

## CRIMINAL JURISDICTION IN THE NORTH-WEST TERRITORY.

mentioned by our correspondent—seem so inconsistent with the view taken by our correspondent, as to amount to a virtual repeal of the provisions he relies on by an authority acting by and under the express sanction of the same Imperial Parliament which passed the Acts which our correspondent cites.

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THE NORTH-WEST  
TERRITORY.

In a former number was sketched the jurisdiction of the Local Courts in the North-West Territory to try Riel and the other leaders of the rebellion for treason-felony. A reference to some Imperial statutes giving criminal jurisdiction to the Courts of Upper Canada (now Ontario) in those territories will complete the sketch.

During the period of the Hudson Bay Company's *regime* the Imperial Parliament passed three Acts vesting jurisdiction over criminal offences committed in those territories in the Courts of the older Provinces.

The first was the Act of 1803, 43 Geo. III., c. 138, giving jurisdiction to the Courts of Lower Canada, but authorizing the Lieutenant-Governor of that province, in case it should appear from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, that justice may more conveniently be administered in relation to such crime or offence in the Province of Upper Canada, to issue an instrument under the great seal of Lower Canada authorizing the Court of Upper Canada to try the same.

Under this Act DeReinhard (whose case was frequently referred to during the Ontario Boundary Dispute) was tried in Quebec in May, 1818, for the crime of murder committed at the Dalles, near

Rat Portage, now within the Province of Ontario. In October, 1818, under great seal instruments issued by the Lieutenant-Governor of Lower Canada, Brown, McLellan and others were tried in York (now Toronto) for the crime of murder committed at the junction of the Winnipeg and Assiniboine rivers, now within the Province of Manitoba. In 1872 this Act was repealed on the recommendation of the Statute Law Commission.

In 1821 another Act was passed (1 & 2 Geo. IV., c. 66) regulating the fur trade and establishing a criminal and civil jurisdiction within the Hudson Bay and Indian Territories. This Act gave jurisdiction in civil actions arising in the North-West to the Courts of Upper Canada, to which we refer in another article, empowered the Crown to appoint justices of the peace, and, notwithstanding anything in the charter of the Hudson Bay Company, enabled the Crown to authorize such justices of the peace to hold Courts of Record for the trial of criminal offences and misdemeanours, but "not to try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation."

As to such capital offences, it provided that "in every case of any offence subjecting the person committing the same to capital punishment or transportation, the Court or any judge of any such Court, or any justice or justices of the peace before whom any such offender shall be brought, shall commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the Court of the Province of Upper Canada."

This Act did not go on to provide, as did the Act of 1803, "that every such