

from and after the passing of this Act, all offences of high treason, and misprision of high treason, and of treasonable practices, already committed or to be committed within this province, may be inquired of, heard, tried and determined in the Court of Queen's Bench within the same, in the district where that Court shall sit, or before such justices of oyer and terminer and gaol delivery within such district of this province as shall be assigned by the Lieutenant-governor of this province, by commission under the great seal, in like manner and form, and to all intents and purposes, as if such offences had been done or committed in the same district where they shall be so inquired of, heard, and determined as aforesaid.

II. And be it further enacted by the authority aforesaid, that all inquiries and trials for high treason, or misprision of high treason, or treasonable practices committed or to be committed in the said province, may be had by good and lawful men of the district where the said Court of Queen's Bench shall sit, or of the district where the said justices of oyer and terminer and gaol delivery shall execute their said commissions, by virtue of the provisions of this Act, and that no challenge to jurors for not being of the district where the offence was committed shall be allowed.

III. And be it further enacted by the authority aforesaid, that Her Majesty's Chief Justice of the said province, and the Justices of the Court of Queen's Bench therein, shall be named and assigned justices in every such commission, whereof one to be of the quorum.

IV. Provided always, and be it further enacted by the authority aforesaid, that all persons convicted or attainted of high treason, or misprision of high treason, or treasonable practices, pursuant to this Act, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted and attainted of high treason or treasonable practices in the same district where such offences have been committed.

V. And be it further enacted by the authority aforesaid, that this Act shall be and continue in force until the 1st day of January next, and from thence until the end of the next ensuing Session of Parliament.

high treason and treasonable practices, may be tried in the Court of Queen's Bench, when that Court shall sit, or before justices of gaol delivery in such district as shall be assigned by Governor.

Jury to be summoned from district where Court of Queen's Bench sits, or where commission of gaol delivery shall be executed.

Chief Justice and Judges of Queen's Bench to be assigned in commission of gaol delivery, and one to be of the quorum.

Corruption of blood, &c. to follow attainder of persons convicted of high treason in any district appointed for trial.

Limitation of Act.

CAP. III.

AN ACT to protect the Inhabitants of this Province against Lawless Aggressions from Subjects of Foreign Countries at peace with Her Majesty.—(Passed 12 January 1838.)

No. 1087.

WHEREAS a number of persons lately inhabiting the State of New York, or some one of the other United States of America, have within the said State of New York lately enlisted or engaged themselves to serve as soldiers, or have procured others to enlist or engage themselves to serve as soldiers, and have within the said State of New York collected artillery, arms, and ammunition, and made other preparations for a hostile invasion of this province, under the pretext of assisting certain traitors who have fled from this province to the said United States; and whereas the said persons, without the authority of their government and in defiance of its express injunctions, have actually invaded this province contrary to the faith and obligations of the treaties subsisting between the United Kingdom of Great Britain and Ireland and the said United States, and during the continuance of the relations of amity and peace between the two countries; and whereas it is necessary for protecting the peace and security of this province to provide for the prompt punishment of persons so offending: 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, '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 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, having joined himself before or after the passing of this Act to any subjects of our Sovereign Lady the Queen, her heirs or successors, shall after the passing of this Act be or continue in arms against Her Majesty, her heirs or successors, within this province, or commit any act of hostility therein, 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.

Preamble.

Persons being citizens or subjects of a foreign power taken in arms in this province may in certain cases be tried by court-martial;

and upon conviction be sentenced to death.

II. 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 citizens or subjects of any foreign state or country then being at peace with the United Kingdom of Great Britain and Ireland, and offending against the provisions of this Act, then such subject of Her Majesty, her heirs or successors, shall be liable to be tried and punished by a militia general court-martial, in

Subjects of Her Majesty may be in like manner tried and punished by court-martial.