

PENALTY—is guilty of an indictable offence and liable to suffer death. 55-56 V., c. 29, s. 68.

Not triable at quarter sessions, section 583. Special provisions as to indictment, section 847. Every subject of her majesty *within* Canada who enters Canada with any foreigner with intent to commit any capital offence is, by this enactment, liable to suffer death.

Evidence of intent to levy war: *R. v. Slavin*, 17 U. C. C. P. 205. Prisoner indicted as citizen of United States was acquitted on proving himself a British subject. Being then indicted as British subject he was not allowed to plead autrefois acquit: *R. v. Magrath*, 26 U. C. R. 385.

One joined with armed body which entered Canada from United States and attacked Canadian volunteers is guilty of their acts of hostility and their intent even if he carried no arms: *R. v. Slavin*, *R. v. McMahon*, 26 U. C. R. 195.

And this though he was there as a clergyman: *ib.* Or as a reporter only: *R. v. Lynch*, 26 U. C. R. 208.

Though aggressor was a British subject by birth he might become liable as citizen of United States by being naturalized: *R. v. McMahon*. Or Crown may waive allegiance and try him as an American citizen: *R. v. Lynch*.

Foreign citizenship established by prisoner's admission and declarations: *R. v. Slavin*, 17 U. C. C. P. 205; *R. v. McMahon*; *R. v. Lynch*.

78. TREASONABLE OFFENCES.—Every one is guilty of an indictable offence and liable to imprisonment for life who forms,—

- (a) AN INTENTION TO DEPOSE HIS MAJESTY from the style, honour and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's dominions or countries; or,
- (b) AN INTENTION TO LEVY WAR against his Majesty within any part of the said United Kingdom, or of Canada, in order by force or constraint to compel him to change his measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of Canada; or,
- (c) INTENTION TO INDUCE INVASION—an intention to move or stir any foreigner or stranger with force to invade the said United Kingdom, or Canada, or any other of His Majesty's dominions or countries under the authority of His Majesty;

MANIFESTATION—and manifests any such intention by conspiring with any person to carry it into effect, or by any other