

exported contrary to the Provisions of this Act. Act, and that in case of seizure under this Act, such seizure shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by the Justices of the Peace in General Quarter Sessions assembled; and the said Justices in Quarter Sessions assembled, are hereby authorized and required to examine and enquire into the cause of such seizure, and thereupon to give judgement for the condemnation of the said Wheat, Corn or other Grain, Flour, Meal, Beef and Pork; as upon due consideration may be found to be forfeited by virtue of this Act, and to order the same to be sold at such times and places as they may deem proper, and one half of the proceeds of such sales, after deducting the expences of prosecution and sale, shall belong to the Collector, Inspector or Sheriff of the District under whose authority the same shall have been seized, and the other half shall be paid to His Majesty's Receiver General to and for the uses of this Province, and all the Forfeitures and Penalties under this Act shall in like manner be determined and adjudged by the said Justices in a summary way, and they shall and may issue their Warrant to the Sheriff of the District to collect the amount of the same, the one half of which shall be paid to the Receiver General to and for the uses of this Province, and the other half to the informer, and all proceedings and Judgments of the said Justices, are hereby declared to be good, valid and effectual in Law, and shall not be liable to any appeal or to be removed by any Writs or Writs of Certiorari.

How such seizure to be proceeded upon and determined. How articles forfeited to be disposed of, and the forfeitures and penalties under this Act collected and applied.

No Writ of certiorari to be allowed. If Distillation is prohibited, Inspector may return one third of the last licence money.

IV. *And be it further enacted by the authority aforesaid;* That in case of any prohibition for the Distillation of Wheat, Corn or other Grain, Flour or Meal by virtue of any Proclamation from the Governor, Lieutenant Governor or Person Administering the Government, it shall and may be lawful for the Inspector in each and every District of this Province, and he is hereby required on application being made to him by any person or persons who may have obtained a Licence to Still for the present year to return to such Applicant as aforesaid, one third part of such Licence Money.

What if action brought for any thing done in pursuance of this Act. V. *And be it further enacted by the authority aforesaid;* That if any Action or Suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within one Month next after the matter or thing done, and not afterwards, and the Defendant or Defendants in such Action or Suit may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and if afterwards judgment shall be given for the Defendant or Defendants or the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, then such Defendant or Defendants shall have treble Costs awarded to him, her or them against such Plaintiff or Plaintiffs and have the like remedy for the same as any Defendant or Defendants hath or have in other cases to recover Costs at Law.

Continuance of this Act. VI. *And be it further enacted by the authority aforesaid;* That this Act shall be and continue in force from the passing thereof to the end of the next Session of Parliament and no longer.

C H A P. IV.

An Act to provide for the maintainance of Persons disabled and the Widows and Children of such Persons as may be killed in His Majesty's Service.

[Passed the 13th day of March, 1813.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is deemed expedient to provide means for the support of such Officers, non-commissioned Officers and Private Militia-men as may be dis-

ROGER HALE SHEARFE, ESQUIRE, PRESIDENT.

abled in His Majesty's Service; and also to provide for the support of the Widows and Children of such Officers, non-commissioned Officers and Private Militia-Men as may be killed on such service: Be it therefore 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, "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 if any Officer, non-commissioned Officer or Private Militia-man shall in any engagement with an enemy or by any accident or casualty which may occur while performing any duty on actual service, be killed and leave a Widow, Child or Children lawfully begotten, his widow shall be entitled to receive, during her widowhood, and in case of the death or marriage of such widow, then the eldest child or Guardian, for the use of such child or children of such officer, non-commissioned Officer or Private Militia-man, until the youngest thereof shall have attained the age of sixteen years, an Annuity of Twenty Pounds, lawful money of this Province.

Pension to be paid to the Widows and Children of officers, non-commissioned officers & militia men killed in actual service.

II. And be it further enacted by the authority aforesaid, That when any Officer, non-commissioned Officer or Private Militia-man shall, in any engagement with an enemy or by any accident or casualty which may occur while on or performing any duty in actual service, be wounded or disabled so as to be rendered incapable of earning his livelihood, and shall at the time of his being so wounded or disabled, have a wife or child or children, lawfully begotten, such wounded or disabled Officer, non-commissioned Officer or Private Militia-man shall receive, during such incapacity, an Annuity of Twenty Pounds. Provided always, and be it enacted by the authority aforesaid, that if the said wounded or disabled Officer, non-commissioned Officer, or Private Militia-man shall die before he shall fully recover from the incapacity occasioned by his being so wounded or disabled, in that case the widow, child or children of such person shall be entitled to receive the said Annuity, in like manner and under the like limitations and restrictions as the widows and children of persons killed in the service, are hereby allowed to receive the same.

Pension to officers, non-commissioned officers or militia men disabled on service, and having wife or child; and in case of death before recovering from such incapacity to his widow or children.

III. And be it enacted by the authority aforesaid, That if any Officer, non-commissioned Officer or private Militia-man shall be wounded or disabled, in manner herein before mentioned, and shall not at the time of his being so wounded or disabled, have a wife or child or children as aforesaid, such wounded or disabled Officer, non-commissioned Officer or private Militia-man shall be entitled to receive an Annuity of Twelve Pounds, Ten Shillings, like lawful money of this Province, during the time of his labouring under such incapacity.

Pension to be paid to officers &c disabled not having a wife or child.

IV. And be it enacted by the authority aforesaid, That the thirty eighth Clause of an Act passed in the fifty-second year of His Majesty's Reign, intituled, "An Act to repeal part of the Laws now in force for raising and training the Militia of this Province, and to make further provision for the raising and training the said Militia," shall be repealed, and the same is hereby repealed accordingly. Provided always, that nothing herein contained, shall prevent or be construed to prevent the persons who have been wounded or disabled before the passing of this Act, or the widow or

38 Sec of 53 Geo. 3^d Ch. 1, repealed.

Nothing herein to prevent pay-

ment of persons heretofore allowed.

child or children of such person or persons as have been killed on actual service from receiving the Annuity heretofore, by law allowed to them.

How annuities to be paid.

V. And be it enacted by the authority aforesaid, That the said several Annuities herein granted shall be paid by the Receiver General of this Province, out of any monies that now are or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, and in discharge of such Warrant or Warrants as may be issued by the Governor, Lieutenant Governor or Person Administering the Government of this Province, and it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government, to order and

May be paid in advance, &c.

direct that the said Annuities herein granted and allowed shall be paid either in advance or by quarterly or half yearly payments, as to him shall seem proper. And the said several sums of money when so paid shall be accounted for to His Majesty, His Heirs or Successors through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors may please to direct.

C H A P. V.

An ACT to prohibit the Sale of Spirituous Liquors to Indians within this Province.

[Passed the 13th March, 1813.]

Preamble.

WHEREAS in the present situation of this Province, it is necessary to prohibit the sale of Spirituous Liquors to Indians, and whereas the Laws now in force relative thereto have been found insufficient: Be it therefore 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, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provisions 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 whatsoever to sell, barter or give, or aid and assist in procuring or distributing any Rum, Brandy, Whisky, or other Spirituous Liquors or Strong Waters or low wines, to any Indian or Indians within this Province.

Sale of Spirituous Liquors to the Indians prohibited.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall be convicted of selling, bartering, or giving or of aiding or assisting, or procuring or distributing any Rum, Brandy, Whisky, or other Spirituous Liquors, Strong Waters or low wines to such Indian or Indians, contrary to the provisions of this act, he or they shall be convicted in the same manner and be subject to the same pains, penalties and fines as persons selling Spirituous Liquors without Licence are now convicted and fined according to law.

Penalty for disobedience.

III. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for one year, and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this act.

C H A P. VI.

An Act to continue an Act passed in the fifty second year of His Majesty's Reign, intituled, "An Act to provide means for the Defence of this Province and to make further provision for the same."

[Passed the 13th March, 1813.]

Preamble.

WHEREAS it is necessary and expedient to provide further means for the defence of this Province, Be it therefore enacted by the King's Most Excellent Majesty