

1803 or 1821, which recognises any claim or rights, except that American fur traders are allowed to trade with the Indians without Her Majesty's grant or license.

As this view is, so far as I know, different from any which has heretofore been advanced in the discussion of this question, I must ask the attention of the committee to a careful examination of these statutes.

The act referred to in the President's message, passed in 1821, (1 and 2, Geo. 4, c. 66,) entitled "An act for regulating the fur trade, and establishing a criminal and civil jurisdiction within certain parts of North America," recites, in a preamble, among other things, that "Whereas, the animosities and feuds, arising from such competition, have also, for some years past, kept the interior of America, to the northward and westward of the provinces of Upper and Lower Canada, and of the territories of the United States of America, in a state of continual disturbance;" "and whereas many breaches of the peace, and violence, extending to the loss of life and considerable destruction of property, have continually occurred therein," and it is necessary to have "more effectual regulations," &c. And in the first section, provides for giving authority to the King, "to make *grants* or give *license* to any person or corporation for exclusive liberty to trade with the Indians, in all such parts of North America as shall be specified in said grants or licenses, not being part of the lands heretofore granted to the Hudson's Bay Co., and not being part of any British provinces, or of any lands or territories belonging to the United States of America." The second section provides, that no grant shall be for a longer period than twenty-one years. The third section requires, that the persons or corporations receiving the grants shall keep lists of persons in their employment, and make return to the Secretary of State—shall give security to bring criminals to trial—to observe regulations for diminishing or preventing sale of ardent spirits, and promoting moral and religious improvement, &c.

The fourth section of this act is the only part of it in which there is any reference, directly or indirectly, to the convention between the United States and Great Britain. That section is as follows:

"4. And whereas, by a convention entered into between his Majesty and the United States of America, it was stipulated and agreed, that any country on the northwest coast of America, to the westward of the Stony Mountains, should be free and open to the citizens and subjects of the two powers, for the term of ten years from the date of the signature of that convention, be it therefore enacted, that nothing in this act contained shall be deemed or construed to authorize any body corporate, company, or person, to whom his Majesty may have, under the provisions of this act, made a grant or given a license of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America, who may be engaged in the said trade: Provided always, that no British subject shall trade with the Indians within such limits without such grant or license as is by this act required."

Without reading every section of this act, which I have examined with great care, I would refer gentlemen to the act itself, and only refer to a few additional sections.

In the sixth section, it is expressly provided that the courts in Canada shall have full jurisdiction "within the Indian territory, and other parts of America not within the limits of either of the provinces of Lower or Upper Canada, or of any civil government of the United States." It not only embraces the entire territory, but includes *all persons* in the territory. In relation to *contracts*, the sixth section provides, "that all and every contract, agreement, debt, liability, and demand whatsoever, made, entered into, incurred, or

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