

larly and constitutionally cognizable, and of dragging accused persons to the most remote parts of the Province, where juries, not of their own districts, may be packed for the purpose of convicting them, and where the prisoners, owing to the great distance, and expense of conveyance, may be unable to bring with them any witnesses to prove their innocence, or obtain counsel to assist them in their defence.

That in the said Act no reason is given for the alteration thus made in the established law and judicature of Upper Canada, unless, indeed, the vague words appearing in the preamble,—namely, “*that it might be inconvenient*”—(to try offences in the Courts where they ought to be tried)—can be deemed a reason for such an extraordinary and unconstitutional innovation.

Your Memorialist submits that not only is this Act in itself highly unjust, and contrary to every principle of the law of England,—which is the recognized law of Upper Canada,—but that, in spite of the amendment made upon it for the purpose of preventing it having the effect of an *ex post facto* enactment, the Chief-Justice of the Province, and the Attorney-General, have thought fit to interpret and act upon it as having a retrospective effect: that as they could not succeed in their endeavours to obtain, from the Grand Jury in the Western District, a true bill against your Memorialist for the alleged conspiracy, another bill, immediately after the passing of this new Act, was preferred against him on the same charge, and supported by the very same witnesses, before a Grand Jury of the Home District, and for offences alleged to have been committed no less than two years before the passing of the said Act.

That the Grand Jury at York, before whom this second bill of indictment was preferred, were prevailed upon, at the instance and upon the opinion of the said Attorney-General, to admit into their private room the principal agent and partner of the North-West Company, for the purpose of assisting as interpreter, and examiner of the witnesses, most of whom spoke a language not understood by the jurors, in consequence of which improper and irregular proceedings, the bill has been found against your Memorialist, and nineteen other persons, most of whose names have been inserted in the indictment evidently for no other purpose than to prevent them being called as witnesses in your Memorialist's defence.

That your Memorialist further submits that Fort William, a trading post occupied by the said North-West Company, and the place where the alleged offences charged against him are stated to have been committed, is not situated within the jurisdiction of the Courts of Upper Canada, as settled by the Act of Parliament (14 George III. c. 83,) which defines the boundary of that Province, and therefore that these charges cannot be legally brought to trial in any Court of Upper Canada.

