

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1816. York: R. C. Horne, 1816.

56 George III – Chapter 32

**An Act to amend an Act, passed in the forty eighth Year of His Majesty's Reign, entitled, "An Act to explain, amend and reduce to one Act of Parliament, the several Laws now in being, for the Raising and Training the Militia of this Province." Passed 1st April, 1816.**

Whereas, it is necessary to explain and amend an Act, passed in the forty eighth year of His Majesty's Reign, entitled, "An Act to explain amend and reduce to one Act of Parliament, the several laws now in being, for the Raising and Training 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 part 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 nothing contained in the third clause of the said Act, passed in the forty eighth year of His Majesty's Reign, entitled, "An Act to explain, amend and reduce to one Act of Parliament, the several Laws now in being, for the Raising and Training the Militia of this Province," shall extend, or be construed to extend, to oblige any person to enroll himself in the Militia of this Province, unless such person is a natural born Subject of His Majesty, or a Subject of His Majesty, naturalized by an Act of the British Parliament, or a Subject of His Majesty having become such by the Cession of Canada, or a person who has taken the Oath of Allegiance, but that in all cases such persons as are not liable to be called upon for the defence of the Province, in case of invasion shall be excluded from the Rolls of the Militia of the same, any thing in the before mentioned Act in any wise to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieut. Governor, or Person administering the Government of this Province, to issue his Warrant in favor of the Adjutant General of Militia of this Province, and cause him to be paid all such expences as he shall incur for the Postage of Letters, Stationary and other contingent Expences of his Office.

III. And be it further enacted by the authority aforesaid, That all fines or exemption Money, imposed by any Militia Law heretofore in force, since the first day of July, one thousand eight hundred and twelve, and whereby any Judgment may have passed against any Person or Persons, by virtue of such Militia Law as aforesaid; and such fine or fines, or exemption Money may not have been collected, the like Powers, Authorities, Ways, Means and Methods, are hereby given for the Collection of the said fines, as other fines are collected, by virtue of this Act, or any other Militia Law of this Province.

IV. And be it enacted by the authority aforesaid, That it shall be the duty of all Justices of the Peace, issuing or granting any Summons or Warrant, under and by virtue of this Act, and they are hereby required to direct every such Summons or Warrant as aforesaid, to the Sheriff of the District, and such Sheriff shall not be entitled to any mileage on such Summons or Warrant as aforesaid, against such Person or Persons, beyond the Limits of the Township where such Person or Persons shall reside.

V. And be it further enacted by the authority aforesaid, That each and every Sheriff, and each and every Treasurer, in the several Districts of this Province, shall hereafter severally have a right to retain for his use, the sum of three pounds, for every hundred pounds, so collected and transmitted to the Receiver General, and in the same proportion for any greater or less sum, Provided always, and be it further enacted by the authority aforesaid, That if any Sheriff or Treasurer, shall not transmit the Money by him so collected, to the Receiver General of this Province, within three months thereafter; such Sheriff or Treasurer, as aforesaid shall not be entitled to retain the said sum of three pounds for every hundred pounds so collected.

VI. And be it further enacted by the authority aforesaid, That all fines or exemption Money heretofore collected, under, and by virtue of any Militia Law of this Province, either by Magistrates, Commanding Officers, Sheriffs, Treasurers, or other Persons, shall within three months from the date hereof, be transmitted to His Majesty's Receiver General, to and for the public uses of this Province, which said fines, or exemption monies shall be accompanied by a detailed account of the same, from the person transmitting them, regularly certified on Oath before one of His Majesty's Justices of the Peace, and any Magistrate, Commanding Officer, Sheriff, Treasurer, or other Person, having in their possession such Militia lines, or exemption Monies, who shall refuse or neglect to transmit the same, as herein-before directed, shall forfeit and pay the sum of one hundred pounds, to be recovered in any of His Majesty's Courts of this Province, by action of Debt, Bill, Plaint or Information, wherein no essoin, privilege, protection or wager of Law shall be allowed, and only one imparlance, any thing to the contrary in this Act notwithstanding.

VII. And be it further enacted by the authority aforesaid, That all such sum or sums of Money, as are directed to be paid, by this Act, by virtue of any Warrant or Warrants, to be issued by the Governor, Lieut. Governor, or Person administering the Government of this Province, shall be duly accounted for to His Majesty, His Heirs and Successors, by the Receiver General of this Province, through the Lord's Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.