

can only proceed from a Conviction, that the Statute in Question is undoubtedly in Force and sufficient for the Protection of the Government. Perhaps even my learned Friends, to whom I am opposed, might, under other Circumstances coincide with me: but this is not now to be asked—and whatever may be the Decision, they have done right in proposing the Question. It is their Duty to serve the Prisoner to the utmost Limits of his Case, and they promote the public Interest, by calling for a solemn Decision upon the Law of Treason which, above all others, ought to be clearly settled.

If I rightly comprehend them, they say, that the Statute of Edward III. is a local Statute, confined in its Operation to Treasons committed within the Realm of England; and therefore, admitting that the Statute is introduced into this Country, yet it has no effective Operation; for, Canada is not a Part of the Realm of England: Now, to support this Inference, it is necessary for them to prove that Treasons, committed out of the Realm of England, are not Offences under this Statute; for if they do not, and on the contrary such Treasons can be shewn to be Offences within the Pale of the Statute, it is evident that it is not a local Statute, confined in its Operation to Treasons committed within the Realm of England; but with respect to Treasons committed without the Realm, as the Current of Authorities is directly against them, they are totally silent, nor have they made any Attempt to shew, that by the Decision of any Court in England, the limited Construction for which they contend, has ever been put upon the Statute. It is difficult to discover on what they proceed in the Words of the Statute. Certainly nothing that can support their Argument is to be found upon the first Branch (compassing the Death of the King) the Statute contains no Restriction whatever: the Words are these "When a Man doth compass or imagine the Death of the King or of our Lady his Queen or of their Eldest Son and Heir, he is guilty of Treason" where are the Expressions limiting the Operation of this Clause in any respect? Words cannot be more general; they comprehend all Acts of Treason wherever committed. The decision of Crohagan's Case is an Authority directly to this Point, and goes to prove the established Maxim, that Treason is not confined to Time or Place as all other Crimes are; for, Crohagan's Declaration, that he would kill the King, was made at Lisbon. It is true, he afterwards came to England, but it was in Prosecution of his original Intention declared at Lisbon, which in Fact was the Treason for which he suffered. This first Clause of the Statute made no Alteration in the Law