

Any subject levying war
in this Province
with foreigners;

Or entering the Province
with foreigners with
intent to levy war;

Or commit such felony as
aforesaid;

Or joining persons who
have entered the Province
with intent to levy war;

Or to commit such felony;
With intent to aid such
persons;

May be tried and
punished in like manner.

III. *And be it further enacted by the authority aforesaid,* That if any Subject of Her Majesty, Her Heirs or Successors, shall within this Province levy War against Her Majesty, Her Heirs or Successors, in company with any of the Subjects or Citizens of any Foreign State or Country then at peace with the United Kingdom of Great Britain and Ireland, or shall enter this Province in company with any such Subjects or Citizens of a Foreign State or Country at peace with the said United Kingdom, with intent to levy War on Her Majesty, or to commit any such act of Felony as aforesaid within this Province, or shall join himself to any person or persons whatsoever, whether Subjects or Aliens, who may have entered this Province with design or intent to levy War on Her Majesty, Her Heirs or Successors, or to commit any such Felony as aforesaid within the same, with the design or intent to aid and assist such last-mentioned person or persons to levy War, or to commit any such Act of Felony as aforesaid, then such Subject of Her Majesty, Her Heirs or Successors, shall be liable to be tried and punished by a Militia Court Martial, in like manner as any Citizen or Subject of a Foreign State or Country at peace with Her Majesty, Her Heirs or Successors, is liable under this Act to be tried and punished.

Any such foreigners may
be tried before a Court of
Oyer and Terminer.

IV. *And be it further enacted by the authority aforesaid,* That the Citizen or Subject of any Foreign State or Country offending against the provisions of this Act, shall be deemed guilty of Felony, and may, notwithstanding the provisions herein-before contained, be prosecuted and tried before any Court of Oyer and Terminer and General Gaol Delivery in and for any District of this Province, in the same manner as if the offence had been committed in such District, and upon conviction shall suffer death as in cases of Felony.

CHAP. XIII.

AN ACT to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, "An Act to prevent the Sale of Spirituous Liquors to Indians."

[Passed 10th February, 1840.]

Preamble.

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the Sale of Spirituous Liquors to Indians," will shortly expire, and it is expedient

to continue and amend the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person to sell, barter, exchange or give to any Indian man, woman or child within this Province, any kind of Spirituous Liquors in any manner or way, or to cause or procure the same to be done for any purpose whatever, under the pains and penalties to be inflicted by the authority of this Act.

No kind of spirituous liquors to be sold, bartered, exchanged or given to any Indian.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Justice of the Peace of any District wherein any offence against the provisions of this Act shall have been committed, upon the testimony of one or more credible Witness or Witnesses, to Fine the offender for each and every offence so complained of, in a sum not exceeding Twenty Pounds, a moiety whereof shall be paid to the Informer, and the other moiety shall be collected and applied in the same manner as Fines and Penalties are now collected and applied under the Act for the summary punishment of Petty Trespasses, to be applied for the improvement of the Roads through the Section of the Country where the offence was committed: *Provided always* that the penalty in this Act mentioned shall not be incurred by the furnishing to any Indian any Spirituous Liquor by a Medical man, in case of sickness, or under the direction of any Medical man.

Justice of Peace to fine offender not exceeding £20 for every offence;

How fines to be collected :

Penalty not incurred by furnishing spirits by medical direction.

CHAP. XIV.

AN ACT to prevent the Introduction of Spirituous Liquors into the Common Gaols of this Province.

[Passed 10th February, 1840.]

WHEREAS it is necessary to prevent the practice of secretly introducing Spirituous Liquors into the Common Gaols of this Province: *Be*

Preamble.

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