

arising within the said Indian territory," shall be cognizable by the courts. Also, in relation to *wrongs* and *civil injuries*, the same section provides, that "*all and every wrong and injury to the person or property, real or personal, committed or done within the same,*" shall be cognizable in the same manner.

The same act also provides for transporting all persons to Canada who resist the service of process *mesne* or final; also, in all civil cases where the amount in controversy is £200 or upwards, and criminal cases, where the punishment is death or transportation.

The 8th section provides, that "in case *any person or persons whatsoever*, residing or being within the said Indian territories," shall refuse to obey process, &c., shall be committed to custody, in order to his or their being conveyed to Upper Canada." "And shall be committed to jail until the judgments and costs are paid."

These proceedings are stringent and severe in their character, especially those which provide for transporting persons, *before trial*, to Canada. One of the most severe of punishments precedes the hearing—a journey of a thousand or two miles through that wild and savage country. The only judicial proceedings at all similar to these are those of the fabled court of Rhadamanthus, the judge of the infernal regions, of whom it is said "*castigat que, audit que*"—he punished first, and heard afterwards.

In the 11th and 12th sections, the justices' courts are vested with full criminal jurisdiction *in all cases*, except where the punishment is death or transportation; nor is this jurisdiction limited to British subjects.

The act of 43 Geo. 3, c. 138, passed in 1803, is extended by this act. And so far as it is not inconsistent with the act of 1821, is still in force. But there is nothing in that act varying in the least the view already taken in relation to contracts or civil injuries. It is, indeed, provided in the 4th section of that act, "that if any crime or offence charged and prosecuted under this act shall be found to have been committed by any person or persons not being a subject or subjects of his Majesty, *and also* within the limits of any colony, settlement, or territory belonging to any European State, the court before which such prosecution shall be had shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge." But this proviso extends only to criminal offences and not to civil causes, in relation to which there is no limitation in either act to British subjects; but, by express general terms, extends to all persons occupying the territory described. And in relation to criminal offences, it is not only provided that they shall be foreigners, *but also* be in a foreign "*settlement,*" &c., in order to be embraced in the exceptions of the statute.

Such are the English statutes. Similar laws are recommended by the President, and have been reported to Congress by the Committee on Territories, and will doubtless be passed, extending over the same territory.

Thus, we shall have two different systems of laws by two different Governments, each extending over the whole population of the same country. British subjects are to be tried by the laws of Iowa, and American citizens are to be sent to Canada. The courts of neither country will recognise the decisions of the other. The conflict of jurisdiction in relation to land, the enforcing of contracts, assault and battery, &c., must constantly arise.

The law-making power is the highest act of sovereignty, and includes every other. The very definition in the horn book of the lawyer's profession is, that "law is a rule of civil action prescribed by the supreme power of