

113. The penalty when recovered shall, if the offender belongs to the active or volunteer militia, be paid over to the officer commanding the company, for the purposes thereof, and shall be applied by him to such purposes and accounted for by him to the adjutant-general; and if the offender belongs to the sedentary militia, then the same shall be paid over to the assistant adjutant-general, who shall account for and pay it over to the receiver-general for the public uses of the province, and it shall make part of the consolidated revenue fund. 18 Vict. c. 77, s. 102.

Application penalties

MISCELLANEOUS PROVISIONS.

114. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required that it shall be so, provided that it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order. *Ibid.*, s. 103.

Orders and notices need not be in writing, if given in person.

115. All general orders of militia, or other militia orders issued through or by the adjutant-general, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*, and a copy of the said *Gazette* purporting to contain them shall be *prima facie* evidence of such orders. *Ibid.*, s. 104.

General orders, how notified. Evidence.

116. All orders made by the commanding officer of a militia, regimental or battalion division, shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in such division, or, if there be none, then in some neighbouring division, and by 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 regimental or battalion division. *Ibid.*, s. 105.

Regimental or battalion orders, how notified.

117. 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. *Ibid.*, s. 106.

Evidence of commissions, warrants, &c

118. 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. *Ibid.*, s. 107.

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

119. 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. *Ibid.*, s. 108.

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

120. Every action and prosecution against any officer or person for any thing 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. *Ibid.*, s. 109.

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

Limitation of action.

Tender of amends.

121. 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 therefore 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. *Ibid.*, s. 110.

If plaintiff be non-suit, &c.

No costs against defendant except with approval of judge.

122. 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 adjutant-general 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. *Ibid.*, s. 111.

Payment of moneys under this Act.

Proviso.

123. A detailed account of all moneys advanced or expended under this Act shall be laid before each branch of the provincial Parliament within fifteen days after the opening of the then next session thereof. *Ibid.*, s. 112.

Accounting to Parliament.

124. The Interpretation Act shall apply to all regulations, orders, and articles of engagement lawfully made or entered into under this Act. *Ibid.*, s. 114.

Interpretation.

125. 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. 22 Vict. (1859) c. 18, s. 20.

Interpretation clause.

126. The Acts 9 Vict. c. 28, 13 & 14 Vict. c. 11, 4 & 5 Vict. c. 2, 12 Vict. c. 88, & 12 Vict. c. 89, having been repealed by the Act 18 Vict. c. 77, all Acts and laws repealed by the said Acts or any of them shall nevertheless remain repealed; and all offences committed against them or any of them before the said Act 18 Vict. c. 77 came into force, shall be prosecuted and punished under the said Acts and laws which shall remain in force as to such offences. 18 Vict. c. 77, s. 1.

Things done under Acts repealed.