

NEW ASSIGNMENT.

No. 55.

50. The Plaintiff as to the _____ and _____ pleas, says, that he sues not for the trespasses therein admitted, but for trespasses committed by the Defendant in excess of the alleged rights, and also in other parts of the said land, and on other occasions and for other purposes than those referred to in the said pleas.

If the Plaintiff replies and new assigns, the new assignment may be as follows :

No. 56.

51. And the Plaintiff as to the _____ and _____ pleas, further says that he sues, not only for the trespasses in those pleas admitted, but also for, &c.

No. 57.

If the Plaintiff replies and new assigns to some of the pleas, and new assigns only to the other, the form may be as follows :

52. And the Plaintiff as to the _____ and _____ pleas, further says that he sues, not for the trespasses in the _____ pleas (*the pleas not replied to*) admitted, but for the trespasses in the _____ pleas, (*the pleas replied to*) admitted, and also for, &c.

CAP. XLIV.

An Act to amend the Militia Law.

[Assented to 19th June, 1856.]

Preamble.

18 V. c. 77.

WHEREAS it is expedient to amend the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Number of
Military Dis-
tricts may be
increased in
either part of
the Province.

I. Notwithstanding any thing in the Act cited in the Preamble to this Act, the Commander in Chief may from time to time, by any Militia General Order, alter the division of the Province into Military Districts, and may, if he shall see fit, increase the number of such Districts beyond the number of nine in either portion of the Province ; and to the Military Districts to be so constituted all the provisions of the said Act shall apply, and a Colonel and proper Staff Officers may be appointed in each of them.

II.

II. Notwithstanding any limitation in the said Act of the number of Volunteer Companies or Corps, or of the number of men therein, the Commander in Chief may accept the services of any greater number of Volunteers and may form them into Companies or Corps, provided that no greater number of Volunteer Companies, Corps or men than that limited by the said Act, shall receive pay or allowances, except on actual service, in time of war or insurrection : And the Volunteer Companies and Corps receiving pay shall be known as Class A, and those receiving no pay as Class B ; and whenever the number of Companies or Corps or men in Class A shall fall short of that limited by the said Act, the deficiency may be supplied by removing the proper number from Class B into Class A ; Provided always, that in all respects, except as to pay and allowances, the provisions of the said Act shall apply in like manner to the Volunteer Companies, Corps and men in both Classes.

Unpaid Volunteer Corps may be formed.

Unpaid Volunteers may become paid Corps, as vacancies occur.

Proviso : other provisions of 18 V. c. 77, to apply to them.

III. The Commander in Chief may, by any Militia General Order, dispense with the Annual General Muster of the Sedentary Militia in either Section of the Province, either in any particular year or until further order, and may in like manner again direct such muster to be held, if he shall see fit, and any such order shall have the force of law according to the terms thereof.

Governor may dispense with annual muster, and again require it.

IV. The Commander in Chief may appoint to all Militia Regiments, Companies or Corps, the proper number of Surgeons, Assistant Surgeons and Veterinary Surgeons.

Surgeons, &c., may be appointed to Militia.

V. In amendment of the sixth section of the said Act, Be it enacted and declared, That in case the Muster Day for the Sedentary Militia, as fixed by Law, shall happen to fall on a Sunday, the day following such Sunday shall be deemed to be the day of Muster in Lower as well as in Upper Canada.

Provision if the muster day falls on a Sunday.

VI. And in explanation of the forty-fifth Section of the said Act, it is declared and enacted, that it is not and shall not be necessary that any person should take the oath of allegiance in order to qualify him to be an Officer in the Militia, unless he be by birth an Alien.

Oath of Allegiance not required of British born Subjects.

VII. And to avoid doubts under the forty-sixth Section of the said Act, It is declared and enacted, That the said Section applies to and includes the Battalions embodied in the years one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven, in the Cities of Quebec and Montreal, and that the said battalions are still lawfully embodied, and Commissions in them are valid under the said forty-sixth Section : and the said Battalions are subject to all the provisions of the said Act as Sedentary Militia, and may be called out as such by the Commander in Chief under the said Act.

Section 46 of the said Act declared to apply to Battalions embodied in 1837, 1838, 1846 and 1847.