

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 27

**An Act authorising the payment of Pensions to Militia-men, and Widows of deceased Militia-men, under certain restrictions, and for other purposes therein-mentioned. Passed 10th February, 1840.**

Whereas it is expedient to provide for the payment of Pensions to persons who may have been disabled while in actual service, during the late War with the United States; and also from advanced age and impoverished circumstances, are unable to maintain themselves by labour: And whereas it is necessary to guard against Frauds, which may be attempted to be practised by persons claiming Pensions for wounds received while in actual service as Militia-men, or as the Widows of deceased Militia-men: Be it therefore 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 it shall and may be lawful for the Governor of this Province, from time to time, to appoint a Board, consisting of three or more persons, to be assembled in the City of Toronto, whose duty it shall be to examine such persons as shall be required by the Governor to appear before them for that purpose, claiming Pensions for wounds received during the late War with the United States, and to enquire into the nature of such wounds, and the circumstances under which they were received; and if such wounds shall be found and declared by such Board to have disabled the person applying for a Pension to maintain himself by labour, it shall and may be lawful for the Governor of this Province to direct the name of such person to be placed on the Pension List; and such person shall thenceforth receive from the Public Revenues of the Province a Pension of Twenty Pounds annually, in the same manner as Pensions are now paid to disabled Militia-men.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor of the Province, in his discretion, to require persons who now are or who may hereafter be placed on the Pension List of this Province as disabled Militia-men, to present themselves once in each year before the Board herein-before authorised to be appointed, for examination; and if such Board shall Report that such person has recovered from his disability to earn his livelihood by labour, and is then able to maintain himself by labour, it shall and may be lawful for the Governor to direct that the name of such person shall be erased from the Pension List, and such person shall thenceforth cease to receive any Pension for or on account of any wound by him received when in actual service as a Militia-man.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor of this Province to require any person receiving a Pension, as the Widow of a deceased

Militia-man, to adduce proof to the satisfaction of the Board herein-before mentioned, that she is the Widow of such deceased Militia-man, which proof shall not be limited to the oath of such Pensioner; and if the said Board shall be of opinion that such person is not the Widow of such deceased Militia-man, then her name shall be erased from the Pension List, and she shall thenceforth cease to receive any Pension as the Widow of a deceased Militiaman.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor of this Province to require from any person hereafter claiming a Pension as the Widow of a deceased Militia-man, to give such evidence of her being such Widow as he shall from time to time require, besides the oath of such applicant for a Pension.

V. And be it further enacted by the authority aforesaid, That in all cases where a Pension has been heretofore granted, or shall hereafter be applied for or be granted to any Widow or Children of a deceased Militia-man, such Militia-man having died after his discharge from actual service, it shall and may be lawful for the Board herein-before mentioned to inquire into and investigate the circumstances under which such Militia-man died, and whether his death was caused by disease contracted or wounds received while in actual service; and if such Board shall Report to the Governor of this Province that such Militia-man did not die from disease contracted or wounds received while in actual service, then the names of such Widow or Children shall be erased from the Pension List, and she or they shall no longer receive a Pension from the Public Revenues of this Province as the Widow or Children of such deceased Militia-man.