

## CHAP. XII.

*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the Government of the said Province,'" and by the authority of the same, That the said Act be and the same is hereby repealed.

Preamble.

1st Victoria chap. 3, repealed.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.

Citizens or subjects of a foreign power taken in arms in this Province;

Or coming therein with intent to levy war or;

To commit certain felonies;

May be tried by a Militia General Court Martial;

And, if convicted, to be sentenced to death.