

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

Rebellion for the felonies charged against them—provided “the justice or justices of the peace before whom such offenders shall be brought shall commit such offenders to safe custody, and cause such offenders to be sent in such custody for trial in the Court of the Province of Upper Canada,” now Ontario.

Any doubt as to the question of Ontario jurisdiction could be settled by an Act of the Parliament of Canada, passed during the present session dealing with the whole question, but not conflicting with the Imperial statute referred to. A precedent for such an Act may be found in the Upper Canada Acts of 1818 (59 Geo. III. c. 10), under which Lord Selkirk and his co-offenders were indicted by Attorney-General Robinson at the York Assizes of 1819, after the failure of the grand jury of the Western District to return a true bill against them for the misdemeanours committed by them “at Fort William in the Western District of Upper Canada” in 1816.

The Government, however, have apparently thought it best, and probably very wisely under the circumstances, to let these trials for treason-felony proceed under the law as it stands at present, without *ex post facto* legislation, a course to which the prisoners at least can have no reasonable objection. The trial by this forum will, in any case, be a rather more formal affair than a court-martial, which might have been a competent tribunal, so far as Riel and others were concerned, and it will not be so summary as the proceedings of Judge Lynch, who has been so successful in putting down crimes of lesser magnitude, but of similar atrocity, in the western wilds of the United States.

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

[COMMUNICATED.]

The attention of the commercial community has been called to the extraordinary and exceptional provisions of a late Act of the Legislature of Manitoba relating to “exemptions,” which seem intended to advertise Manitoba as a safe place of resort and a haven of refuge for the impetuous or dishonest: a kind of “debtor’s paradise;” and for the disallowance of which appeals are made in the newspapers, and by Boards of Trade to the Dominion Government.

While the discussion on the propriety or justice of such legislation, and of the exercise of the prerogative of disallowance by the Dominion Government in this case is going on, it may be interesting to creditors of the Manitobans to know that the Courts of Ontario have special jurisdiction in matters of contract, debt and tort—in fact, in all actions of a civil nature—arising in any part of Manitoba and the North-West Territories, by virtue of an Imperial Act of 1821, 1, 2 Geo. III., c. 66, which is still in force. The earlier sections of the Act relate to the Hudson’s Bay Company’s licenses to trade with the Indians, and the following relate to the jurisdiction of the Ontario Courts:

“6. The courts of judicature now existing, or which may be hereafter established in the Province of Upper Canada, shall have the same civil jurisdiction, power and authority, as well in the cognizance of suits as in the issuing of process, mesne and final, and in all other respects whatsoever within the said Indian Territories and other parts of North America not within the limits of either of the Provinces of Lower and Upper Canada, or of any civil government of the United States.