

CHAP. XLIV.

AN ACT to provide Pensions for the Widows and Children of Militiamen killed during the late Rebellion, and for other purposes therein mentioned.

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it is deemed expedient to provide means for the support of the Widows and Children of such Officers, Non-commissioned Officers and Privates of the Militia, and other Provincial Corps and Detachments raised in this Province, as have been or may hereafter be killed on service, or die of disease contracted on service: May it therefore please Your Majesty that it may be enacted, *And be it enacted* by the Queen'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 if any Officer, Non-commissioned Officer, Private Militiaman or Teamster, of any such Corps or Detachment shall in any engagement, or by any accident or casualty which hath occurred or may hereafter occur while performing any duty on actual service be killed, or who hath died, or shall die of any disease contracted on service during the period of such service, or within twelve months thereafter, 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 of such widow, then the eldest child or guardian, for the use of such children of such Officer, Non-commissioned Officer, or Private Militiaman, until the youngest thereof shall attain the age of sixteen years, an annuity of Twenty Pounds, of lawful money of this Province.

II. *And be it further 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 in his hands, subject to the disposition of the Parliament of this Province.

III. *Provided always, and be it further enacted by the authority aforesaid,* That each person whose name may hereafter be inserted on the

Preamble

Widows and children of Militiamen who have or may die on actual service to receive a pension.

Pension to be paid by Receiver General.

Affidavit to be made by Widow;

Pension List of this Province, under this Act, shall, as soon after the first day of January and the first day of July in each and every year, as may be convenient, transmit to the Receiver General an affidavit, as the case may require, in the following forms: "I, G. H. do solemnly swear, that I am, (or was) the widow of A. B. who was killed in action with the Enemy:" "I, G. H. do solemnly swear, that I am (or was) 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 ——— who was killed in action with the Enemy; or who died from wounds received in action; or who died from disease contracted whilst on service; and that J. H. is not sixteen years of age, (as the case may be):" "I, C. D. Senior Officer of the ——— 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; or died of disease contracted on service; and that A. B. is the widow of C. D.;" which affidavit and certificate, with the receipt of such Pensioner, Guardian, Agent, Executors or Administrators, shall be taken and allowed to be a sufficient voucher for the payment of such Pension as aforesaid.

Guardian or Executor or Administrator of deceased Militiaman;

Certificate of Senior Officer of death of Militiaman.

IV. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend to provide Pensions for any person or persons otherwise provided for by any other Act, anything in this Act contained to the contrary notwithstanding.

Not to extend to provide pension for person otherwise provided for by any other Act.

V. *And be it further enacted by the authority aforesaid,* That every person who shall have been, or shall hereafter be wounded, or in any way disabled, whilst in Her Majesty's service, may claim, and be entitled to receive a Pension of Twenty Pounds per annum, under the provisions of, and as if he had been named in a certain Act of the Legislature of this Province, passed during the first Session of the present Parliament, entitled, "An Act authorising the payment of Pensions to Militia-men disabled during the late War with the United States of America, under certain restrictions."

Provision for payment of wounded or disabled Militiamen.