

Laws of His Majesty's Province of Upper-Canada; Passed in the Third Session of the Provincial Parliament of Upper Canada, Met at Newark, on the Second day of June, in the Thirty-Fourth Year of the Reign of our Sovereign Lord George the Third (1794). Niagara: Gideon Tiffany, Printer to the King's Most Excellent Majesty, 1795.

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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 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, 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 inferred and fellow 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.

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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 order 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.

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.

IX. Provided also, and it is hereby further enacted, That each and every of the persons usually called quakers, menonits 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.