

*The Provincial Statutes of Canada*, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 2

**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nine and intituled *An Act to repeal, alter and amend the Militia Laws of this Province*, be and the same are hereby repealed.

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 in his name and place of residence to the Assessor or Assessors of the Town, Township or Place where he shall reside, and shall pay in each and every year in time of peace, the sum of ten shillings, and in time of actual invasion or insurrection, or when any of the Militia of the district in which such person shall reside shall be called out on actual service, the sum of five pounds; which commutation money shall be in lieu and discharge of such Militia service, and shall be applied as hereinafter provided.

III. And be it enacted, that it shall be the duty of the Assessor or Assessors in each Township within the said portion of this Province, and they are hereby required to annex a column to each and every Assessment roll of each and every Town, Township or Place in his or their respective District, and therein to insert the names of every such Quaker, Mennonist or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every Collector in each and every Town, Township or Place within this Province, to collect, in the same manner as he is authorized by Law to collect any ordinary Assessment; and such Collector shall pay the same into the hands of the Town Clerk, to be expended within the

Township where the same shall have been levied, in aid of any road tax or Assessment raised or levied therein. And the Assessor or Assessors shall transmit a list of the names of all such Quakers, Mennonists or Tunkers by him or them inserted in the Assessment roll, to the Colonel of Militia for the division in which such persons shall respectively reside, within thirty days after such Assessment Roll shall have been completed.

IV. And be it enacted, that it shall be lawful to and for the said Town Clerk for such Town, Township or Place, and he is hereby required to pay out the said monies from time to time, to the order of the Road or Path Master of the division wherein such fine shall have been levied, and to be expended on the public Roads, Highways and Bridges within such division.

V. And be it enacted, that it shall be the duty of the Path Masters in every Township or Place, and they are hereby required to apply such sum or sums of money from time to time, to the improvement of the Highways, Roads and Bridges, within such Township or Place alter the manner and form, and upon such place or places, as they shall be according to law directed, and to render, an account thereof upon oath or affirmation, as the case may be, to the Clerk of such Town, Township or Place, whose duty it shall be to report the same to the Magistrates in General Quarter Sessions assembled; and if any such Path Master, or Town Clerk, shall fail to render such account, or to pay over and distribute such monies as may come into his hands as aforesaid, he shall for such default be subject to a penalty of ten pounds currency, to be recovered with costs by summary process before any one or more Justices of the peace, for the division or district in which such Town, Township or Place may lie.

VI. And be it enacted, that all proceedings in any suit, action or prosecution, which before the passing of this Act, may, under the provisions of the Provincial Act herein first above cited, have been commenced against any such Quaker, Mennonist or Tunker, as aforesaid, for the recovery of any penalty imposed by the said Act, shall cease and be discontinued from and after the passing of this Act.