

Upper Canada Militia Acts

Excerpts from Acts of 1806, 1808, 1822

*An act to explain, amend, and reduce to one act of parliament,
the several laws now in being for
the raising and training the militia of this province.*
[Passed March 16, 1806]

Militia-man when called out, shall provide himself with musket, &c. and with powder and ball. [The finding ammunition by the militia-man repealed. See 2d Geo. IV, 08]

XV. And be it further enacted by the authority aforesaid, That every person who shall sell or barter any part of the arms or equipments which may be delivered to him out of his Majesty's stores, or who shall destroy the same, and every person who shall buy, or by barter obtain such arms or equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence, on conviction thereof by the oath of any one credible witness, before two justices of the peace, residing within the county where the same has been committed, and in case the person or persons so selling any part of his or their arms or equipments as aforesaid, or the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid) shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said justices by a warrant under their hands and seals, to commit such person or persons to the gaol of the county or district where the offence shall be committed, for any space of time not exceeding two months: Provided always, That it shall and may be lawful for the said justices to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said justices the penalty inflicted by this act.

Fourth Session of the fourth Provincial Parliament.

Met at York on the twentieth day of January and prorogued on the sixteenth day of March

In the forty-eighth year of the reign of George III.

Francis Gore, Esquire, Lieutenant Governor

Anno Domini 1808

II. And be it further enacted by the authority aforesaid, That the captains of the militia shall draw out their respective companies not less than twice, or more than four times in every year, (giving six days notice thereof,) at the most convenient time and & c. in the county or riding, and shall inspect their arms, and instruct them in their and every person after such notice as aforesaid, who shall neglect to attend, or disobey, whether subaltern officer or private, (except in case of sickness, or leave of absence,) shall forfeit and pay, every officer the sum of forty shillings, and every non-commissioned officer or private, the sum of ten shillings, for every such neglect or disobedience.

XIV. And be it further enacted by the authority aforesaid, That every person who now is enrolled in any regiment, battalion, or independent company of militia shall, within six months after the passing of this act, and every person who shall hereafter be enrolled of any regiment, battalion, or independent company of militia, shall, within six months after such enrolment, provide himself with a good and sufficient musket, fusil, rifle, or gun, with at least six rounds of powder and ball,

[the finding ammunition by the militia-man repealed. See 2d Geo. IV, 08] and shall come provided with the same, at each and every time when he shall be called out, either for the purpose of review, exercise, or actual service, and if any person, so enrolled, shall neglect or refuse to provide himself, or to come so provided, as in the case of review or exercise, he shall, for each be liable to a penalty of five shillings, and in the case of actual service, to a penalty of forty shillings, to be levied in manner hereinafter mentioned: Provided always, That when and so often as any militia-man shall make it appear to his captain or officer commanding the company, that he has not been able to procure such musket, fusil, rifle, or gun, it shall and may be lawful for such captain or officer commanding such company, to admit of such excuse, and to certify the same in writing accordingly, in which case such militia-man shall not be liable to pay the said fine of five shillings in case of review or exercise, and forty shillings in case of actual service.

XV. And be it further enacted by the authority aforesaid, That every person who shall sell or barter any part of the arms or equipments which may be delivered to him out of his Majesty's stores, or who shall destroy the same, and every person who shall buy, or by barter obtain such arms or equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence, on conviction thereof by the oath of any one credible witness, before two justices of the peace, residing within the county where the same has been committed, and in case the person or persons so selling any part of his or their arms or equipments as aforesaid, or the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid) shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said justices by a warrant under their hands and seals, to commit such person or persons to the gaol of the county or district where the offence shall be committed, for any space of time not exceeding two months: Provided always, That it shall and may be lawful for the said justices to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said justices the penalty inflicted by this act.

*An act to repeal part of and amend
the laws now in force for the raising and training the militia of this province.
[Passed January 17, 1822]*

An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," as requires the militia to be called out annually on the fourth day of June, and also the thirteenth clause of the said act, and so much of the fourteenth clause of the said act, as directs that every person who shall be enrolled, of any regiment, battalion, or independent company, shall within six months thereafter provide himself with at least six rounds of powder and ball, be, and the same are, hereby repealed.

VIII. And be it further enacted by the authority aforesaid, That the colonels or officers commanding regiments or battalions, shall, within one month after any general training, make out and transmit to the adjutant general of the militia, for the information of the governor, lieutenant governor, or person administering the government, returns of the strength of their regiments or battalions, and also returns of arms, and an account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for such expenditure ; and all captains or officers commanding companies are hereby required to make out and transmit to the officer commanding

the regiment or battalion to which such companies belong, twice in every year, viz. on or before the fifteenth day of March and the fifteenth day of September, and as often further as required by the commanding officer of the regiment or battalion, returns of the strength of their respective companies, with fair rolls thereof, and also returns of arms and accoutrements; and all forms of returns prescribed by the adjutant general of militia, shall be uniformly adopted.

XII. And be it further enacted by the authority aforesaid, That when any arms or accoutrements may be issued from his Majesty's stores, for the use of the militia of this province, the officer commanding the regiment or battalion for whose use the same may be issued, shall, after the same have been received, deliver the same into the care and custody of the officers commanding companies, who shall be considered responsible for their safe keeping, and for their being kept in good order and repair ; and if any of the said arms or accoutrements shall be lost or rendered unserviceable, the officer responsible for the same shall be answerable to the commanding officer for the value thereof, which may be recovered by the said commanding officer, in any action to be brought for that purpose : Provided nevertheless, That if such responsible officer shall furnish arms and accoutrements of the like description and value as those which may have been lost or rendered unserviceable, the same shall be taken and accepted in lieu thereof, and the officers commanding regiments or battalions shall in like; manner be accountable, and may be called to account, by the adjutant general of militia, for any arms or accoutrements received by them for the use of their respective regiments : Provided nevertheless, That no person shall be liable for any arms or accoutrements under this act, who shall make it satisfactorily appear that the same have been injured or lost from accident, and not from any neglect or misconduct.

XIV. And be it further enacted by the authority aforesaid, That the colonel or officer commanding any regiment or battalion shall once in every year, or as often as he may think necessary, besides the usual days of training, order an inspection to be made by the adjutant of the regiment or battalion, of such arms and accoutrements as may be in the possession of the regiment, and report the state thereof for his information.

XV. And be it further enacted by the authority aforesaid, That the necessary and unavoidable expense of keeping the arms and accoutrements of each company in proper order and repair, shall be borne by each company respectively, and may be charged and recovered against the men of such company respectively, the officer commanding the company, before the court of requests; but no militia-man shall be liable to keep more than one stand of arms and one set of accoutrements in order and repair.

Captains of flank companies to lodge arms &c. in some convenient place within the limits of his company, from whence they may be delivered to the men, who are to be responsible to their officer there-for, and to return them to the same place within twenty-four hours after muster. Penalty of 2.s. 6d. for each day's neglect. And in default of goods to satisfy penalty and costs, party may be committed for a period of not more than twenty days.

Officers commanding regiments may order an inspection of the arms of their regiments, as often as they may think it necessary.