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Government of New Caledonia.

A

B I L L

To provide, until the Thirty-first Day of December (One thousand eight hundred and sixty-two), for the Government of New Caledonia.

*(Prepared and brought in by
Sir Bulwer Lytton and Mr. Hamilton.)*

*Ordered, by The House of Commons, to be Printed,
1 July 1858.*

[Bill 170.]

Under 1 oz.



A

B I L L

TO

Provide, until the Thirty-first Day of December
(One thousand eight hundred and sixty-two),
for the Government of New Caledonia.

WHEREAS divers of Her Majesty's Subjects and others have, Preamble.
by the Licence and Consent of Her Majesty, resorted to
and settled on certain wild and unoccupied Territories on
the North-west Coast of North America, commonly known by the
5 Designation of New Caledonia, and the Islands adjacent, for Mining
and other Purposes; and it is desirable to make some temporary
Provision for the Civil Government of such Territories until perma-
nent Settlements shall be thereupon established, and the Number
of Colonists increased Be it therefore enacted by the Queen's most
10 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, as
follows.

15 **I.** New Caledonia shall, for the Purposes of this Act, be held Boundaries
of New
Caledonia.
as are bounded to the South by the Frontier of the United States of
America, to the East by the Watershed between the Streams which
flow into the Pacific Ocean and those which flow into the Atlantic
and icy Oceans, to the North by the Fifty-fifth Parallel of North
[Bill 170.] A Latitude,

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Latitude, and to the West by the Pacific Ocean; and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as hereinafter excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in New Caledonia.

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint to administer the Government of New Caledonia, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively. 5
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Her Majesty may establish a local Legislature in New Caledonia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of New Caledonia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and in for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient. 20
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Repeal of certain Provisions of 43 G. 3. c. 138. and 1 & 2 G. 4. c. 66. as regards New Caledonia. s. 6.

IV. And whereas an Act was passed in the Forty-third Year of King George the Third, intituled "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of 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 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, 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 every Contract, 30
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Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and every Wrong and Injury to the Person or to Property committed or done within the same, should be and be
 5 deemed to be of the same Nature, and be cognizable 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
 10 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
 15 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 it was further enacted, that it should be lawful for His Majesty from
 20 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
 25 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
 30 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
 35 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
 40 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
 45 Act for giving Force, Authority, and Effect within the Indian Terri-

torics 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.

Appeal from
Judgments
in Civil
Suits to the
Privy
Council.

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.

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Vancouver's
Island not to
be included
in New
Caledonia.

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.

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Interpreta-
tion Clause.

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.

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Continuance
of Act.

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.