

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 12

An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, “An Act to protect the Inhabitants of this Province, against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty.” Passed 10th February, 1840.

Whereas it is found necessary to amend the provisions of an Act passed in the first year of Her Majesty's reign, entitled, “An Act to protect the Inhabitants of this Province against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty”: 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the Government of the said Province,’” and by the authority of the same, That the said Act be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That, if any person, being a Citizen or Subject of any Foreign State or Country, at peace with the United Kingdom of Great Britain and Ireland, shall, after the passing of this Act, be or continue in arms against Her Majesty, Her Heirs or Successors, within this Province, or shall commit any act of hostility therein, or shall enter this Province with design or intent to levy War against Her said Majesty, Her Heirs or Successors, or to commit any Felony within the same, for which any person convicted of such Felony would by the Laws of this Province be liable to suffer death, then it shall and may be lawful for the Governor of this Province to order the assembling of a Militia General Court Martial for the Trial of such person, agreeably to the Militia Laws of this Province; and upon being found guilty by such Court Martial of offending against this Act, such person shall be sentenced by such Court Martial to suffer death, or such other punishment as shall be awarded by the Court.

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.

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.