

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1819.
York: R. C. Horne, 1819.

59 George III – Chapter 12

An Act to repeal part of and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being for the Raising and Training the Militia of this Province." (Passed 12th July, 1819.)

Whereas, there is now no provision by Law for assembling a Court Martial; unless when the Militia of this Province shall be called out on actual Service, by reason whereof, it may happen that persons against whom charges may have been preferred before a Court of Enquiry, may have no opportunity of making their defence against such charges, before a Court competent to receive such evidence upon oath, in their behalf, for remedy whereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That the twenty-fifth clause of an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "*An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the raising and training the Militia of this Province,'*" shall be, and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing, of this Act, in all cases where a General Court Martial shall be prayed for, by any Officer against whom any charges have been, or may be preferred, when any part of the Militia of this Province shall not be called out on actual Service, the Governor, Lieutenant Governor, or Person administering the Government, may direct a General Court Martial to be held, to be assembled in the same manner, and under the same provisions, and to proceed in the same manner as provided by Law in time of actual Service. Provided always, nevertheless, That if any such Officer shall be found guilty by any General Court Martial, duly assembled, when any part of the Militia of the said Province shall not be called on actual Service, such Court Martial shall and may inflict on him such penalty, proportioned to the offence, as the said Court shall judge proper, either by censure or suspension, or depriving him of his Commission, and degrading him from his rank, and no other.

III. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to repeal or vary any of the provisions of the said recited Act, excepting so far as the same is expressly repealed in this Act, but that the said Act, and every clause, matter, and thing therein contained, except the said twenty-fifth clause, shall be, and the same is hereby declared to be in full force and effect.