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2 Geo. IV.—Sess. 1821.

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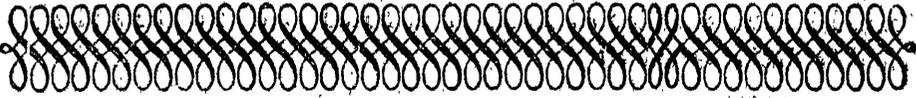
B I L L

For regulating the Fur Trade, and establishing
a Criminal and Civil Jurisdiction within
certain Parts of *North America*.

Ordered, by The House of Commons, to be Printed,
6 June 1821.







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B I L L

For regulating the Fur Trade, and establishing
a Criminal and Civil Jurisdiction within certain
Parts of *North America*.

Note.—The Figures in the Margin denote the number of the Folios in
the written Copy.

1 **W**H E R E A S the Competition in the Fur Trade between the
Governor and Company of Adventurers of *England* trading into Preamble.
Hudson's Bay, and certain Associations of persons trading under the name
of "The North West Company of *Montreal*," has been found for some
years past to be productive of great inconvenience and loss, not only to the
said Company and Associations, but to the said Trade in general, and also
of great injury to the native Indians and of other persons subjects of His
Majesty: And whereas the animosities and feuds arising from such com-
petition, have also for some years past kept the interior of *America*, to the
2 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
continued disturbance: And whereas many breaches of the peace, and
violences extending to the loss of lives and considerable destruction of
property, have continually occurred therein: And whereas for remedy of
such evils, it is expedient and necessary that some more effectual regula-
tions should be established for the apprehending, securing, and bringing
to justice all persons committing such offences, and that His Majesty
should be empowered to regulate the said Trade:

3 And whereas doubts have been entertained, whether the provisions of an
Act passed in the forty-third year of the reign of his late Majesty 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," extended to the
territories granted by Charter to the said Governor and Company; and it

is expedient that such doubts should be removed, and that the said Act should be further extended ;

For making Grants for the exclusive trade to North America.

Be it therefore Enacted by The KING'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
it shall be lawful for His Majesty, His Heirs or Successors, to make Grants or give his royal licence, under the hand and seal of one of His Majesty's Principal Secretaries of State, to any body corporate, or company, or person or persons, of or for the exclusive privilege of trading with the *Indians* in all such parts of *North America* as shall be specified in any such Grants or licences respectively, not being part of the lands or territories heretofore granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, and not being part of any of His Majesty's provinces in *North America*, or of any lands or territories belonging to the United States of *America*; and all such Grants and licences shall be good valid and effectual for the purpose of securing to all such bodies corporate, or companies or persons, the sole and exclusive privileges of trading with the *Indians* in all such parts of *North America* (except as is hereinafter excepted) as shall be specified in such Grants or licences ; any thing contained in any Act or Acts of Parliament, or any law to the contrary notwithstanding.

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Limiting the periods for which such Grants may be made.

Provided always, and be it further Enacted, That no such Grant or licence made or given by His Majesty, His Heirs or Successors, of any such exclusive privileges of trading with the *Indians* in such parts of *North America* as aforesaid, shall be made or given for any longer period than _____ years ; and no Rent shall be required or demanded for or in respect of any such Grant or licence, or any privileges given thereby under the provisions of this Act, for the first period of _____ years ; and from and after the expiration of such first period of _____ years, it shall be lawful for His Majesty, His Heirs or Successors, to reserve such Rents in any future Grants or licences to be made to the same or any other parties, as shall be deemed just and reasonable, with security for the payment thereof, and such Rents shall be deemed part of the land revenues of His Majesty, His Heirs and Successors, and be applied and accounted for as the other land revenues of His Majesty, His Heirs or Successors, shall at the time of payment of any such Rent being made, be applied and accounted for.

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Persons to whom such Grants shall be made, to enter into security.

And be it further Enacted, That from and after the _____ the Governor and Company of Adventurers trading to *Hudson's Bay*, and every body corporate and company and person to whom every such Grant or licence shall be made or given as aforesaid, shall respectively keep accurate registers of all persons in their employ in any parts of *North America*, and shall, once in each year, return to His Majesty's Secretaries of State, accurate duplicates of such registers, and shall also enter into such security as shall be required by His Majesty, for the due execution of all processes criminal and civil, as well within the territories

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territories included in any such Grant, as within those granted by charter to the Governor and Company of Adventurers trading to *Hudson's Bay*, and for the producing or delivering into safe custody for purpose of trial, of all persons in their employ or acting under their authority, who shall be charged with any criminal offence, and also for the due and faithful observance of all such rules regulations and stipulations as shall be contained in any such grant or licence, either for diminishing or preventing the sale or distribution of spirituous liquors to the *Indians*, or for promoting their moral and religious improvement, or for any other object which His Majesty may deem necessary for the remedy or prevention of the other evils which have hitherto been found to exist.

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 north-west 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 licence 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 licence as is by this Act required.

Such Grant of exclusive trade not to interfere with citizens of the United States beyond the *Stony Mountains*.

And be it Declared and Enacted, That the said Act, passed in the forty-third year of the reign of his late Majesty, 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 all the clauses and provisoes therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*, any thing in any Act or Acts of Parliament or this Act, or in any grant or charter to the Company, to the contrary notwithstanding.

Extending Act 43 G. 3, c. 138, to the trial of persons guilty of crimes in the district included in the Bill.

And be it further Enacted, That from and after the the Courts of Judicature now existing, or which may be hereafter established in the provinces of *Lower and Upper Canada* or either of them, shall 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 said *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 have or are invested with within the limits of the said

Courts of judicature, established in *Lower and Upper Canada* to take cognizance of causes in *Indian territories*.

provinces of *Lower* or *Upper Canada* respectively; and that all and every contract, agreement, debt, liability and demand whatsoever, made, entered 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, shall 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 provinces of *Lower* or *Upper Canada* respectively, any thing in any Act or Acts of Parliament, or grant or charter, to the contrary notwithstanding. 13

Proceedings of courts to be issued in the same manner as heretofore.

And be it further Enacted, That all process, writs, orders, judgments, decrees and acts whatsoever, to be issued, made, delivered, given and done, by or under the authority of the said Courts or either of them, shall have the same force, authority and effect within the said *Indian* territory and other parts of *America* as aforesaid, as the same now have within the said provinces of *Lower* or *Upper Canada* respectively. 14

Appointment of Justices of peace.

And be it further Enacted, That it shall be lawful for the Governor or Lieutenant Governor or person administering the government for the time being, of *Lower Canada*, by commission under his hand and seal, to authorize all persons who shall be appointed Justices of the peace within the said *Indian* territories, or other parts of *America* as aforesaid, or any other person who shall be specially named in any such commission, to act as a Commissioner within the same, for the purpose of executing enforcing and carrying into effect all such process, writs, orders, judgments, decrees, and acts which shall be issued, made, delivered, given or done by the said Courts of Judicature, and which may require to be enforced and executed within the said *Indian* territories or such other parts of *North America* as aforesaid; and in case any person or persons whatsoever residing or being within the said *Indian* territories or such other parts of *America* as aforesaid, shall refuse to obey or perform any such process, writ, order, judgment, decree or act of the said courts, or shall resist or oppose the execution thereof, it shall and may be lawful for the said Justices of the peace or Commissioners, and they or any of them are and is hereby required, on the same being proved before him, by the oath or affidavit of one credible witness, to commit the said person or persons so offending as aforesaid, to custody, in order to his or their being conveyed to *Lower* or *Upper Canada*; and that it shall be lawful for any such Justice of the peace or Commissioner, or any person or persons acting under his authority, to convey or cause to be conveyed such person or persons so offending as aforesaid, to *Lower* or *Upper Canada*, in pursuance of such process, writ, order, decree, judgment or act, and such person and persons shall be committed to gaol by the said Court, on his her or their being so brought into the said provinces of *Lower* or *Upper Canada*, by which such process, writ, order, decree, judgment or act was issued, made, delivered, given or done, until a final judgment or decree shall have been pronounced in such suit, and shall have been duly performed, and all costs paid, in case 15 16

such 17

such person or persons shall be a party or parties in such suit, or until the trial of such suit shall have been concluded, in case such person or persons shall be a witness or witnesses therein: Provided always, That if any person or persons so apprehended as aforesaid, shall enter into a bond recognizance to any such Justice of the peace or Commissioner, with sufficient sureties, to the satisfaction of such Justice of the peace or Commissioner, or the said Courts conditioned to obey and perform such process, writ, order, judgment, decree or act as aforesaid, then and in such case it shall and may be lawful for the said Justice of the peace or Commissioner or the said Courts, to discharge such person or persons out of custody.

- 18 And be it further Enacted, That in case such person or persons shall not perform and fulfill the condition or conditions of such recognizance, then and in such case, it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such recognizance to the plaintiff or plaintiffs, in any suit in which such process, writ, order, decree, judgment or act shall have been issued, made, delivered, given or done, who may maintain an action in the said Courts in his own name against the said sureties, and recover against such sureties the full amount of such loss or damage as such plaintiff shall prove to have been sustained by him, by reason of the original cause of action in respect of which
- 19 such process, writ, order, decree, judgment or act of the said Courts were issued, made, delivered, given or done as aforesaid.

For assigning
recognizances
issued.

- And be it further Enacted, That it shall be lawful for the Governors, Lieutenant Governors, or persons administering the government for the time being, or the Chief Justices of the provinces of *Lower Canada* or *Upper Canada*, or any or either of them, if he or they shall deem it convenient so to do, to issue a commission or commissions to any or more of such Justices of the peace, or other persons named in any such commission, to hear and determine any action, suit, plaint or cause, within any of the *Indian* territories, or such other parts of *America* as aforesaid, and for that purpose to hold courts, and to issue subpoenas or other processes to compel attendance of plaintiffs, defendants, jurors, witnesses and all other persons requisite and essential to the due administration of justice, and the execution of the several purposes for which such commission or commissions had issued, and with the like power and authority as are vested in the Courts of the said provinces of *Lower Canada* and *Upper Canada*; and any order, verdict, judgment or decree that shall be made, found, declared or published, by or before any court or courts held under and by virtue of such commission or commissions, shall be considered to be of as full effect, and enforced in like manner, as if the same had been made, found, declared or published within the jurisdiction of the Courts of either of the said provinces; and at the time of issuing such commission or commissions it shall be declared by some proclamation or other
- 20 instrument, under the hand or seal of the person hereby empowered and
- 21 authorized to issue the same, the place or places where such commission is to be opened, and the courts and proceedings thereunder held; and it shall be at the same time provided, how and by what means the expenses of such commission, and the execution thereof, shall be raised and provided for.

Appointment
of Justices to
determine
causes.

Allowing an
Appeal.

And be it further Enacted, That all judgments given in any civil suit shall be subject to appeal to His Majesty in Council, in like manner as in other cases in His Majesty's provinces of *Upper* and *Lower Canada*.

Act not to
affect rights
of Hudson's
Bay Com-
pany.

And be it further Enacted, That nothing in this Act contained, shall be taken or construed to affect any right, privilege, authority or jurisdiction which the Governor and Company of Adventurers trading to *Hudson's Bay* are by law entitled to claim and exercise under their Charter; but that all such rights, privileges, authorities and jurisdictions shall remain in as full force virtue and effect as if this Act had never been made, any thing in this Act to the contrary notwithstanding. 22

