

liament of the Dominion of Canada, in the 34th year of Her Majesty's reign (1871), ch. 14.

"Until the year 1803, no Imperial legislation had taken place by which any criminal jurisdiction in this Territory had been conferred upon either of the Provinces of Lower or Upper Canada, but in that year by the Act 43 George III., ch. 138, the Imperial Parliament declared that such legislation had become necessary, and by that Statute it was enacted as follows:—

1. That from and after the passing of that Act all offences committed within in any of the Indian Territories or parts of America not within the limits of Upper and Lower Canada, or any civil government of the United States of America, shall be, and be deemed to be offences of the same nature, and shall be tried in the same manner and subject to the same punishment as if the same had been committed within the Provinces of Lower and Upper Canada.

2. The Governor, Lieutenant Governor, or person administering the Government of Lower Canada, by Commission under his hand and seal, may authorize and empower any person or persons, wherever resident or being at the time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or parts of America not within the limits of either of the said Provinces or any civil government of the United States, as well as within the limits of either of the said Provinces, either upon information given within the said Provinces, or out of them, in any part of the Indian territories or parts of America as aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his being conveyed to Lower Canada to be dealt with according to law, and any person is authorized to apprehend such criminal and take him before the Commissioners, or take and convey him with all convenient speed to Lower Canada, for the purpose of being dealt with according to law.

"3. Offenders shall be tried in Lower Canada, unless the Governor, &c., of Lower Canada by any instrument under the great seal of Lower Canada, under certain circumstances, declares that the trial shall be in Upper Canada.

"This Act continued without amendment until 1821, when the Imperial Statute 1 & 2 George IV., ch. 66, was passed. By the 11th and 12th sections of which it was further provided:—

"11. That His Majesty may from time to time, by Commission under the great seal, authorize and empower any persons appointed Justices of the Peace under the Act, to sit and hold Courts of Record for the trial of criminal offences and misdemeanours, and also of civil cases, and it shall be lawful for His Majesty to order, direct, and authorize the appointment of proper officers to act in aid of such Courts and Justices within the jurisdiction assigned to such Courts and Justices in any such Commission.

"12. Provided always that such Courts shall be constituted as to the number of Justices to preside therein, and also such places within the said territories of the said Company, or any Indian Territories, or other parts of North America as aforesaid, and the times and manner of holding the same, as His Majesty shall from time to time order and direct, but shall not try any offender upon any charge or indictment for any felony made the subject of capital punishment or transportation,—and in any such case, such offender shall be committed to safe custody by such Court or Justice, who shall cause such offender to be sent in such custody, for trial in the Court of the Province of Upper Canada.

"By the Imperial Statute 22 & 23 Vict., ch. 26, 1859, the powers conferred upon the Courts of Upper and Lower Canada by the foregoing Statutes were extended to the Courts of British Columbia; and when Courts of Record were established in the Territory, under the 1 & 2 George IV., ch. 56, offenders might be committed to trial to such Courts, instead of the Courts of Ca-

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