall be held to be sufficiently notified to all persons whom it concerns, by insertion in some newspaper published in the regimental division in which such corps is situated, or, if there is no such newspaper, then by posting a copy thereof in a post office, or in some other public place, in each company division affected by such order. R.S., c. 41, s. 142.

When in
writing.

138. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, if it is communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order. R.S., c. 41, s. 143.

REGULATIONS.

Regulations
by Governor
in Council.

139. The Governor in Council may make regulations for carrying this Act into effect, for the organization, discipline, efficiency and good government generally of the Militia, and for anything requiring to be done in connection with the military defence of Canada. R.S., c. 41, s. 144.

Publication.

140. Such regulations shall be published in the *Canada Gazette*; and upon being so published, they shall have the same force in law as if they formed part of this Act. R.S., c. 41, s. 145.

Laying
before
Parliament.

141. The regulations shall be laid before both Houses of Parliament within ten days after the publication thereof in the *Canada Gazette*, if Parliament is then sitting; and, if Parliament is not then sitting, then within ten days after the next meeting thereof. R.S., c. 41, s. 146.

GENERAL.

Gift, sale
or other
alienation of
money,
arms or
equipment
of corps.

142. No gift, sale or other alienation, or attempted alienation, by any person, of any money subscribed by or for, or otherwise appropriated to the use of any corps, or of any arms, ammunition, clothing, equipment, musical instruments or other things belonging to, or used by any corps, shall be effectual to pass the property therein without the consent of His Majesty. R.S., c. 41, s. 147.

143. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor General to the Minister of Finance. Payments to be made by Governor's warrant.

2. A detailed account of moneys so expended shall be laid before Parliament during the next session thereof after the same are expended. Account to Parliament.

3. Except as compensation, for injury arising from acts done under the authority of this Act in case of emergency, and except as to pay and allowances for such of the Militia as are called out in aid of the civil power under the provisions of this Act, no sum of money shall be so paid, unless it is included in some appropriation made by Parliament. Money to be vested.
R.S., c. 41, s. 148.

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