

posting a copy thereof on the door of the church or of some court-house, mill, or other public place in each company division in such district or battalion division.

185. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order.

Evidence of commissions, warrants, &c.

186. Every bond to the Crown entered into by any person under the authority of this Act, or according to any general order or regulations made under it, or for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, before any judge or justice of the peace, or officer therein authorized to take the same, shall be valid and may be estreated or enforced accordingly.

Bonds entered into, in pursuance of this Act, to be valid.

187. Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for militia purposes, shall be a debt due to the Crown, and may be recovered in any manner in which such debts may be recovered.

Sums of money payable to Crown under this Act, how recoverable.

188. Every action and prosecution against any officer or person, for anything done in pursuance of this Act, shall be laid and tried in Lower Canada in the district, and in Upper Canada in the county, where the act complained of was done, and shall not be commenced after the end of six months from the doing of such act, nor until one month's notice in writing of the action and of the cause thereof has been given to the defendant. And in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial. And no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought.

Protection of officers, &c. in pursuance of Act;

Limitation. Tender of amends.

189. If a verdict passes for the defendant in any action referred to in the next preceding section, or the plaintiff becomes non-suit or discontinues the action after issue joined, or if on demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the same remedy therefor as any defendant hath in other cases; and though a verdict is given for the plaintiff, he shall not have costs against the defendant, unless the judge before whom the trial has been had certifies his approbation of the action and the verdict therein.

If plaintiff be non-suit, &c.

No costs against defendant except under judge's certificate.

190. All sums of money required to defray any expense authorized by this Act may be paid out of the consolidated revenue fund of this province upon warrant directed by the governor to the receiver general; and such warrants may be made in favour of the paymaster of militia, to enable him to pay such expense, or in favour of the party directly entitled to the money; but no sum of money shall be so paid out of the consolidated revenue fund until first approved of by resolution of the legislative assembly in the annual estimates.

Payment of monies under this Act.

Proviso.

191. A detailed account of all moneys advanced or expended under this Act shall be laid before each branch of the provincial parliament during the then next session thereof.

Accounting Parliament.

192. The interpretation Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act.

Interpretation Act.

193. The word "corps" shall, for the purposes of this Act, include any field battery, troop of cavalry, foot company of artillery or rifle company, or any battalion or regiment.

Interpretation clause

### No. 3.

No. 3.

COPY of a DESPATCH from His Grace the Duke of NEWCASTLE, K.G.,  
to Governor-General Viscount MONCK.

(No. 133.)

MY LORD,

Downing Street, June 25, 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, Nos. 92\* and 94, of the 30th of May and the 5th of June last, enclosing certified copies of twenty-four commissions appointing the gentlemen therein named to seats in the Executive Council of Canada and to the offices specified in the annexed list. Page 3.

I have laid these commissions before Her Majesty, and I have received the Queen's commands to signify to you Her Majesty's approval of these appointments.

I have, &c.

Viscount Monck,  
&c. &c.

(Signed) NEWCASTLE.