

263

committing the same to capital punishment or transportation, the court, or any judge of any such court, or any justice or justices of the peace before whom any such offender should be brought, should commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the court of the Province of Upper Canada.

From and after the proclamation of this Act in New Caledonia the said Act of the forty-third year of King George the Third, and the said recited provisions of the said Act of the second year of King George the Fourth, and the provisions contained in such Act for giving force, authority, and effect within the Indian territories and other parts of America to the process and acts of the said courts of Upper Canada, shall cease to have force in and to be applicable to New Caledonia.

V. Provided always, that all judgments given in any civil suit in New Caledonia shall be subject to appeal to Her Majesty in Council, in the manner, and subject to the regulations in and subject to which appeals are now brought from the civil courts of Canada, and to such further or other regulations as Her Majesty, with the advice of her Privy Council, shall from time to time appoint.

VI. No part of the colony of Vancouver's Island, as at present established, shall be comprised within New Caledonia, for the purpose of this Act; but it shall be lawful for Her Majesty, her heirs and successors, on receiving at any time during the continuance of this Act, a joint address from the two houses of the Legislature of Vancouver's Island, praying for the incorporation of that island with New Caledonia, by order to be made as aforesaid, with the advice of her Privy Council, to annex the said island to New Caledonia, subject to such conditions and regulations, as to Her Majesty shall seem expedient; and thereupon, and from the date of the publication of such order, in the said island, or such other date as may be fixed in such order, the provisions of this Act shall be held to apply to Vancouver's Island.

VII. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the government of New Caledonia.

VIII. This Act shall continue in force until the thirty-first day of December, one thousand eight hundred and sixty-two, and thenceforth to the end of the then next session of Parliament.