

I might also refer to the Statute 17 Geo. III. c. 9. which was made for securing Persons charged with the Crime of High Treason committed to America: but I shall not, for, I conceive I have already fully established that the Statute of Edward III. is not a local Statute, confined to Treasons committed within the Realm of England: if it was even so, I do not, I must confess, see the Weight of the Objection which has been made on this Supposition: But as this Objection is not founded in Fact, it certainly requires no further Answer: It only remains for me to prove on this Point, that the Statute of Edward III. forms a Part of the Law of Canada, and consequently, that the Indictment is well supported by it. It is a general Principle that the criminal Law of the Conqueror immediately takes Place in all conquered Countries. This, of itself, would be a sufficient Proof that the Statute is Part of the Laws of Canada; for, Canada being a conquered Country, and the Statute Part of the criminal Law of the Conqueror, the Conclusion is necessary and obvious. But, we have a complete Answer to every Thing which can be urged on this Point in the Words of the Quebec Act. 22 Geo. III. Cap. 9. The eleventh Clause of this Act is in these Words: "And whereas the Certainty and Lenity of the criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants from an Experience of more than nine Years, during which it has been uniformly administered, be it therefore enacted, that the same shall continue to be administered and shall be observed at Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the method of Prosecution and Trial and the Punishments and Penalties thereof by inflicted." It is hardly possible to conceive Words of greater Latitude. Whatever is an Offence by the criminal Law of England, becomes, by the Operation of this Statute, an Offence by the criminal Law of Canada; and if, by the Laws of England, it is High Treason to compass the Death of the King or to adhere to his Enemies, whether that Compassing or Adherence be within the Realm of England or without, the same Offence as well in the Description as in the Quality is High Treason in Canada.

I shall not presume to trouble the Court any further upon this Part of the Motion in Arrest of Judgment. It is one of those Points which require only to be fairly stated to produce Conviction. The other Objection is, that the Indictment is defective, because it does not contain an Averment that the Prisoner, at the Time