



ANNO QUARTO ET QUINTO

VICTORIÆ REGINÆ.

C A P. I.

An Act to alter for a limited period the place of sitting of the Heir and Devisee Commission of the late Province of Upper Canada and for other purposes therein mentioned.

[1st July, 1841.]

WHEREAS, it is necessary to prevent the inconveniences which would otherwise result from the removal of certain public officers and offices to the present Seat of Government in relation to the sittings of the Commissioners under the Heir and Devisee Acts: 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 Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of same, That from and after the passing of this Act, so much of an Act of the Parliament of the Province of Upper Canada, passed in the forty-eighth year of the reign of His late Majesty King George the third, intituled *An Act to continue an Act passed in the forty-fifth year of His Majesty's reign, intituled An Act to afford relief to those persons who may be entitled to claim Lands in this Province as Heirs or Devisees of the Nominees of the Crown in cases where no patent hath issued for such Lands*; and further to

Preamble.

Sundry parts
of former Acts
repealed.

to extend the benefits of the said Act, as relates to the issue of any Commission or Commissions under the said Act, and to the persons to whom such Commission or Commissions shall be issued or addressed, and to the person or persons and the number of persons being such Commissioners who might perform and transact business under or by virtue thereof; and also, so much of an Act of the Parliament of the Province of Upper Canada passed in the fifty-second year of the reign of His late Majesty King George the third, intituled An Act to amend an Act passed in the forty-eighth year of His Majesty's reign, intituled An Act to continue an Act passed in the forty-fifth year of His Majesty's reign, intituled An Act to afford relief to those persons who may be entitled to claim Lands in this Province as Heirs or Devises of the Nominees of the Crown in cases where no patent hath issued for such Lands, and further to extend the benefits of the said Act, or of the above recited Act passed in the forty-eighth year of His Majesty's reign intituled An Act to continue an Act passed in the forty-fifth year of His Majesty's reign, intituled An Act to afford relief to those persons who may be entitled to claim Lands in this Province as Heirs or Devises of the Nominees of the Crown in cases where no patent hath issued for such Lands, and further to extend the benefits of the said Act, as regards the sittings of such Commissioners to be holden at any particular place, shall be, and the same are hereby repealed.

Governor may
appoint Com-
missioners.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor at any time during the continuance of this Act, to issue such and so many Commissions under the Great Seal of this Province, to the Members of the Executive Council thereof, the Chief Justice and Justices of the Court called and known by the name and style of Her Majesty's Court of Queen's Bench for the Province of Upper Canada, and to the Vice-Chancellor of Upper Canada, and to such and so many other persons as the said Governor shall think fit, which said Commissioners, or any three of them, of whom the said Chief Justice, Vice Chancellor or one of the said Justices shall be one, shall have all and every the powers and authorities, matters and things specified and contained in all or any of the statutes of Upper Canada relating to such Commissioners and their Acts; and that the said Commissioners shall hold their sittings at the Seat of Government in the Province of Canada, and at the time and for the period now authorised by Law.

To hold their
sittings at the
seat of the Go-
vernment.

To be in force
for two years.

III. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force for two years, and shall extend only to that part of this Province which was formerly comprised within the limits of Upper Canada.

Ma-
be
amended
in
this sessio.

IV. And be it further enacted by the authority aforesaid, that this Act may be amended or repealed during the present Session.

V.

V. And be it further enacted by the authority aforesaid, that all notices and other proceedings given or instituted for the next sittings of the Commissioners under the aforesaid acts, shall be valid and effectual to all intents and purposes as if the same had been given for the sittings of the Commissioners to be appointed and holden under this Act.

Notices given shall be valid.

C A P II.

An Act to Amend the Militia Law of that part of this Province formerly constituting the Province of Upper Canada.

[17th August 1841.]

WHEREAS great inconvenience has been experienced in collecting fines from Aliens; And whereas apprehension exists among a numerous and deserving class of Her Majesty's Subjects in this Province, having certain conscientious scruples, that they are subject to excessive fines: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that the fifty second and fifty third sections of the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, chapter nine, and intituled *An Act to repeal, alter and amend the Militia Laws of this Province*, be and the same are hereby repealed.

Preamble.

The 52nd and 53d sections of the Provincial Act of Upper Canada, 2d Vic. c. 9. repealed.

II. And be it enacted, that the persons called Quakers, Mennonists, or Tunkers, shall not be compelled to serve in the Militia within that portion of this Province, which formerly constituted the Province of Upper Canada; but every person who shall profess to be one of the people called Quakers, Mennonists, or Tunkers, and shall if required produce a certificate thereof, signed by the Clerk, Pastor, Minister or Elder of the Meeting or Society to which he shall belong, shall be excused and exempted from serving in the said Militia, in the said portion of this Province: Provided nevertheless, that every such person, from the age of sixteen to sixty, so claiming to be excused or exempted, shall on or before the first day of February, in each and every year after the passing of this Act, give

Quakers, Mennonists and Tunkers not to be liable to serve in the Militia in that part of the Province formerly called Upper Canada.

But such persons shall pay a certain annual sum of money in lieu of so serving.