

VII. *And be it further enacted by the authority aforesaid,* That from and after the day aforesaid, no writ of enquiry shall issue to the sheriff in cases where judgment shall have gone by default; but in all such cases the damages shall be ascertained at the same time and in like manner as if the parties had pleaded to issue, and that an entry thereof be made on the roll accordingly.

No writ of enquiry in cases of judgment by default.

Damages when and how ascertained.

VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every juror shall be allowed the sum of fifteen pence, instead of the sum of one shilling which is now allowed in each cause in which he shall be sworn as such juror, to be paid to him in like manner as the said sum of one shilling is now paid.

Juror's fees.

MS 4
C H A P. V.

An ACT for the further regulation of the Militia of this province.

FOR 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 every militia man who shall refuse to obey the lawful orders of his superior officer or officers, when employed on militia duty, or who shall quarrel with, or insult by abusive words or otherwise, any officer or non-commissioned officer, being in the execution of his duty, shall, for every such offence, forfeit and pay a sum of money not exceeding two pounds, nor less than five shillings current money of this province, at the discretion of the justice or justices imposing such fine, and according to the nature of the offence.

Preamble.

Penalty for refusing obedience to, or abusing superior officers.

II. *And be it further enacted by the authority aforesaid,* That every person who now is enrolled in any regiment, battalion, or independent company of militia, shall within six months after the passing of this act, and every person who shall hereafter be enrolled of any regiment, battalion, or independent company of militia, shall, within six months after such enrollment provide himself with a good and sufficient musket, fuzil, rifle or gun, with at least six rounds of powder and ball, and shall come provided with the same at each and every time when he shall be called out either for the purpose of review, exercise or actual service; and in case any person so enrolled shall refuse or neglect so to provide himself, or to come so provided as aforesaid, he shall for each offence be liable to a penalty of twenty shillings, to be levied in manner herein after mentioned. *Provided always,* That when and so often any militia man shall make it appear to his captain, or officer commanding the company that it has not been possible for him to procure such musket, fuzee, rifle, or gun, it shall and may be lawful

Every person enrolled, when and how to be provided. *MS 4*

Penalty for neglects. *MS 4*

Exception.

for such captain, or officer commanding such company, to admit of such excuse, and to certify the same in writing accordingly, in which case such militia man shall not be liable to pay the said fine of twenty shillings.

Penalty for withdrawing from review, &c.

III. *And be it further enacted by the authority aforesaid,* That no person enrolled in the militia shall absent or withdraw himself from any place of review or exercise without having first obtained leave of his commanding officer so to do, under the penalty of forty shillings, if a commissioned officer, and ten shillings if a non-commissioned officer or private.

Penalty for serjeant's refusal or neglect to warn.

IV. *And be it further enacted by the authority aforesaid,* That if any serjeant of the militia when thereunto required by his superior and proper officer, shall neglect or refuse to warn the militia men of the company to which he belongs, to appear when required by his captain or next commanding officer, he shall for every such neglect or refusal, forfeit and pay the sum of forty shillings.

Serjeants exempt from serving as constables.

V. *And be it further enacted by the authority aforesaid,* That every serjeant of the militia duly appointed, shall be exempted from serving as a constable for and during such time as he shall hold such appointment of serjeant.

General meeting, when.

VI. *And be it further enacted by the authority aforesaid.* That on the fourth day of June, in each and every year, respectively, or in case it shall happen on a Sunday, then on the next day, and oftener if thereunto required, there shall be a general meeting and review of the several battalions of militia in each and every district of this province, at which time the

Captain, &c. to make returns.

captain, or officer commanding each company, shall give to his colonel, or in his absence, to the next senior officer, fair written rolls of their respective companies, which colonels, or other commanding officers, shall transmit the same to the lieutenant, or deputy-lieutenant, or in his or their absence, to the lieutenant-governor or person administering the government, under the penalty of five pounds for each captain, or other officer as aforesaid, who shall neglect or refuse so to do.

Penalty for neglect.

No allowance to the adjutant-general.

VII. *And be it further enacted by the authority aforesaid,* That no provincial allowance shall be made to the adjutant-general of the militia, any law to the contrary notwithstanding.

Persons disabled how provided for.

VIII. *And be it further enacted by the authority aforesaid,* That if any person be wounded, and shall be disabled upon any invasion, insurrection, or rebellion, he shall be taken care of, and provided for by the public, during the time of such disability.

24 clause of former act repealed.

IX. *And be it further enacted by the authority aforesaid,* That the twenty-fourth clause of an act of the legislature of this province, entitled "An act for the better regulation of the militia in this province" be, and the same is hereby repealed.

Fines, &c. how to be recovered and applied.

X. *And be it further enacted by the authority aforesaid,* That the fines, forfeitures and penalties by the said act imposed, or by this act imposed, shall be sued for and recovered by, and upon the oath of any one credible witness before any two of his Majesty's justices of the peace, and within two months after such conviction and recovery shall be transmitted by the justices before whom such information shall be laid, to the lieutenant, or in case there be no lieutenant, or that he be absent, to the deputy-lieutenant of the county where the offence

* No 9. § 11
(a) No 9. § 24. No 2. authorizing imprisonment

ceive for fines, forfeitures, or penalties, or otherwise, by virtue of this act, or of any other act of the legislature of this province which relates to the militia, to provide for the regiments in their respective counties or ridings, drums, fifes, colours, banners, regimental books, and for the discharge of other incidental expences; and in case any overplus of such monies shall remain in the hands of any such lieutenant, or deputy-lieutenant, after providing such articles as aforesaid, such surplus shall be disposed of in premiums to the persons who shall make the best shot at a target or mark, upon days of training, and in such proportions as at a meeting of the lieutenantancy, or deputy-lieutenantancy, shall be directed; and each lieutenant, or deputy-lieutenant, shall render a certified account thereof in detail, to be transmitted to the lieutenant-governor, or person administering the government, as soon after the thirty-first day of December, annually, as practicable.

XI. *And be it further enacted by the authority aforesaid,* That upon pressing and urgent occasions, in the time of war or insurrection, it shall and may be lawful for the lieutenant-governor, or person administering the government, to march such part of the militia of this province as he shall think proper, to the assistance of the province of Lower-Canada.

Militia may be marched to the assistance of Lower-Canada

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C H A P. VI.

An ACT to extend the Jurisdiction, and regulate the proceedings of the District Court, and Court of Requests.

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 jurisdiction of the several courts constituted and appointed under, and by virtue of a certain act passed in the thirty-fourth year of his majesty's reign, entitled "An act to establish a court for the cognizance of small causes in each and every district of this province," shall be extended from the sum of fifteen, to the sum of forty pounds lawful money of this province, in such actions of contract only as relate to mere matters of debt, and are brought for the sole purpose of recovering some sum, or sums of money, the amount of which is already liquidated, or ascertained, either by the nature of the transaction itself, or by the act of the parties, and not for any other purpose or intent whatever.

Preamble.

Jurisdiction of the court for trial of small causes extended from 15l. to 40l. in actions of debt where the amount is ascertained &c

II. *And be it further enacted by the authority aforesaid,* That the said court shall have cogni-

May have cog-