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VICTORIÆ REGINÆ.

C A P. XLVIII.

An Act to provide for the Administration of Justice in Vancouver's Island. [28th July 1849.]

HEREAS an Act was passed in the Forty-third Year of King George the Third, intituled An Act for extending 43 G. 3. the Jurisdiction of the Courts of Justice in the Provinces of c. 138. Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America. adjoining to the said Provinces: And whereas by an Act passed in the Second Year of King George the Fourth, intituled An Act for 1 & 2 G. 4. regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction, within certain Parts of North America, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power, and Authority, as well in the Cognizance of Suits as in the issuing Process. mesne and final, and in all other respects whatsoever, within the Indian Territories 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, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that all and every Contract, Agreement, Debt, Liability, and Demand whatsoever, made, entered

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into, incurred, or arising within the said Indian Territories and other Parts of America, and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada, and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other Parts of America as aforesaid; and if was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes. and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any Indian Territories or other Parts of North America as aforesaid, and the Times and Manner of holding the same, as His Majesty should from Time to Time order and direct, but should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person 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:

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And whereas, for the Purpose of the Colonization of that Part of the said Indian Territories called Vancouver's Island, it is expedient that further Provision should be made for the Administration of Justice therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the 43 G. 3. Proclamation of this Act in Vancouver's Island the said Act of the Parts of Forty-third Year of King George the Third, and the said recited 1 & 2 G. 4. Provisions of the Second Year of King George the Fourth, and the c. 66. repealed as to Provisions contained in such Act for giving Force, Authority, and Vancouver's Effect within the said Indian Territories and other Parts of America Island. to the Process and Acts of the said Courts of Upper Canada, shall cease to have Force in and to be applicable to Vancouver's Island aforesaid; and it shall be lawful for Her Majesty from Time to Time (and as well before as after such Proclamation) to make Provision for the Administration of Justice in the said Island, and for that Purpose to constitute such Court or Courts of Record and other Courts, with such Jurisdiction in Matters Civil and Criminal, and such equitable and ecclesiastical Jurisdiction, subject to such Limitations and Restrictions, and to appoint and remove, or provide for the Appointment and Removal of such Judges, Justices, and such ministerial and other Officers, for the Administration and Execution of Justice in the said Island, as Her Majesty shall think fit and direct.

II. Provided always, and be it enacted, That when and so soon Power to as a local Legislature has been established in Vancouver's Island it local Legislature to shall be lawful for such Legislature, from Time to Time, by any Law make Promake Proor Ordinance made in the Manner and subject to the Conditions which vision for may be by Law required in respect of Laws or Ordinances made tration of by such local Legislature, to make such Alterations as to such Justice. Legislature may seem meet in the Constitution or Jurisdiction of the Courts which may be established in the said Island, and to make all such other Provisions as to such local Legislature may seem meet for and concerning the Administration of Justice in the said Island.

III. Provided always, and be it enacted, That all Judgments Appeal to given in any Civil Suit in the said Island shall be subject to Appeal Privy Council in Civil to Her Majesty in Council, in the Manner and subject to the Regu-Cases. lations 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.

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Adjacent Islands to be deemed Part of Vancouver's Island.

IV. And be it enacted, That all such Islands adjacent to Vancouver's Island or to the Western Coast of North America, and forming Part of the Dominions of Her Majesty, as are to the Southward of the Fifty-second Degree of North Latitude, shall be deemed Part of Vancouver's Island for the Purposes of this Act.

Act may be

V. And be it enacted, That this Act may be amended or repealed amended, &c. by any Act to be passed in this Session of Parliament.

LONDON:

Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1849.