

G. A. R.

**T**HE Charter of the HUDSON'S BAY COMPANY, was lately laid before five of the most eminent LAWYERS in England, with some Queries, as to the legal effect of various clauses; to which they returned the following answers:

" 1. We are of opinion, that the Grant of the soil, contained in the Charter, is good, and that it will include all the Country, the waters of which run into Hudson's Bay, as ascertained by geographical observation.

" 2. We are of opinion, that an individual holding from the Hudson's Bay Company, a lease or grant in fee simple of any portion of their Territory, will be entitled to all the ordinary rights of landed property, as in England, and will be entitled to prevent other persons from occupying any part of the lands, from cutting down timber, and fishing in the adjoining waters, (being such as a private right of fishing may subsist in,) and may (peaceably, if he can, or otherwise, in due course of law,) dispossess them of any buildings, which they have recently erected within the limits of his property.

" 3. We are of opinion, that the Governors and Council, appointed by the Company to command their establishments, are by the Charter lawfully authorized to try, according to the laws of England, all causes, civil or criminal, which may arise within the Company's Territories. But we cannot advise them to exercise a criminal jurisdiction, so as to affect life or limb, without a reference upon each case of conviction, to the pleasure of the executive Government in England.

" 4. We are of opinion, that the Company may appoint a Sheriff, to execute the judgements of the Court, and that he will be entitled to exercise the same powers as a Sheriff in England, so far as they are applicable to the situation; and that in case of resistance to his authority, he may use force, so far as may be necessary for overcoming it; and we are of opinion, that the population of the Country will be bound to attend him, when he calls upon them, in order to assist him in executing the judgements and process of the Court. But the Sheriff ought not to resort to the force of the population, except in cases of great necessity, where his own immediate officers are not sufficient to overcome the resistance, in enforcing the judgements and process of the Court, and this power cannot be exercised with too much circumspection.

" 5. We think the Governor may, under the authority of the Company, appoint Constables, and other officers, for the preservation of the peace; and that the officers so appointed will have the same duties and privileges as similar officers in England, so far as these duties and privileges may be applicable to their situation in the Territory of the Company.

" 6. We are of opinion, that the persons will be subject to the jurisdiction of the Court, who reside, or are found within the Territories over which it extends.

(Signed)

SAMUEL ROMILLY,  
WILLIAM CROISE,  
G. S. HOLROYD,  
J. SCARLETT,  
JOHN BELL.

The same Gentlemen gave the following opinion, as to the Criminal Jurisdiction, granted to the Courts of Lower and Upper Canada, by the Act 43d, Geo. 3d, Cap. 138.

" We do not think this Act gives Jurisdiction to the Courts of Lower and Upper Canada, within the Territories of the HUDSON'S BAY COMPANY, these being within the jurisdiction of their own Governors and Council."

Signed as above.