

Lands not within the Province of Upper Canada to be decided according to the Law of England.

Provided always, that all such Suits and Actions relating to Lands, or to any Claims in respect of Land, not being within the Province of *Upper Canada*, shall be decided according to the Laws of that part of the United Kingdom called *England*, and shall not be subject to or affected by any Local Acts, Statutes, or Laws of the Legislature of *Upper Canada*.

Proceedings of Courts to be issued in the same Manner as heretofore.

VII. And be it further enacted, That all Process, Writs, Orders, Judgments, Decrees, and Acts whatsoever, to be issued, made, delivered, given, and done by or under the Authority of the said Courts, or either of them, shall have the same Force, Authority, and Effect within the said *Indian Territory* and other parts of *America* as aforesaid, as the same now have within the said Province of *Upper Canada*.

Appointment of Justices of Peace.

VIII. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor, or Person administering the Government, for the Time being, of *Lower Canada*, by Commission under his Hand and Seal, to authorize all Persons who shall be appointed Justices of the Peace under the Provisions of this Act, within the said *Indian Territories*, or other parts of *America* as aforesaid, or any other Person who shall be specially named in any such Commission, to act as a Commissioner within the same, for the Purpose of executing, enforcing, and carrying into effect all such Process, Writs, Orders, Judgments, Decrees, and Acts, which shall be issued, made, delivered, given, or done by the said Courts of Judicature, and which may require to be enforced and executed within the said *Indian Territories*, or such other parts of *North America* as aforesaid; and in case any Person or Persons whatsoever residing or being within the said *Indian Territories*, or such other parts of *America* as aforesaid, shall refuse to obey or perform any such Process, Writ, Order, Judgment, Decree, or Act of the said Courts, or shall resist or oppose the execution thereof, it shall and may be lawful for the said Justices of the Peace or Commissioners, and they or any of them are and is hereby required, on the same being proved before him, by the Oath or Affidavit of One credible Witness, to commit the said Person or Persons so offending as aforesaid to Custody, in order to his or their being conveyed to *Upper Canada*; and that it shall be lawful for any such Justice of the Peace or Commissioner, or any Person or Persons acting under his Authority, to convey or cause to be conveyed such Person or Persons so offending as aforesaid to *Upper Canada*, in pursuance of such Process, Writ, Order, Decree, Judgment, or Act, and such Person and Persons shall be committed to Gaol by the said Court, on his, her, or their being so brought into the said Province of *Upper Canada*, by which such Process, Writ, Order, Decree, Judgment, or Act was issued, made, delivered, given, or done, until a final Judgment or Decree shall have been pronounced in such Suit, and shall have been duly performed, and all Costs paid, in case such Person or Persons shall be a Party or Parties in such Suit, or until the Trial of such Suit shall have been concluded, in case such Person or Persons shall be a Witness or Witnesses therein: Provided always, that if any Person or Persons so apprehended as aforesaid shall enter into a Bond of Recognizance to any such Justice of the Peace or Commissioner, with Two sufficient Sureties, to the Satisfaction of such Justice of the Peace or Commissioner, or the said Courts, conditioned to obey and perform such Process, Writ, Order, Judgment, Decree or Act as

aforesaid, then and in such Case it shall and may be lawful for the said Justice of the Peace or Commissioner, or the said Courts, to discharge such Person or Persons out of Custody.

IX. And be it further enacted, That in case such Person or Persons shall not perform and fulfil the Condition or Conditions of such Recognizance, then and in such Case it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such Recognizance to the Plaintiff or Plaintiffs in any Suit in which such Process, Writ, Order, Decree, Judgment, or Act shall have been issued, made, delivered, given or done, who may maintain an Action in the said Courts in his own Name against the said Sureties, and recover against such Sureties the full amount of such Loss or Damage as such Plaintiff shall prove to have been sustained by him by reason of the original Cause of Action in respect of which such Process, Writ, Order, Decree, Judgment, or Act of the said Courts were issued, made, delivered, given or done as aforesaid, notwithstanding any thing contained in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*.

For assigning Recognizances issued.

X. And be it further enacted, That it shall be lawful for His Majesty, if He shall deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*, as within the *Indian Territories* of such other parts of *America* as aforesaid; and it shall be lawful for the Court in the Province of *Upper Canada*, in any Case in which it shall appear expedient to have any Evidence taken by Commission, or any Facts or Issue, or any Cause or Suit ascertained, to issue a Commission to any Three or more of such Justices to take such Evidence, and return the same, to try such Issue, and for that Purpose to hold Courts and to issue Subpoenas or other Processes to compel Attendance of Plaintiffs, Defendants, Jurors, Witnesses, and all other Persons requisite and essential to the Execution of the several Purposes for which such Commission or Commissions had issued, and with the like Power and Authority as are vested in the Courts of the said Province of *Upper Canada*; and any Order, Verdict, Judgment, or Decree that shall be made, found, declared, or published by or before any Court or Courts held under and by virtue of such Commission or Commissions, shall be considered to be of as full Effect, and enforced in like manner, as if the same had been made, found, declared, or published within the Jurisdiction of the Court of the said Province; and at the Time of issuing such Commission or Commissions shall be declared, the Place or Places where such Commission is to be opened and the Courts and Proceedings thereunder held; and it shall be at the same time provided how and by what Means the Expenses of such Commission, and the Execution thereof, shall be raised and provided for.

Appointment of Justices to determine Causes.

XI. And be it further enacted, That it shall be lawful for His Majesty, notwithstanding any thing contained in this Act, or in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, from Time to Time, by any Commission under the Great Seal, to authorize and empower

His Majesty may issue Commissions under the Great Seal empower.