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No. 173.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

**An Act to amend and continue the Laws
relating to the Militia of this Province.**

Received and read, first time, Friday, 18th
March, 1859.

Second reading, Monday, 21st March, 1859.

Hon. Mr. Atty. Genl. MACDONALD.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act to amend and make permanent the Laws relating to the Militia of this Province.

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

Preamble.

18 V. c. 77.

19, 20 V. c. 44.

10 **1.** The Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to regulate the Militia of this Province and to repeal the Acts now in force for that purpose*, and the Act passed in the nineteenth and twentieth years of Her Majesty's reign, and intituled, *An Act to amend the Militia Law*,
15 except as hereinafter amended, are hereby made permanent.

The said Acts made permanent as hereby amended.

2. The fifth section of the first recited Act is hereby repealed, and the following section is substituted therefor, and shall be read as part of the said Act:—"The Sedentary Militiamen shall be divided into two Classes, to be called respectively
20 Service Men and Reserve Men; the Service Men shall be those of eighteen years of age and upwards, but under forty-five years, and the Reserve Men shall be those of forty-five years of age and upwards, but under sixty years."

New section substituted for 18 V. c. 77, s. 5.

3. To the eighty-eighth section of the first recited Act shall
25 be attached the following proviso, and it shall be read as part of the said Act:—"Provided that such portion of this section as imposes a penalty on any Militia Officer or Man for neglecting or refusing to attend muster at the place and hour appointed therefor, shall not apply to any Officer or Man of the Sedentary
30 Militia, nor shall any such penalty be recoverable from any Officer or Man of the Sedentary Militia in respect of any neglect or refusal as aforesaid."

Proviso added to sect. 88, of 18 V. c. 77.

COMMUTATION ASSESSMENT.

4. The Assessor or Assessors for each Municipality shall, annually, commencing with the year, one thousand eight hundred
35 and sixty, and at the same time when they are engaged in taking the assessment or valuation of real and personal property in their respective Municipalities, include in their Assessment Roll, the names of all male persons in their respective Muni-

Commutation assessment to be set down in assessment Roll, with the names of persons subject to

it as liable to
service in the
Militia

palities, between the ages of eighteen and forty-five years; and they shall prepare an additional column in the said Assessment Roll, which shall be headed "Militia Roll," and in such column, opposite the name of each male person between the ages aforesaid, shall insert " cents" as Commutation Assessment for Militia service; and every copy required by Law to be made of the said Assessment Roll shall contain the additions herein specified; and in addition to the oath required under the present or any future Laws of this Province, to be taken by such Assessor or Assessors in respect to the Assessment Roll, there shall also be made and attached to the said Roll the following certificate 10 signed by such Assessor or Assessors :

Attestation.

" I do certify that I have truly and faithfully and to the best of my knowledge, set down in the above Militia Roll, the names of all male persons within the Municipality of (*as the case may be*) between the ages of eighteen and forty-five years, 15 " liable to be enrolled by the Militia Laws of this Province;" and such affidavit shall be verified by him or them, upon oath before a Justice of the Peace.

Copy to be
posted up.

5. Upon receipt of the Assessment Roll by the Clerk of the 20 Municipality, he shall make a copy of such Militia Roll as a document separate from the Assessment Roll, and shall cause such copy to be put up in some convenient and public place, within the Municipality, and to be maintained there until after the meeting of the Court of Revision, as provided in and 25 by the Laws of this Province.

Persons serving in
Volunteers Corps
exempt.

Lists of them
to be made.

6. Every officer, non-commissioned officer and private of any Corps of the Active Militia shall be exempt from payment of Commutation Assessment, and it shall be the duty of every Officer Commanding a Corps of the Active Militia, by the 30 tenth day of May in each year, to make out and transmit to the Clerk of every Municipality in which any men of his Corps may then reside, a correct list of all such men within the said Municipality, as were actually and *bonâ fide* serving in such Corps on the first day of May in that year, and shall attach 35 thereto his certificate to the following effect :

And attested.

" I, A. B., (*Captain or other Officer,*) commanding, (*designa-
tion of Corps,*) do certify that the persons whose names
" are hereinafter set down were actually and *bonâ fide* enrolled
" and serving in such Corps, on the first day of May, 18 " 40

And shall make a solemn declaration before a Justice of the Peace, on the truth and correctness of such list.

Persons ex-
empt from ser-
vice exempt

7. All persons whether wholly exempt from enrollment and from actual service in any case, or though enrolled yet exempt from attending muster and from actual service except in case 45

of war, invasion or insurrection, as provided by the seventh section of the first recited Act, shall be exempt from payment of Commutation Assessment; but no person shall have the benefit of such exemption, unless he has, at least fourteen days before he claims such benefit, before the Court of Revision, as hereinafter mentioned, filed his claim thereto with his affidavit, made before some Justice of the Peace, of the facts on which he rests his claim, and in verification thereof with the Clerk of the Municipality within which he resides: And whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the claimant; and every Justice of the Peace is hereby required to administer the oath required under this section, free of charge.

from the tax,—but must claim the exemption,—

On affidavit.

8. At the sitting of the Court of Revision as constituted by the Assessment Laws of this Province, the said Court shall then determine who are exempt under the sixth and seventh sections of this Act, and in the said Roll opposite the name of each person so exempt, shall insert the word "exempt" and every person on the said Militia Roll not marked by such Court as exempt, shall be liable to pay the sum of cents set opposite to his name as aforesaid.

Revisors of assessment Rolls to mark persons exempt.

9. The Clerk of every Municipality shall in the Collector's Roll set down the name of every person so liable to pay the said sum of cents under the head of "Militia Roll," and the said sum of cents against every person who shall appear by the said "Militia Roll," liable to pay the same, shall be collected at the same time and in the same manner as taxes are collected in each Municipality; and every Collector shall have and pursue all and every the rights, powers and remedies for the collection or recovery of the same, as are now or may at any time hereafter be prescribed by the Assessment Laws of this Province in respect to the collection of taxes; and it shall be the duty of the Clerk of the said Municipality to forward a true copy of the "Militia Roll," within fourteen days after the completion of the Collector's Roll to the Adjutant General of Militia.

Tax to be set down against the name of every person liable to it; and collected as other taxes.

Copy to adjutant General.

10. All moneys so collected shall by the Collector be paid over to the Treasurer of the said Municipality, and shall be by the said Treasurer forthwith paid to the Receiver General of this Province, first deducting for the benefit of the Municipality per centum for the expenses of assessing and collecting the same and of making the returns and performing the other duties required of the Municipality and its officers, under the provisions of this Act, and such moneys shall form part of the Consolidated Revenue of this Province for Militia purposes only.

To be paid over to the Receiver General, for Militia purposes—deducting expenses.

11. The said Collector shall make such payment and return under oath, stating explicitly that such return is true and

Collector's return to be on oath.

correct, and that he has truly and faithfully made active and diligent efforts to collect the Commutation Assessment of each person on his Roll, of whom he has not collected the same, and that he has been unable to collect such Assessment.

Provision if any person fail to pay the tax.

12. If any person shall neglect or refuse to pay the Commutation Assessment as herein prescribed, and the Collector of the Municipality to whom the Militia Roll for collection thereof shall be given, shall be unable to collect the same, it shall be the duty of such Collector to return the names of all such persons to the clerk of such Municipality, who shall make a list of such delinquents; or (in Lower Canada) if he be himself the Secretary-Treasurer, he shall himself make such list and deliver it to the Local Council, and deliver the same to the Court of Revision at their annual meeting next thereafter.

It shall be added to his tax for the next year.

13. Whenever it shall appear from the return of any Collector or Treasurer that any person has neglected or refused to pay such Commutation Assessment, and that the Collector has been unable to collect the same, such sum shall be added to his annual Commutation Assessment of the next year by the Court of Revision and collected in the same manner as hereinbefore provided by the seventh section of this Act.

Bonds to apply to taxes under this Act.

14. The bond or security to be executed by the Collector and by the Treasurer of the Municipality, shall apply to all moneys required to be collected for Militia purposes under this Act.

Penalties.

Penalties in Assessment Laws and Municipal Acts to apply.

15. The several sections from seventy-six to eighty-two inclusive, of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the Assessment Laws of Upper Canada*, and their several provisions, and the several provisions of the *Lower Canada Municipal and Road Act of 1855*, and the Acts amending it, and the provisions of every special Acts incorporating or governing any Town or City in Lower Canada, relative to Assessments and their collection, shall be applicable to the tax hereby imposed and to the persons employed in collecting, and their duties under this Act, and shall be read and deemed as part thereof.

Information to be given by all persons.

16. All tavern-keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application if any assessor or Collector, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such assessor or Collector may demand.

17. If any person of whom information is required by any Assessor or Collector in order to enable him to comply with the provisions of this Act, shall refuse to give such information or shall give false information, he shall forfeit and pay \$
 3 for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated, and every person who shall refuse to give his own name and proper information, when applied to as aforesaid, or shall give a false name or information, shall forfeit and pay a like sum, such penalties to be recovered summarily before a Justice of the Peace.

Penalty on persons refusing information or giving false information.

SEDENTARY MILITIA.

18. Every officer commanding a Company of the Sedentary Militia, or in his absence the officer next in command and personally present at the Annual Muster, shall, within one
 15 month after the Annual Muster day for such Company, make out a true and correct List of all such persons as attended the said Muster, and shall attach thereto his certificate to the following effect:

Lists of persons attending Muster to be made;

“ I, A. B., Captain (or other officer) commanding
 20 do certify that I personally
 “ attended the Muster of the Company of Sedentary Militia
 “ under my command in the (*Town, Township, &c., as the
 “ case may be,*) of in the County of and
 “ that the above is a true and correct List of the names of those
 25 “ who actually attended the Annual Muster on the day
 “ of 18 ”
 and shall make a solemn declaration before a Justice of the Peace of the truth and correctness of such list, and shall also forward the same to the Clerk of the Municipality within
 30 which the limits of his Company’s District or Division are fixed, or if such limits be within two or more Municipalities, a similar list and certificate, verified by declaration as aforesaid, to the Clerk of each such additional Municipality, and shall also forward a copy thereof to the Lieutenant Colonel com-
 35 manding his Battalion who shall forward the said copy so received by him to the Adjutant General of Militia.

And attested.

Copies to be sent to Militia Authorities.

19. The Clerk of each Municipality shall upon the receipt of the list and certificate mentioned in the eighteenth section of this Act, and prior to the delivery of the Collector’s Roll to the
 40 the Collector of such Municipality, (or before using such list if, being a Secretary-Treasurer in Lower Canada, he be himself the collector)-mark on the said Roll after the name of each person so appearing by such list and certificate to have attended muster for the then current year, the words “ at muster,”
 45 and every person shall thereby be discharged from payment of the commutation assessment for that year.

Persons attending Muster to be marked on Collector’s Roll.

Sections 17,
18 and 19 of
18 V. c. 77,
amended.

As to Rolls of
Reserve Men
in Company
District.

20. The seventeenth and eighteenth sections of the first recited act, shall apply only to reserve men of the Sedentary Militia, and the nineteenth section of the said Act is hereby repealed and the following section is substituted therefor and shall be read as part of the said Act, "The officer commanding a Sedentary Company, shall on or before the first day of August in each year make out a Corrected Roll of the reserve men in the limits of his Company District, and transmit a certified copy thereof to the officer commanding the battalion, who shall within one month thereafter forward a Correct Return of the reserve men of the battalion under his command to the Adjutant General of Militia."

ACTIVE OR VOLUNTEER MILITIA.

Number of
Companies of
Foot Artillery
and Rifles
limited.

21. From and after the thirty-first day of December, in the year one thousand eight hundred and fifty-nine, the Companies of Foot Artillery and Rifle Companies, shall together not exceed fifty in number, of which there shall not be a greater number of Companies of Foot Artillery than five, and it shall be in the discretion of the Commander in Chief to determine what number of Companies of Foot Artillery shall from time to time form a portion of the said number of fifty hereinbefore mentioned not exceeding five as aforesaid.

New section
substituted
for 32 of 18
V. c. 77, as
to drilling and
exercising.

22. The thirty-second of the first recited Act, is hereby repealed and the following section is substituted therefor, "The Volunteer Militia Companies shall be drilled and exercised at such time in each year and at such places as the Commander in Chief may from time to time appoint; the Volunteer Field Batteries being so drilled and exercised during twelve days in each year, in two periods of six consecutive days, and the other Volunteer Corps once in each year during six consecutive days, (Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander in Chief sees fit; Provided that, inclusive of the pay for the year one thousand eight hundred and fifty-nine, and annually hereafter, the moneys to be paid pay for each day on which Companies shall be so drilled, shall be paid only in the month of December in each year, and upon the Pay List and affidavit thereto being duly furnished to the Adjutant General as hereinafter required."

Proviso.

New section
substituted
for sect. 29, of 18
V. c. 77, as to
keeping of
arms.

23. The twenty-ninth section of the first recited Act is hereby repealed, and in lieu thereof, the following section shall be taken and read as part of the said Act: "The arms and accoutrements of non-commissioned officers and men of the Active Militia shall be kept in public armouries wherever there are such; and where there are no such public armouries than the Captain of each Volunteer corps shall be personally responsible for the arms and accoutrements of the non-commissioned Officers and Men of their said corps respectively, and shall

himself actually keep the same, and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of the arms and accoutrements."

21. No corps of Active Militia and no non-commissioned officer or private thereof shall at any time appear armed or accoutred except when *bona fide* at drill or at target practice or required to act in aid of the civil power under due authority nor shall the arms and accoutrements be taken out of this Province.
25. The thirty-fourth section of the Act first above recited is hereby repealed, and in lieu thereof, the following section shall be taken and read as part thereof: "The non-commissioned Officers and Men of Class A of the said Volunteer corps shall be paid by the Province for each day's actual and *bona fide* drill for the year one thousand eight hundred and fifty-nine, the sum of one dollar, and a further sum of one dollar for each horse actually and necessarily present and used for such drill, and belonging to or used by such non-commissioned Officers or Privates; and for each and every year, other than the year one thousand eight hundred and fifty-nine, the following corps of Class A only shall be paid, that is to say: two Field Batteries in Upper and Lower Canada respectively, to be selected by the Commander in Chief; and thirty non-commissioned Officers and Men of each Rifle Company and Foot Company of Artillery; and it shall be the duty of every Captain of a corps, or, in case of his absence during the annual drill, for the Officer next in command and personally present, during the month of November in each year, to forward the pay-list of the said corps to the Adjutant General of Militia, having attached thereto an affidavit sworn before any Justice of the Peace, that the several non-commissioned Officers and Privates in the said pay-list named for pay, were actually and *bona fide* personally present at each day's drill, and were actually drilled for the number of days consecutively by law required; and were and continued severally on the roll of the said corps from the month of January in such year, and performed duty therewith when required during such year, and in addition thereto, in cases where horses are used, that each horse in the said pay-list charged for pay, was actually and necessarily present and used for such drill.
26. The Officers, non-Commissioned Officers and men of Volunteer Corps, shall, while they continue such, be exempt from serving as Jurors or Constables; And whenever they have served as such in one or more Volunteer Corps during a term of seven years, such exemption shall continue after the expiration of the said term.

Corps to appear armed on certain occasions only.

New section substituted for sect. 34 of 18 V. c. 77.

Pay of Active Militia when on Drill, &c.

After 1859, certain Corps only to be paid.

Volunteers exempt from serving as Jurors or Constables.

As to notice of intention to

27. The period of time required by the forty-first section of the first above recited Act to be given of intention to leave any

leave any
corps.

Volunteer corps, shall be two months in lieu of one month as prescribed by the said section.

Inspection of
Volunteers
Corps.

28. The several Volunteer Corps shall be subject to inspection from time to time by such person or persons as shall be temporarily appointed by the Commander in Chief for such inspection, and who shall report fully to the Governor on the state of such corps and their arms and accoutrements' and the general efficiency of such force, and shall be reimbursed his or their actual travelling expenses by the Province, and paid therefor at a rate not exceeding four dollars per diem whilst so engaged; 10
Provided that such person or persons, to be appointed from time to time for such inspection, shall be an officer or officers (not being under the rank of Captain) of Her Majesty's service, and actually serving in this Province, or in case the services of an officer or officers as aforesaid, cannot be obtained, then such 15
other person not being under the rank of Field Officer of Militia of this Province, who shall in like manner be reimbursed his actual travelling expenses and paid such remuneration.

Offices of In-
specting offi-
cer and Depu-
ty Adjutant
General may
be amalgama-
ted.

29. The Commander in Chief may in his discretion amal- gamate the offices of Deputy Adjutant General and Inspecting 20
Field Officer of Militia in Upper or Lower Canada, in which case the salary of the officer performing such amalgamated offices, and who shall still be known as Deputy Adjutant General of Militia, shall not exceed the sum of two thousand 25
dollars per annum.

Uniformity of
uniform in all
Volunteer
corps.

30. The uniform of the several Field Batteries,—of the several Troops of Cavalry,—and of the several Rifle Companies continued under this Act, or hereafter to be organized, shall be of such one and similar colour, pattern and design as may be ordered by the Commander in Chief, upon the passing of this 30
Act; provided that but one, and that a similar colour, pattern and design, shall be approved for each of them respectively,—the Field Batteries,—Troops of Cavalry, Rifle Companies, and Companies of foot Artillery, and each of such Corps shall conform in all particulars to the order of the Commander in Chief 35
in such respect; provided that the several Corps at present in existence or to be continued in existence under this Act, may continue to wear their present clothing until the same shall require to be replaced, and it shall be the duty of the Superior Officer of the said Corps respectively, to see that the same are 40
upon any such replacing of clothing uniformed according to the order of the Commander in Chief in such respect.

Any number
of Assistant
Adjutant Ge-
neral may be
appointed—
but without
pay.

31. From and after the thirtieth day of June next, the forty- eighth and forty-ninth sections of the first above recited Act are hereby repealed; but the Commander in Chief may from time 45
to time appoint so many Assistants Adjutant General with such duties as he may think proper or expedient with the duties, but no pay or allowances shall be made to them in respect of such appointment.

GENERAL PROVISIONS.

32. No Adjutant General of Militia shall be appointed except in case of war or any emergency, such as may in the opinion of the Governor General render it necessary or expedient that such office should be filled, and in case war or any emergency as aforesaid, no person shall be appointed to the said office who is not to the satisfaction of the Commander in Chief, a person educated to the military profession and thoroughly competent to discharge the duties of the said office of Adjutant General, and the duties of the office of Adjutant General during such vacancy shall be performed by the Deputies Adjutant General for Upper and Lower Canada respectively, under orders from time to time of the Commander in Chief, or by such person as may be appointed by the Commander in Chief, on any occasion for the special and temporary discharge of any such duties.

Adjutant General to be appointed only in cases of War or Emergency.

33. The Commander in Chief shall have full power to constitute any number of Rifle Companies of the Active Militia at any one locality or within any one district, not being less than six or more than ten Companies into a Regiment or Battalion, and to assign or appoint thereto by commission a Lieutenant Colonel, two Majors, one Adjutant, one Pay-master, one Quarter Master, one Surgeon and one Assistant Surgeon whose rank and authority therein shall be the same as in the relative positions in Her Majesty's service, and such Regiment or Battalion shall be subject, in so far as the same are not inconsistent with the Provisions of the Militia Laws of this Province, to the Queen's Regulations for the Army published by authority.

Any number of Rifle Corps may be constituted in any locality.

34. The Commander in Chief shall have full power to appoint Staff Officers of the Active Militia with such rank as he shall from time to time think requisite or necessary for the efficiency of the Militia service, and all such appointments as have been heretofore made by him are hereby confirmed, and any such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's service, and their duties shall be the same for the Militia as prescribed for the Army by the Queen's Regulations, aforesaid.

Appointment of Staff Officers and their rank.

35. Nothing herein contained shall be construed to disband, reduce Classes A and B. of the Active Force.

Classes A and B not disbanded or reduced.

36. Any Commissioned Officer of Militia of this Province, heretofore appointed or who may hereafter be appointed to the Active and Volunteer Force, or to the Sedentary Force, and who may obtain under false pretences or who may retain or keep in his own possession, with intent to apply to his own use or benefit any of the pay or moneys belonging to any non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

Unlawfully retaining moneys belonging to militia-men to be a misdemeanor.

Fees payable
on commission
in the Militia.

37. For every Commission in the Militia of this Province, whether Active or Sedentary, shall be paid to the Adjutant General of Militia, the following fees, that is to say : for every Commission other than that of Lieutenant Colonel, the sum of Five Dollars, for every Commission of Lieutenant Colonel, the sum of Ten Dollars ; and all moneys so received for Commissions, shall be paid over to the Receiver General, and become portion of the Consolidated Revenue of the Province, for Militia purposes only.

False swear-
ing to be per-
jury.

38. Any person making an Affidavit or declaration required in and by this Act, and who shall swear or declare falsely therein, shall be guilty of perjury.

INTERPRETATION.

Municipality.
Corps.

39. The word "Municipality" shall, for the purposes of this Act, include any City, Town, Township or Incorporated Village of Upper Canada, and the word "Corps" shall include any Field Battery, Troop of Cavalry, Foot Company of Artillery or Rifle Company, Battalion or Regiment.

Interpretation
of words as
regards Lower
Canada.

40. In this Act, as far as regards Lower Canada, the words "Assessor or Assessors" shall include Valuators,—the word "Municipality" shall mean a Local Municipality, and include every City, Town and Village incorporated, whether the corporation thereof be governed by the General Municipal Acts respecting Municipalities or any special Act, or partly by both,—the word "Clerk" shall include the Secretary-Treasurer of any such Municipality, or other person making out the collection rolls, or other documents shewing the sums to be collected as taxes, the word "Treasurer," shall include the Secretary-Treasurer or other person receiving or having the custody of the funds of the Municipality,—the expression "Court of Revision" shall include the local Council, Board of Revisors, or other authority having the revision of Assessment or Valuation Rolls,—the expression "Collector's Roll" shall include every Collection Roll or other document shewing the taxes payable by each person and authorizing their Collection,—the word "Collector" shall include the Secretary-Treasurer or other person employed to collect the taxes imposed in any Municipality,—and the expression "Assessment Laws" shall include the Lower Canada Municipal Act of 1855, the Acts amending it, and all special Acts incorporating or relating to the incorporation of any City or Town or Village in Lower Canada ; the Assessment or Valuation Roll which is to serve for any year shall be held to be that in which it is intended that the names of the persons between the ages of eighteen and forty-five shall be inserted as liable to the tax hereby imposed, although such Rolls be made in the previous year, so that (for example) if in any City or Town the Roll for one thousand eight hundred and

sixty is made in one thousand eight hundred and fifty-nine, the said names shall be inserted in it ; and in Municipalities where the Valuation Rolls are made only once in three years, the Captain commanding any Company of Sedentary Militia shall, in the month of _____ in each year in which such Roll is not made, furnish the Secretary-Treasurer with an amended list of the names of the persons in the local limits of such Company between the ages aforesaid and liable to serve in the Militia as service men, and such amended list shall be kept by the said Secretary-Treasurer at his office, open to the inspection of the public during _____ weeks, and shall be taken in consideration and revised by the local Council at its first meeting after the expiration of that period ; and all persons may then be heard by such Council in respect to an error in the said list, and the Council shall confirm it after making such amendments as they think proper, either by adding or striking out any name or names, and it shall then be held to be the revised list for the year, and shall not afterwards be called in question.

41. All parts of the said Acts made permanent by this Act and inconsistent herewith, are hereby repealed : Provided always, That nothing shall be construed to relieve the Officers or men of the said Volunteer or Active Force, of any liability in respect to the Arms and Accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other respect under such parts of the said Acts as may be hereby repealed, but that any proceedings thereto relating, shall be brought within twelve months after the discovery of any breach of the provisions thereof.

Inconsistent enactments repealed.

Proviso.