

It appears from these two Statutes (1-2 George IV, ch. 66, and 22-23 Victoria, ch. 26,) that the courts to be established in the Indian Territories were not to have jurisdiction over offences punishable by death or transportation; and as these Acts contain the only authority to erect courts in those territories, it is clear that the Recorder's and other Courts established at Winnipeg and elsewhere since 1859, were not competent to try Lepine for the wilful murder of Scott.

It now becomes necessary to enquire whether this last Statute, 22-23 Victoria, ch. 26, applied to the Red River settlement and to Winnipeg, and for that purpose it is requisite to determine whether the "Territories granted to the Company of Adventurers trading to Hudson's Bay," included the place where Scott was killed.

The charter to Prince Rupert and his associates was granted by Charles II of England on the 2nd May, 1670, and it was to include, as we have already seen, the sole trade and commerce of those seas, bays, etc., with all the lands upon the confines thereof "that are not already possessed by the subjects of any other Christian Prince or State."

But Louis XIII of France had, forty-three years previously (29th April, 1617,) granted to the Company of Cent Associés :

*"Le fort et habitation de Québec avec tout le pays de la Nouvelle France tant le long des côtes depuis la Floride, en rangeant les côtés de la mer jusqu'au cercle arctique pour latitude, et de longitude depuis l'isle de Terre-Neuve tirant à l'ouest au grand lac dit la mer douce et au delà, que dedans les terres, et le long des rivières qui y passent et se déchargent dans le fleuve appelé St. Laurent, ou autrement, la grande rivière du Canada et dans tous les autres fleuves qui se portent à la mer."*

The Company of Cent Associés surrendered this Territory to the Crown of France in 1663, and the surrender was accepted by Louis XIV.

Verrazani in 1524 (146 years before the granting of the Charter to Prince Rupert, and 100 years before Hudson's voyage,) visited the Hudson's Bay and North West Terri-