

believe to be possessed of real or personal property, goods or effects, above the value of five hundred pounds, specifying the particular amount of the value of the real or personal property, goods or effects, of the said persons according to the best of the knowledge and judgment of them the said assessors, which list shall be known and called by the name of the Upper list.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the collector of each parish, township, reputed township or place, to be nominated and appointed for the ensuing year, and he is hereby authorized to demand and receive for the year ensuing, the twenty-fifth of March next, of every inhabitant householder, whose name shall be included in the said ninth class, the sum of one pound two shillings and six-pence, as his rate or proportion of the district assessment to be levied for the said year.

IV. *And also to demand and receive for and during the time aforesaid,* of every inhabitant householder whose name shall be included in such tenth class, the sum of one pound five shillings, as his rate or proportion of the district assessment to be levied for the said year.

V. *And also to demand and receive for and during the time aforesaid,* of every inhabitant householder, whose name shall be included in the said upper list, a sum to be calculated at and after the rate of five shillings for every hundred pounds at which he shall stand assessed in manner aforesaid.

VI. *And whereas every inhabitant householder within this province, possessed of a location or lot of land, by his majesty's bounty, or otherwise, may by his honest industry support himself, and at the same time contribute something to the public stock of the district ; Be it enacted that the appellation of the excused list, by the said abovementioned act, directed to be given to the list containing the names of the persons herein specified, do cease and determine ; and that such list be continued to be made out, and be called the under list ; and that every inhabitant householder within the province whose name shall be included in the said under list, shall for the said ensuing year, contribute and pay, the sum of two shillings towards the public stock of the district, to be proportionably diminished in case it shall not hereafter be found necessary to impose an entire rate according to the provisions in the said act in that behalf contained.*

VII. *And be it further enacted,* That the several rates herein directed to be paid shall be levied, collected, paid and recovered subject to such provisions, means and penalties as in and by the said act abovementioned are recited and contained.

Rate to be paid by each person classed in the 9th class.

Rate to be paid by each person classed in the 10th class.

Rate to be paid by each person included in the upper list.

The appellation of the excused list to cease & henceforth called the under list.

Rate to be paid by each person included therein.

Means of levying the rates, by this act directed to be paid.

## C H A P. VII.

### *An ACT for the further Regulation of the Militia of this Province.*

**F**OR the further regulation of the militia of this province ; 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 in time of war, when and so often as occasion may require, it shall and may be lawful for the governor, lieutenant-governor or person administering the government of this province, to employ the militia of this province, either upon land, or upon the lakes, rivers and communications thereof, in such parties or detachments as by him shall be deemed expedient.

II. *And whereas by a certain act entitled " An act for the better regulation of the militia of this province," it is provided that it shall and may be lawful for the persons therein mentioned,*

Preamble:

Power to employ the militia, in time of war, as well by land as by water.

Roster for regulating the turn of duty.

on certain occasions, to call out detachments of the militia; Be it therefore enacted by the authority aforesaid, That the persons to serve on such detachments shall be regularly taken from time to time as they shall be required, from a roster or list to regulate the turn of duty, to be first formed by ballot, of each and every person in each respective battallion, regiment or independant company, and that after the same has been formed, when any person shall be enrolled as a militia man in any battallion, regiment or independant company, the name of such man shall be inserted and follow the last person in the said roster, the initial of whose surname corresponds with the initial of the surname of the man so to be inserted; and when any detachment shall be called out for service, the adjutant or officer commanding each battallion, regiment or independant company, shall give notice to the persons upon the turn for duty, and every person receiving such notice shall obey the same, under the like penalties, and subject to the same exemptions, as in the said act abovementioned are set forth.

III. *And be it further enacted by the authority aforesaid,* That when any detachments are formed and called out for public service, it shall and may be lawful for the governor, lieutenant-governor or person administering the government of this province, to divide the same into smaller detachments or parties, and appoint them to serve on board vessels, boats or batteaux upon any of the lakes, rivers or communications by water of this province, with great guns or artillery, as well as with small arms, as occasion may require, and shall and may appoint them to be stationed in any of the creeks or harbors of the said lakes, or in any of the rivers of the province, and also to train and exercise the same to the use of great guns or artillery, as well by land as by water.

IV. And whereas it may be convenient when a sufficient number of horses can be provided to form one or more troop or troops of persons to serve as cavalry; Be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant-governor or person administering the government of this province, to form and embody such troop or troops, and to employ the same on such duties as the necessity of the service may require.

V. *And be it further enacted by the authority aforesaid,* That all detachments to be called out and employed as aforesaid, may and shall if need require, be detained on such service for and during the space of six months at one time and no longer, provided that every such detachment be relieved by the arrival of a fresh detachment sufficient for the indispensable occasions of the service at such period, for which purpose it shall and may be lawful for the proper officer, one week at least before the expiration of the said period of service, to call together the remaining parts of the said each battallion, regiment or independant company, or so many as may be necessary according to their several terms to be regulated by the roster as aforesaid, to relieve such detachment.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That if such detachments cannot be replaced by an equal number of men of the remaining part of such battallion, regiment or independant company respectively, then and in such case every such detachment to be raised as aforesaid, shall ballot or draw lots for such a number of men as may be wanting to make the succeeding detachment, equal to the detachment relieved; and that the parties whose names shall be drawn, shall be liable to serve with the said detachment; but in case of a partial relief, they shall be the first to be relieved either wholly or by ballot, according to the number to be relieved.

VII. And whereas by the said act abovementioned, it is directed, that all persons from the age of sixteen years to fifty, shall be liable to the performance of the several duties therein mentioned and set forth; Be it enacted by the authority aforesaid, That the duties herein required to be performed, be severally and respectively extended to all persons from the age of sixteen years to sixty.

Manner of forming the same.

Notice to be given to the persons on the turn for duty.

Power to station the militia, in detachments by land or water, and to train them to the use of artillery.

And to form, embody, and employ troops of horse.

Period of service of detachments, provision.

Measures to be taken to relieve detachments.

When they can only be partially relieved the persons to remain on service shall be ascertained by ballot.

Duties required by this act shall extend from the age of 16 years to 60.

VIII. *Provided always*, That no person above the age of fifty years shall be called upon to bear arms, except on the day of the annual meeting, or in time of war or emergency.

Provision for persons above the age of 50.

IX. *Provided also, and it is hereby further enacted*, That each and every of the persons usually called quakers, menonists and tunkers, that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia, in time of peace, but that in time of war or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year until they shall have attained the age of sixty years.

And for quakers, menonists and tunkers.

C H A P. VIII.

An ACT to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large

**W**HEREAS the custom of allowing horned cattle, horses, sheep and swine to run at large, has been found occasionally inconvenient and detrimental; 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 from and after the passing of this act, it shall not be lawful for any person or persons to permit any horned cattle, horses, sheep or swine to run at large, otherwise than under the regulations and restrictions herein after provided.

Preamble.

II. *And be it further enacted*, That henceforth it shall and may be lawful for the inhabitant householders, or the greater part of them in every district within this province, in their annual town meetings lawfully assembled, to ascertain and determine in what manner, and at what periods horned cattle, horses, sheep and swine or any of them, shall be allowed to run at large, within their respective divisions, or to resolve that the same or any part thereof, shall be restrained from so doing.

Cattle henceforth not to run at large, but under certain regulations. Which regulations shall be made in the respective town meetings annually.

III. *And be it further enacted*, That if any horned cattle, horse, sheep, or swine be found running at large in any town, township, reputed township or place, contrary to the regulations of the town meeting thereof; it shall and may be lawful for any of the pound-keepers thereof, and on receiving notice he is hereby required to impound such horned cattle, horse, sheep or swine so trespassing, and to detain the same until the person or persons who may have sustained any damage by the trespass of the same, shall have received from the owner or owners of such horned cattle, horse, sheep or swine, reasonable compensation, and until the fees of such pound-keeper shall have been satisfied, which fees his majesty's justices of the peace in their quarter sessions assembled, or the greater part of them, are hereby authorized and required to regulate and ascertain, in and for their respective districts; any thing in any act or ordinance of the late province of Quebec, or in any act of the legislature of this province to the contrary of the provisions of this act in any wise notwithstanding.

Cattle trespassing to be impounded, until the damages done and the poundkeeper's fees be paid.

which fees shall be regulated in quarter sessions.

**W**HEREAS it is necessary for the ease of the inhabitants of the said province, that the laws and court books should be kept therein: 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 for making

Preamble.