

## JURISDICTION OF ONTARIO COURTS IN MANITOBA AND THE NORTH-WEST.

as the said Courts have or are invested with within the limits of the said Provinces of Lower or Upper Canada respectively; and that all and every contract, agreement, debt, liability and demand whatsoever, made, entered into, incurred, or arising within the said Indian Territories and other parts of America; and all and every wrong and injury to the person, or to property, real or personal, committed or done within the same, shall be, and be deemed to be, of the same nature, and be cognizable by the same Courts, magistrates or justices of the peace, and be tried in the same manner and subject to the same consequences in all respects as if the same had been made, entered into, incurred, arisen, committed or done within the said Province of Upper Canada, any thing in any Act or Acts of Parliament, or grant, or charter to the contrary notwithstanding; provided always, that all such suits and actions relating to lands, or to any claims in respect of lands, 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.

Section 7 provides 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 Territories and other parts of America as aforesaid, as the same now have within the said Province of Upper Canada.

And now comes a curious provision. Under a prior Imperial Act of 1803 (43 Geo. III., c. 138, repealed in 1872), the Lieutenant-Governor of Lower Canada was authorized (section 2) to appoint justices of the peace within the Indian Terri-

tories. Under this Act of 1821 the Crown was also authorized to appoint justices of the peace within the territories above described. By section 8 of this Act the Lieutenant-Governor of *Lower Canada* may, by commission under his hand and seal, authorize all persons appointed justices of the peace under the Act, "or any other person who may be specially named in any such commission," to act as commissioner within the territories aforesaid "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 territories," *i.e.*, the Upper Canada (now Ontario) process, etc.

The section further provides that if any party required to obey such process should resist or oppose the execution of the same, the justice or commissioner may convey, or cause to be conveyed, to Upper Canada such offender or offenders, to be dealt with by the Court there as the Act prescribes.

Another section (s. 10) gives further power to the Upper Canada Courts in the following words:—

"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 issues in any cause or suit ascertained, to issue a commission to any three or more such justices to take such evidence and return the same, or try such issue; and for that purpose to hold Courts and to issue subpœnas or other processes to compel the 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