

FRANCIS CORE, ESQUIRE, LIEUTENANT GOVERNOR.

CHAP. XVIII.

An Act to repeal part of, and to alter and amend the Laws now in force for granting Pensions to Persons disabled in the Service and the Widows and Children of Persons who may have been killed in the Service, and to extend the Provision of the same.

[Passed 22d March, 1816.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS the Acts now in force for granting Pensions to Wounded Militia-Men, and also to the Widows and Children of such as may have fallen in the Service, are not found sufficient to answer the benevolent purposes for which they were intended, And Whereas it is necessary that more effectual Provision be made for the same, May it therefore please Your Majesty, that it may be enacted and 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 second Clause of an Act passed in the fifty-third year of His Majesty's Reign, "entitled 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and the Widows and Children of such Persons as may be killed in His Majesty's Service, be and the same is hereby repealed.

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65d Geo. 3d repealed.

When any Officer, &c. shall in any engagement with the enemy, &c. be wounded so as to be incapable of hard labor and shall at the time have a wife or children such wounded person shall receive an annuity of £20

And if the said wounded Officer shall die before he shall fully recover, the Widow, Child or Children shall receive the annuity.

II. *And be it further enacted by the authority aforesaid,* That when any Officer, Non-Commissioned Officer, Private Militia-Man or Teamster, shall in any engagement with the 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 hard labor, and shall at the time of his being so Wounded or Disabled have a Wife or Child or Children, such Wounded or Disabled Officer, Non-Commissioned Officer, Private Militia-Man or Teamster, 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 or Teamster, 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.

III. *And be it further enacted by the authority aforesaid,* That if any Officer, Non-Commissioned Officer Private Militia-Man or Teamster, shall have died or may hereafter die in consequence of any illness or disease contracted or that may here-

after be contracted while on or performing any duty on Actual Service, and shall at the time of such Death leave a Widow, or Child or Children, such Widow or Child or Children shall be entitled to receive an annuity of twenty pounds in like manner, and under the like limitations and restrictions as the Widows and Children of Persons killed in the Service are allowed to receive the same.

If any Officer, &c. shall die in consequence of illness contracted while on Duty and shall leave a Widow or Children, such Widow, &c. shall receive the annuity of £20.

IV. *And be it further enacted by the authority aforesaid,* That on every application of a Widow or Guardian or Guardians, Executor or Administrator of any Child or Children of any such Officer, Non-Commissioned Officer, Private Militia-Man or Teamster, who may have died or who may hereafter die in consequence of illness or disease contracted or which may hereafter be contracted on Service as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government as aforesaid, to order a permanent Board composed of Militia Officers of the County, District or Riding, in which such Officer, Non-Commissioned Officer, Private Militia-Man or Teamster as aforesaid, shall have been domiciliated at the time of contracting such illness or disease as aforesaid, to enquire into the merits of the case, whose favorable Report and Recommendation shall be sufficient authority for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to order the name or names of such Widow or Child or Children, to be inserted on the Pension List of this Province, and to order the amount of such Pensions as aforesaid to be paid.

On every application of a Widow, &c. Govr. to order a permanent Board composed of Militia Officers to enquire into the merits of the case, whose favorable report shall be sufficient authority for the Gov. &c. to order the name of such wdw. &c. to be inserted on the Pension list.

V. *And Whereas,* much delay and inconvenience have been experienced by individuals entitled to Pensions from the present mode of paying such Pensions, *And Whereas it is necessary to provide for the more easy payment of the same, in future, Be it enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government as aforesaid, to nominate and appoint a fit and proper Person to be resident at the Seat of Government to act as General Agent for the payment of all such Pensions as aforesaid, which Agent shall, and he is hereby entitled to receive the annual Salary of one hundred and fifty pounds and no more, Provided always, *And be it further enacted,* That before such Agent shall proceed to act, he shall enter into a Bond with Sureties to His Majesty, His Heirs and Successors, himself in one thousand pounds, and two Sureties in the sum of five hundred pounds each, for the due performance of the several duties imposed by this Act.

To provide for the more easy payment of the same. Govr. to appoint a proper person to act as General Agent.

Agent to enter into Bond with Sureties for the due performance of his duty.

VI. *And be it further enacted by the authority aforesaid,* That the amount due upon all such Pensions as aforesaid shall be paid in advance every six months, by the Receiver-General, to such Agent as aforesaid, in discharge of any Warrant or Warrants which shall for that purpose be issued, by the Governor, Lieutenant Governor or Person Administering the Government of this Province.

Pensions to be paid in advance every six months in discharge of any Warrant, &c.

VII. *And be it further enacted by the authority aforesaid,* That when and so often as the amount of such Pension or Pensions as aforesaid, shall have been advanced to such Agent as aforesaid, it shall and may be lawful for the said Agent and he is hereby required to insert a Notice in each and every News Paper published within this Province, which Notice shall be continued in the said News Paper, for at least three months, stating the amount of Pensions so advanced to him and containing a List of the names of all such Persons as may be entitled to receive the same, copies

When the amount of such Pensions shall have been advanced, Agent to insert a Notice in the News Papers, stating the amount of Pensions advanced.

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of which shall be by the said Agent, transmitted to the Clerk of the Peace of each and every District within this Province, to be distributed to the Magistrates thereof, also to the Commanding Officer of each Regiment, Battallion, or Independant Company of Militia of this Province, for the greater publicity of the same.

On the Receipt of Pensions by Agent he shall pay the full amount without any deduction.

VIII. *And be it further enacted by the authority aforesaid,* That on the receipt of such Pension or Pensions as aforesaid, by the said Agent, he shall, and he is hereby required so to do, pay the full amount of all such Pensions without any deductions to such Person or Persons as may be entitled to claim the same, or to his, her or their Agent or Agents, Representative or Representatives, Guardian or Guardians, Executors or Administrators.

Every Person whose Name is on the Pension List shall make an Affidavit in the following form.

IX. *Provided always, And be it further enacted by the authority aforesaid,* That each and every Person or Persons whose names may have already been, or who may hereafter be inserted on the Pension List of this Province, shall as soon after the thirtieth day of June and thirty-first day of December in each and every year, as may be convenient, transmit to the said Agent an Affidavit as the case may require in the following forms.

Form of Affidavit.

I, A. B. of ——— in the District of ——— late ——— in the ——— Regiment of ——— Militia do solemnly Swear, that I am the Person whose name has been heretofore inserted in the Pension List of this Province.

I, G. H. do solemnly Swear that I am the Widow of A. E. who Died of Wounds received in action with the Enemy.

I, G. H. do solemnly Swear that I am the Widow of A. B. who was Killed in action with the Enemy,

I, G. H. do solemnly Swear that I am the Widow of A. B. who died from Disease contracted whilst on Service.

I, A. B. [or as the case may be] Guardian, Executor or Administrator, do solemnly Swear, that I verily believe that J. H. is the Son (or Daughter) of the said G. who was Killed in action with the Enemy, or who died from Wounds received in action or who died from Disease contracted while on Service, and that J. H. is not Sixteen years, as the case may be.

I, C. D. Senior Officer of the line, or ——— Regiment of ——— Militia [as the case may be] do hereby Certify that A. B. was Killed in action on the ——— day of ——— or Wounded and Died in consequence, and that A. B. is the Widow of C. D.

Which Affidavit and Certificate with the Receipt of such Pensioner, or Pensioners Guardian or Guardians, Agent or Agents, Executors or Administrators, shall be taken and allowed to be a sufficient Voucher, for the payment of such Pension or Pensions, as aforesaid.

X. And Whereas, it is necessary to provide for the more easy and expeditious insertion of the names of Persons Claiming to be placed on the Pension List of this Province, *Be it further 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 nominate and appoint during pleasure, one or more Persons from among the resident Surgeons in each and every District of this Province, to examine such Person or Persons as shall or may Claim to be admitted on the said Pension List in consequence of alledged disability from Wounds as aforesaid, which Surgeon shall be entitled to claim and receive for each examination, the sum of five shillings and no more, to be paid by the party claiming to be examined, the Certificate of which Surgeons or of any regular Surgeon of His Majesty's Military, Naval or Marine forces, in the form herein after recited, with the Certificate of the Senior Officer of the Line or Militia, on the death or absence of such Officer, that of the next Senior Officer, Certifying the time and place, of receiving such Wound, or if a Widow Certifying that her late Husband was Killed in action, or died of such Wounds, as aforesaid, or if a Child or Children Certifying the same, which Certificates shall be sufficient authority for the Governor, Lieutenant Governor or Person Administering the Government, to order the name of such Claimant as aforesaid, to be inserted in the said Pension List.

Governor to appoint during pleasure a Surgeon to examine Persons claiming to be put on Pension List.

Form of Certificates.

I, C. D. Senior Officer of the Line or first Regiment of Militia, [as the case may be] do hereby Certify, that G. H. was Wounded in action with the Enemy, on the—— day of——

I, G. Surgeon, do hereby Certify that I have carefully examined A. B. of —— late an Officer, [as the case may be] in the Regiment of Militia, and that in consequence of being Wounded, the said A. B. is incapable of hard labor.

XI. *And be it further enacted by the authority aforesaid*, That the said Agent shall cause to be Printed a sufficient number of the different forms required by this Act, and shall transmit the same to the Adjutant General of the Militia forces, who shall and he is required so to do, transmit a proportion of each, to each and every Commanding Officer of every Regiment, Battallion or Independent Company of Militia within this Province.

Agent shall cause to be Printed, forms required by this Act and transmit some to the Adj. Gen.

XII. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall be the duty of each and every Officer Commanding a Regiment, Battallion or Independent Company of Militia within this Province, and he is hereby required so to do, to transmit on or before the thirtieth day of June, and on or before the thirty-first day of December, in each and every year, a Return of all Persons entitled to Pensions within the limits of their respective Regiments, whether arising from Death, by being Killed, or Disease, or from disability from hard labor, to the Adjutant General of the Militia for the time being, Certified Copies of which shall by the said Adjutant General of Militia be transmitted to the Governor, Lieutenant Governor, or Person Administering the Government to

It shall be the duty of every Officer comg. &c. to transmit a return of all persons entitled to pensions to the Adj. Gen.

Copies to be transmitted to the Governor, Inspector General and to the Agent.

If any Commanding Officer shall neglect, &c. he shall forfeit £20

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the Inspector General and to the said Agent, Provided always, *And be it further enacted by the authority aforesaid*, That if any Commanding Officer of any Regiment, Battallion or Independent Company of Militia shall neglect, or refuse to transmit such Returns as aforesaid, he shall forfeit and pay the sum of two hundred pounds, to be recovered by any Person who shall sue for the same, in His Majesty's Court of King's Bench in this Province, by Action of Debt, Bill, Plaint or Information wherein no Essoyne, Privilege, Protection or Wager of Law shall be allowed, and only one Impar lance, one half of which said sum, shall be given to the Person suing for the same, and the other half paid into the hands of His Majesty's Receiver-General, to and for His Majesty, His Heirs and Successors for the Public uses of the said Province and the support of the Government thereof, to be accounted for to His Majesty through the Commissioners of His Treasury, for the time being, in such manner and form as it shall please His Majesty, His Heirs and Successors to direct.

All the expense of Printing, Postage, &c. shall be allowed and charged by the Agent.

XIII. *And be it further enacted by the authority aforesaid*, That all the expense, either from Printing the notices and forms as aforesaid, on the Postage and Carriage of the same, to and from the different Districts, and including Stationary, shall be allowed, and charged in a contingent account to be kept by the said Agent, which shall be made up every six months, viz: on the thirtieth day of June, and the thirty-first day of December, in each and every year, the amount of which account having been previously audited by the Honorable the Executive Council of this Province, shall be paid by the Receiver-General of this Province, to the said Agent in like manner as other monies are paid, under the authority of this or any other Act of this Province.

All monies paid shall be accounted for thro' the Lords Comars. of the Treasury.

XIV. *And be it further enacted by the authority aforesaid*, That all Monies paid under the authority of this Act, shall be accounted for to His Majesty by the Receiver-General of this Province, through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Oath directed to be taken, shall be administered by Comars appointed by the Govr.

XV. *And be it further enacted by the authority aforesaid*, That the oaths directed to be taken by this Act, shall be administered by any Commissioner or Commissioners, who may for that purpose be appointed by the Governor, Lieutenant Governor or Person Administering the Government of this Province, in each and every District thereof, and that any person who shall be guilty of wilful and corrupt perjury in any oath which such Person or Persons shall or may have taken by the direction of this Act, such Person as aforesaid, shall on conviction thereof incur and suffer the like pains and penalties, to which any other Person convicted of wilful and corrupt perjury, is liable by the Laws and Statutes of this Province.

All persons heretofore serving in the late Marine Establishment, or any hereafter serve on board any of His Majesty's vessels on the lakes shall be taken to be Militia Men.

XVI. *And be it further enacted by the authority aforesaid*, That all Persons heretofore serving in the late Provincial Marine Establishment, or who being Inhabitants of this Province, shall or may hereafter engage or serve on Board of any of His Majesty's Vessels on the Lakes or Rivers of this Province, shall be deemed and taken to be Militia-men, and shall be entitled to all the benefits of this or any other Act of this Province for the payment of Pensions.

XVII. *And be it further enacted by the authority aforesaid,* That the said Agent shall regularly on the thirty-first day of December, in each and every year, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, a detailed Abstract Account, supported by the Vouchers, of all Pensions paid by him under the authority of this Act.

Agent shall regularly on 31st Dec. transmit to the Governr an account of all pensions paid by him.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for the space of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Continuance of this Act.

CHAP. XIX.

An Act to authorise and provide for the building a Gaol and Court-House in the Town of York, in the Home District, within this Province.

[Passed 22d March, 1816.]

WHEREAS the building used as a Court-House of the Home District during the late war with the United States of America, has been destroyed by the Enemy, and the Gaol of the said District, is in so bad a state as to require re-building, May it please your Majesty therefore that it may be enacted, and 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 farther provision for the Government of the said Province," and by the authority of the same, That a Gaol and Court-House shall be erected in the Town of York, in the Home District of the said Province, in manner hereinafter mentioned.

Preamble.

Gaol & Court-House to be erected in the Town of York.

II. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace within the said District at the General Quarter Sessions assembled, shall be authorized, and they are hereby authorized by such means as shall to them seem most convenient and for the public good, to procure different plans and elevations of a Gaol and Court-House to be laid before them for the purpose of Erecting and determining upon one of the said plans and elevations, which shall be approved of, by the greater part of the said Justices then and there assembled.

Justices of the Peace authorised to procure diff. plans to be laid before them for the purpose of determining on one

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any two or more of the said Justices assembled in manner aforesaid, in the name and on the behalf of the Inhabitants of the said Home District, to Contract and they are hereby authorized to Contract, with any Person or Persons who shall be desirous of building and erecting the said Gaol and Court-House, according to the plan so approved of as aforesaid, upon a scite or situation to be determined up-

Two or more Justices to contract with any person who shall be desirous of erecting said Gaol & Court-House.