

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Chandler took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received and the Bill read a third time tomorrow.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Odell, a Member of Her Majesty's Executive Council.

The Honorable Mr. Saunders read the same; and it was again read by the Clerk, as follows:—

NEW BRUNSWICK.

Message to the Legislative Council.—2nd May, 1865.

ARTHUR GORDON.

His Excellency the Lieutenant Governor lays before the Legislative Council copy of Correspondence with the Secretary of State for the Colonies on the subject of the Militia.

A. H. G.

The Secretary of State for the Colonies to the Lieutenant Governor.

Downing Street, 1st October, 1864.

SIR,—In a Despatch of this day's date I have apprized you of the intended visit of Colonel Jervis to Canada, New Brunswick, and Nova Scotia. But I prefer observing to you in a separate Despatch that the progress of the Militia in New Brunswick does not at present in any degree correspond with the spirit of patriotism and spirit of loyalty by which the inhabitants are known to be animated.

Although the population (of both sexes) consists of 250,000 persons, and the Revenue amounts to nearly £150,000 a year, the Militia exists chiefly on paper, being "undrilled, and meeting for muster" (only) "one day in the year;" whilst the Volunteers, who form an integral part of the Militia, though they drill more frequently, number only 1738.

The Act, too, which raises and organizes this force appropriates only £2,000 per annum to this Service, and has been passed for the limited period of three years.

I should sincerely rejoice to learn from you that, on the re-assembling of the Legislature, your advisers will be prepared to take effective measures for remedying a state of things so little suited to the importance of the subject, and corresponding so little with the well known spirit of the Province.

I have, &c.

(Signed)

EDWARD CARDWELL.

Lieutenant Governor Hon. Arthur Gordon, &c. &c. &c.

The Lieutenant Governor to the Secretary of State for the Colonies.

Fredericton, 21st November, 1864.

SIR,—I have the honor to acknowledge the receipt of your Despatch (marked "Separate") of the 1st ult., relating to the Militia Force of this Province.

2. I regret to perceive from that Despatch that Her Majesty's Government are dissatisfied with the progress which has been made towards the reorganization of the Provincial Militia.

3. I am quite aware that increased exertion will be necessary to give efficiency to this force, and that its present condition is not one in which it could long be suffered to continue with credit to the Province; but at the same time I must confess that the progress which has been made during the last three years appears to me very considerable.

4. I have been myself so largely engaged in carrying out the details of the partial reorganization which has been effected, that I have perhaps shrunk too much from writing Despatches liable to the construction of having been framed for the purpose of self laudation; but you will, I am sure, now permit me to trouble you with a brief recapitulation of the steps already taken, and in progress, with a view to increase the efficiency of the Militia and Volunteer Force of New Brunswick.

5. On my arrival just three years ago, I found the whole of the Militia system of the Province in a state of almost complete disorganization. For more than ten years the Militia Law had been wholly suspended; and for all practical purposes the Militia consisted only of the remains of various very imperfectly organized Volunteer Companies. Of these a certain number had been hastily formed on the occasion of the visit of His Royal Highness the Prince of Wales to North America; but in accordance with no system—subject to no uniform rules, even if they had rules at all—they seldom met for drill—they were uniformed in every variety of clothing—and too often used their arms for their own private purposes.

Other Companies had subsequently been accepted in rural districts. These Companies were neither uniformed nor drilled, nor inspected; and their Captains were often men totally unfit from education and position to exercise command. Several of them refused to turn out for inspection when directed to do so by my predecessor. There were, in short, no returns, no regular inspections, no regulations, no uniform, no system of any kind.

6. The Head Quarters Staff was in a by no means efficient state; the Officers upon it having long held their posts, and being but imperfectly acquainted with modern systems of Drill and organization.

7. It was evident to me that, before taking any further steps, it would be necessary to effect a reorganization of these Departments. I endeavoured to do this in such a manner as should not wound the feelings of those whom I displaced, and I thought the best means of accomplishing this object was by introducing the rule limiting the duration of Staff appointments to five years, which has been established in Her Majesty's Service. I also secured the services of a highly competent officer to fill the post of Adjutant General, although it was at that time doubtful whether the Province would consent to pay him any adequate salary.

8. I next turned my attention towards the possibility of effecting an improvement in the condition of the Volunteers. It was manifestly requisite to diminish the confusion, irregularity and insubordination which prevailed among them; and yet it was necessary to do this without creating such dissatisfaction as would defeat my own ends. I saw at once that time, and a considerable time, would be required to effect any permanent improvement; as the result of changes too suddenly introduced would inevitably be the dissolution of existing Companies, and an unwillingness among the people to form others in their place.

9. I had commenced this reorganization before the Session of 1862, by cautiously introducing a few uniform rules, applicable to all Companies, with reference to the custody of their arms, the regulation of their meetings, and the number of their Drills. In the course of the Spring, however, my hands were greatly strengthened by the passage of an Act by the Legislature for the partial revival of the Militia. This Act passed both Houses of the Provincial Parliament easily enough, but its introduction in the first instance had been attended with considerable difficulty. The measure, though very imperfect, was, however, far from useless, as it called into being once more a skeleton at least of the Militia force,—authorized me to employ the Drill Instructors furnished by Her Majesty's Government,—to appoint Inspecting Field Officers in different districts of the Province, and generally gave me authority to reduce the Volunteer Corps to a condition of system and uniformity.

10. Since the passage of that Act, I can truly say that my attention to the condition of the Militia, and my endeavours to carry out its reorganization to the furthest extent which the means at my disposal permitted, have been unremitting. I will briefly recapitulate what has been done since the Summer of 1862; and will commence with the Volunteers.

11. The first effect of even a slightly increased stringency of regulations was, as I had anticipated, to break up the rural Companies. The number of Volunteers has not, how-

ever, undergone any diminution, as there has been an increase in the towns. I do not regret this result, for the rural Companies generally cost more than they were worth. You are aware of the great difficulty that is experienced even in England in keeping alive Volunteer Companies in purely rural districts, and of course this difficulty is much more strongly felt in a Country where population is so widely scattered, and where attendance at Drill would frequently necessitate miles of toilsome journeying over tracks of deep soft mud or through storm and snow drifts. Practically, the rural Companies did not meet. I was forced to admit that it was unreasonable to expect them to meet; and consequently the time of the Drill Instructors and the money of the Provincial grant appeared to me to be better employed in quarters where there was a promise of more satisfactory results.

12. My first anxiety was to introduce some system of uniformity and subordination among the different Companies, which had been accustomed to do wholly what is right in their own eyes. I introduced gradually regulations which when once introduced were not relaxed; but took care not to press novelties upon them too hastily. With the new Companies I had of course less difficulty, and I may say that now something of regularity and discipline has been introduced—some method in keeping accounts and making returns has been effected. The Volunteers have been uniformed in one Provincial uniform (scarlet), the cloth for which has been gratuitously furnished by Government, and made up at a cheap rate for Companies applying for it. Each Company receives moreover from the Government gratuitously its Drill Instruction and sixty rounds of Ammunition per man. In money each Company receives \$80 for care of arms and drill room; a sum which, as the Companies are rarely above forty strong, amounts on an average to ten shillings currency per head. I own this appears to me, with the addition of iron targets when wanted, to be quite as much assistance as the Government are called upon to render to Companies of *Volunteers*, and it is not on this head I should wish further expenditure to be incurred by the Province. I have inspected every Volunteer Company in the Province—most of them more than once, and can testify to their great improvement in appearance, and efficiency, and I can at all events safely assert that, though the result may appear trifling, it has not been obtained without a most incommensurate amount of labour and care; and here I cannot refrain from bearing testimony to the skill and patience displayed by my late Adjutant General, (Lieutenant Colonel Crowder), in reducing to order the elements with which he was called upon to deal.

13. I cannot quite concur in your remark as to the smallness of the number of Volunteers in New Brunswick, ("only 1,738"). Roughly speaking, that number forms one in 25 of the whole male population between the ages of 18 and 45, and I cannot consider it a very small proportion, especially when the circumstances to which I have alluded, of the impossibility of assembling Volunteers in the rural districts, is taken into account; which, of course, considerably augments the proportion of Volunteers in more settled districts.

14. With respect to the Militia at large, as opposed to the Volunteers, a good deal more has been done than at first sight appears to be the case. No list of officers of Militia had been published since 1851, and that list was not official or correct. Since that time, though occasional appointments and promotions had been made, there was no authentic record of the numerous resignations, removals, or deaths.

In many Battalions it was impossible to say who was the Commanding Officer; in others, the Senior Officer was opposed to any revival of the Militia; in almost all there were few remaining Company Officers, and of these few, a great proportion were from age and infirmity incapable of performing the duties of their posts. Before any thing else could be done, it was necessary to find Commanding Officers and Adjutants. There are 38 Battalions of Militia in the Province: to 18 of these I have appointed new and efficient Lieutenant Colonels since the close of 1862. Of the remaining twenty, fourteen were already commanded by Officers more or less efficient—some very much so. The other six are as yet, with one exception, vacant, owing to my inability to find any persons within the respective districts, both able and willing to undertake the duties of the post.

The revision of the list of Officers, and the verification of the different Battalion and Company districts took a great deal of time and labor, and until it was accomplished it was idle to think of calling out a Battalion even for one day's muster. The task was, however, at last accomplished, and last year the Battalions were generally called out for

muster. The same course has been pursued during the present year. I have attended some of these musters, and have witnessed with surprise the aptitude of those assembled at learning the more elementary formations, and the regularity and ease with which, when under the command of an efficient officer, the different Companies of the Battalion marched, formed square, &c. &c.

15. It is true that all the Law requires of the Militia is this one day's muster, (though it should be borne in mind that, failing the Volunteers, a thousand men are liable to be drawn by ballot for more lengthened drill,) but it must be remembered that the law applies to the whole male population under 60 years of age, and that to call the whole male population together for any long period, the rich merchant from his counting house—the needy settler from his half cleared farm—the lumberer from the woods—the ploughman from the field—the boatman from the river,—would be as oppressive as it is in fact impracticable. As it is, the pecuniary sacrifice entailed by one day's muster is great. But though the law requires no more, a good deal is being done.

The new Colonels whom I have appointed, and those who are efficient among the older ones, require their officers to learn their Drill, and to uniform themselves. For the purpose of instruction I have issued, on application, Rifles to the Officers commanding Battalions, on Bonds similar to those given by the Captains of Volunteer Companies; and the nearest Drill Instructor of Volunteers teaches their use, and drills the Officers on those days when his services are not elsewhere required. To these meetings of Officers I am happy to say the Non-Commissioned Officers of the Militia Battalions in many instances now resort; and if the Officers and Non-Commissioned Officers of the Militia become a trained and instructed body, far more good will be attained than by assembling a large and untrained body of men once a year for two or three days. Some of the Lieutenant Colonels encourage their Officers to add Target Practice to their Drill; and I have witnessed the Officers of one Battalion, neatly uniformed in scarlet shell jackets, paraded to fire, and shooting quite as well as the practised shots of an average Volunteer Company. I am convinced that as regards organization, such a beginning has been now made as requires only care and watchfulness to develop itself, without the need of direct action on the part of the Government. Money, however, no doubt is greatly wanting, and I trust this want will next year be in some degree supplied.

16. I perceive from your Despatch that you labor under a mistaken impression in supposing that the sum annually allotted to the Militia is fixed in the Militia Law. It is annually voted by the Legislature, and may be indefinitely diminished or increased. The Grant is always opposed, and opposed with energy; and though the Government have always maintained the vote at the amount first fixed, a considerable minority of the Assembly have always called for its reduction. I was, however, last year informed by the leading Members of my Executive Council, that if I were successful in shewing an improvement in the Militia, and an apparent desire on the part of the people at large to develop the system, that a vote of at least double the amount should be proposed for 1865, and I have no reason to suppose that this pledge will be evaded.

17. It is my intention to propose to my advisers before the next meeting of the Provincial Parliament a scheme, the details of which I hope shortly to lay before you, and which will have for its object the training of a certain portion of the Militia for several consecutive days in each year.

18. When I have the honor of forwarding this scheme for your consideration, I shall accompany it by a few remarks on the question of the defence of the British North American Provinces generally. It is no doubt true that much more than is done with this object might be done by the Provinces themselves,—but on the other hand I feel constrained to admit that the language held by an influential portion of the English Newspaper Press on this subject appears to me unreasonable and over-strained. Self-defence is no doubt a duty, but there must, in the first place, be something to defend; and though I am aware that high authorities consider that Military defence should always form the chief item in the expenditure of a country or a Province, yet it must be remembered that the very maintenance of self-existence imperatively requires the outlay of the greater part of the Provincial Revenue on objects and institutions which, in an older country, have been already established, or are maintained by private enterprize.

I have, &c. (Signed) ARTHUR H. GORDON.

The Secretary of State for the Colonies to the Lieutenant Governor.

Downing Street, 10th December, 1864.

SIR,—I have the honor to acknowledge the receipt of your Despatch, marked Separate, of the 21st of November last, furnishing me with a Report on the past and present condition of the Militia and Volunteers of New Brunswick.

It is with great satisfaction that I perceive that this important subject has occupied, and continues to occupy so much of your care and thought, and that the condition of the Local forces has so much improved since your assumption of the Government of the Province.

Although the difficulties with which you have had to contend in the organization and discipline of the Militia, no doubt, exist as fully as you have represented them, till it must be borne in mind that self defence is the first duty of every free people.

I shall await with interest the new scheme for the training of the Militia, which you inform me it is your immediate intention to propose to your advisers.

I have, &c. (Signed) EDWARD CARDWELL.

The Lieutenant Governor to the Secretary of State.

Fredericton, 12th January, 1865.

SIR,—I have the honor to enclose for your information copies of Resolutions which have been agreed to at a Commission assembled by me to consider the changes which it may be desirable to make in the Militia Law, on the expiration of the existing Act in the Spring of the present year.

2. The discussions of this Commission were conducted with a temper and in a spirit in the highest degree creditable to the Officers of whom it was composed, and the decisions at which they arrived were adopted with almost unqualified unanimity.

3. The main feature of the scheme is the proposal to establish an annual Camp of Instruction; and if this proposal be adopted, I have no fear but that the result will be most satisfactory.

4. It is my intention to press this scheme earnestly on the consideration of my advisers at the next meeting of Council, and I shall soon be able to inform you whether it is or is not approved by them.

5. There are some details contained in these Resolutions which I could wish to see altered; but, as a whole, they meet with my warm and cordial concurrence.

I have, &c. (Signed) ARTHUR H. GORDON.

[Enclosure.]

At a Meeting summoned by direction of His Excellency the Commander in Chief, and held at Government House, Fredericton, on the 3rd January 1865, and continued upon the 4th and 5th January, at which the following Officers of the New Brunswick Militia were present—

His Excellency the Commander in Chief.

Lieut. Colonel Thurgar, Saint John City Rifles.
 “ Hon. J. H. Gray, Queen’s New Brunswick Rangers.
 “ Hon. John Robertson, Saint John City Light Infantry.
 “ Hon. L. A. Wilmot, First Battalion York County Militia.
 “ Foster, New Brunswick Regiment of Artillery.
 “ Baird, D. Q. M. G., First Battalion Carleton County Militia.
 “ Otty, Third Battalion King’s County Militia.
 “ D. Wetmore, Second Battalion Charlotte County Militia.
 “ R. W. Crookshank, Saint John Volunteer Battalion.
 Captain Simonds, First Battalion York County Militia.
 “ Saunders, New Brunswick Yeomanry Cavalry.

The Adjutant General of Militia.

The following Resolutions were, after debate, unanimously agreed to:—

1. Moved by Lieut. Colonel Hon. L. A. Wilmot—

That the establishment of a Camp of Instruction, composed of a Company from each Battalion in the Province, composed of Volunteers or of men drawn by ballot, for a period of 28 days in each year, would be of permanent benefit to the Militia Force of this Province.

2. Moved by Lieut. Colonel Hon. L. A. Wilmot—

That, in the opinion of this meeting, the remainder of the Militia Force should be called out for — days drill and one day inspection in each year, and to embrace all the male inhabitants between the ages of — and —.

Moved—That the first blank be filled up with the word *three*.

That the second blank be filled up with the word *sixteen*.

That the third blank be filled up with the word *sixty*.

3. Moved by Lieut. Colonel Hon. J. H. Gray—

That it is desirable that the proposed Camp of Instruction should be composed of a Company from each Battalion in this Province, [36 in number] made up to the following strength:—

1 Captain.
2 Subalterns.
1 Buglar.
60 Rank and file.

Total, $64 + 36 = 2204$

And that the Staff of such Camp should consist of—

1 Commandant, 1 Major of Brigade, 1 Staff Officer, 1 Surgeon.

4. Moved by Lieut. Colonel Hon. John Robertson—

That it is desirable that the Camp (if of the size contemplated) should be divided into three Battalions, to each of which should be appointed—

1 Lieut. Colonel, 2 Majors, 1 Adjutant.

That it is further desirable that the non-commissioned officers and men should receive — cents per diem and their rations, and that the officers should receive the pay and allowances of the corresponding ranks in Her Majesty's Service, and that the Camp should be under the same discipline as that applied to the Militia of Great Britain.

5. Moved by Lieut. Colonel J. V. Thurgar—

That, though this meeting considers the scheme thus laid down as the very least that is required by the exigencies of the case, they are of opinion that the Commander in Chief should be empowered to diminish the number of men to be assembled annually at the Camp of Instruction, and the number of days for which they are encamped, proportionately to the sum appropriated for the purpose by the Legislature; provided always, that such diminution in the number of men does not exceed one half nor reduce the time below 20 days.

6. Moved by Lieut. Colonel Foster—

That it is desirable that all persons exempt by law from Militia Service, should pay annually the sum of two dollars.

7. Moved by Captain Simonds—

That it is desirable that all Aliens, after a residence of two months in the Province, should pay annually the sum of four dollars for Militia purposes.

8. Moved by Captain Saunders—

That it is desirable that persons drawn for service in the Camp of Instruction should be permitted to furnish substitutes, (under regulations to be hereafter defined,) provided that such substitutes are enrolled members of the Militia in the same Battalion District.

9. Moved by Lieut. Colonel Hon. J. H. Gray—

That it is desirable that non-commissioned officers and men of the Militia omitting to attend the muster and inspection of their respective Battalions, as provided by law, should be liable to a fine of \$— per day; and that Officers of the Militia omitting to attend in proper uniform be liable to a fine of four times the amount imposed upon non-commissioned officers and privates;—

And that it is further desirable that the above fines be paid in to the Battalion Fund.

Moved by Lieut. Col. Thurgar—That the blank be filled with the word *two*.

10. Moved by Lieut. Colonel R. W. Crookshank—

That it is desirable that all exemptions and fines not specially applied to particular purposes, and all fees for Commissions, be paid to the Adjutant General, to constitute a Militia Fund, to be applied to the support of the Militia.

11. Moved by Lieut. Colonel Hon. John Robertson—

That it is desirable that the New Brunswick Regiment of Artillery, and other Corps of Volunteers authorized by the Commander in Chief, shall receive a capitation grant of — dollars a head for every man attending 30 drills during the year, (of which 24 shall be Company and 6 Battalion drills,) in lieu of the allowance now granted.

12. Moved by Lieut. Colonel Wetmore—

That the Oath of Allegiance should, in the opinion of this meeting, be taken by every officer and man belonging to the Militia Force of this Province into whose possession arms shall be entrusted for Militia purposes.

13. Moved by Lieut. Colonel Otty—

That it is the opinion of this meeting that the annual muster of the Militia Force of the Province should not take place until after the Camp of Instruction be dismissed; that a Drill Instructor for each Company, to be selected by the Adjutant General from the most efficient men in Camp, should be appointed to drill the Companies of the respective Battalions from which they may have been taken; and that each Instructor producing a certificate from his Commanding Officer that he has discharged his duty satisfactorily, should be entitled to receive the sum of —.

14. Moved by Lieut. Colonel Baird—

That Sections 36 to 43 inclusive of the Militia Law of Nova Scotia, which have reference to the preservation of subordination at Militia musters; be recommended for embodiment in the Law to be proposed for this Province.

The Secretary of State for the Colonies to the Lieutenant Governor.

Downing Street, 4th February, 1865.

SIR,—I have the honor to acknowledge the receipt of your Despatch of the 12th January, enclosing copies of Resolutions adopted by a Commission appointed by you to consider the changes which it may be desirable to make in the Militia Law of this Province.

I am glad to observe the warm interest you are taking in this subject, and I trust that your advisers will adopt effectual measures for the improvement of the Force.

I have, &c. (Signed) EDWARD CARDWELL.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Odell, a Member of Her Majesty's Executive Council.

The Honorable Mr. Saunders read the same; and it was again read by the Clerk, as follows:—