

Statutes of Upper-Canada, Passed in the first session of the fifth provincial parliament (1809).
From *The Provincial Statutes of Upper-Canada: Revised, Corrected, and Republished* (York, R. C. Horne, 1818.)

49 George III – Chapter 2

An Act for Quartering and Billeting on certain occasions His Majesty's Troops and the Militia of this Province. (Passed 5th March, 1809.)

Whereas, the Laws now in force for Quartering and Billeting His Majesty's Troops, and the Militia of this Province, are not sufficiently applicable to the situation thereof, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, '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 from and after the passing of this Act when and as often as the said Troops or Militia shall be on a march within the said Province, each and every householder therein, shall furnish them when required, in manner hereinafter mentioned, with house-room, fire and utensils for cooking, and in cases of emergency, by actual invasion or otherwise, it shall and may be lawful for the Officer commanding His Majesty's Troops or Militia, or in cases where orders cannot be received from him in due time, for the Officer commanding any regiment, battalion or detachment of Troops or Militia, to direct and authorize any Officer of the same, having first obtained a warrant for such purpose from one of His Majesty's Justices of the Peace, to impress such horses, carriages and oxen as the service may require, for the use of which, the owner or owners thereof, shall be entitled to receive the sum of seven shillings and six-pence per day, for every cart or carriage, with two horses or oxen, during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and sixpence per day.

II. And be it further enacted by the authority aforesaid, That when the said Troops or Militia, or any regiment, battalion or detachment of the same, are on a march as aforesaid, the Officer commanding such Troops or Militia, or any regiment, battalion, or detachment thereof, shall present to one of His Majesty's Justices of the Peace, the order received by him from the Commander of the said Troops or Militia, authorizing him the said Officer commanding, as aforesaid, to make, and when upon extraordinary emergencies, such order cannot be obtained, it shall and may be lawful for him the said Officer commanding as aforesaid, to make a requisition in writing to such Justice to Billet, who shall immediately thereupon, so billet the said Troops or Militia, as to facilitate their march, and in such manner as may be most commodious to the inhabitants, and that every inhabitant householder, who shall refuse to receive the said Troops or Militia, so billeted on them as aforesaid, shall, for every such offence, forfeit and pay the sum of forty shillings.

III. And be it further enacted by the authority aforesaid, That when the safety of this Province, shall require that the said Troops or Militia, or any regiment, battalion, or detachment of the same, should be cantoned in any part or parts of the said Province, then and in such case, it shall and may be lawful for one of His Majesty's Justices of the Peace in the respective Districts, where such Troops or Militia, may be cantoned upon receiving an order from the Commander of the said Troops or Militia, or by a requisition from the Officer commanding any such cantonment, to quarter and billet, and the said Justice is hereby required to quarter and billet the Officers, Non-commissioned Officers and Privates of the said Troops or Militia, upon the several inhabitant householders, as near as may be to the place of cantonment, so that the said Troops or Militia billeted on each inhabitant householder, shall not exceed six in number, avoiding as much, as possible, to incommode the said inhabitants, and taking due care to accommodate the said Troops or Militia, and if any inhabitant householder shall refuse to receive such Troops or Militia, so billeted on him as aforesaid, he shall for each and every offence, forfeit and pay the sum of forty shillings. And if any inhabitant shall consider himself aggrieved, by having a greater number of the said Troops or Militia billeted upon him than he ought to bear in proportion to his neighbours, by the said Justice, on complaint being made to two or more Justices of the District where such Troops or Militia shall be cantoned, it shall and may be lawful for such Justices, and they are hereby authorised to relieve such inhabitant, by ordering such and so many of the said Troops or Militia, to be removed and quartered upon such other person or persons as they shall see cause, and such other person or persons shall be obliged, under the penalty of forty shillings, to receive such Troops or Militia accordingly. Provided, That no Justice or Justices of the Peace having any military office or commission in the said Troops or Militia, shall directly or indirectly, be concerned in the quartering or billeting of any Officer, Non-commissioned Officer, Soldier or Soldiers of the regiment, company or detachment, under the immediate command of such Justice or Justices.

IV. And be it further enacted by the authority aforesaid, That when the said Troops or Militia, or any part of them, shall be so cantoned as aforesaid, any one of His Majesty's Justices of the Peace, of and in the District where such cantonment is made, upon receiving an order from the Commander in Chief of said Troops or Militia in that behalf, or a requisition in writing from the Officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said Troops or Militia, shall and may, and he is hereby required, to issue his warrant, to such person or persons as may be possessed of carriages, within his jurisdiction, requiring him or them to furnish the same, for the service aforesaid, at and after the rate of payment allowed to carriages furnished to the said Troops or Militia when on a march, herein before mentioned, and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their carriage or carriages, for that service, each and every such person or persons shall forfeit and pay the sum of forty shillings. Provided always, That such carriage or carriages, horses or oxen, or the carriage or carriages mentioned in the first clause of this Act, shall not be compelled to proceed more than thirty miles, unless in cases where other carriages horses or oxen, cannot immediately be had to replace them.

V. And whereas in cases of emergency, it may sometimes become necessary to provide proper and speedy means for the conveyance by water, of the said Troops or Militia, and also of their

ammunition, provisions and baggage, Be it therefore further enacted by the authority aforesaid, That any one of His Majesty's Justices of the Peace, of and in the District where such Troops or Militia may be either on a march, or in cantonment, upon receiving an order, from the Commander in Chief of the said Troops or Militia in that behalf, or a requisition in writing from the Officer commanding any regiment or detachment of the same, for such boats or other craft, as may be requisite for the conveyance of the said Troops or Militia, and their ammunition, provisions and baggage, shall and may, and he is hereby required to issue his warrant to such person or persons as may be possessed of such boats or other craft, within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such boats or other craft, and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their boats or craft, for that service, each and every such person or persons shall forfeit and pay the sum of five pounds.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this Act inflicted, or authorized to be imposed, shall be levied and recovered, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of any Justice of the Peace, and such Justice is hereby empowered and required, to grant the same upon the confession of the party or parties, or upon the evidence of any one or more credible witness or witnesses, upon oath, and the overplus, if any, of the money arising by such distress and sale, shall be returned upon demand, to the owner or owners of such goods and chattels, deducting therefrom the costs and charges of such distress and sale, one half of the said penalties and forfeitures shall be paid to the informer, the other half into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury, for the time being, and in such manner and form as it shall please His Majesty to direct.

VII. And be it further enacted by the authority aforesaid, That an Act or Ordinance of the late Province of Quebec, passed in the twenty-seventh year of His Majesty's Reign, intituled "An Ordinance for quartering the Troops upon certain occasions in the country Parishes, and providing for the conveyance of effects belonging to the Government," be, and the same is hereby repealed.