



ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

C A P. CXXXVIII.

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.
[11th August 1803.]

WHEREAS Crimes and Offences have been committed in the *Indian Territories*, and other Parts of *America*, not within the Limits of the Provinces of *Lower* or *Upper Canada*, or either of them, or of the Jurisdiction of any of the Courts established in those Provinces, or within the Limits of any Civil Government of the United States of *America*, and are therefore not cognizable by any Jurisdiction whatever, and by reason thereof great Crimes and Offences have gone and may hereafter go unpunished, and greatly increase: For Remedy whereof may it please Your Majesty that it may be enacted; and be it 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 passing of this Act, all Offences committed within any of the

Offences committed within any of the *Indian Territories*, etc

shall be tried in the same Manner as if committed within the Provinces of Lower or Upper Canada.

Indian Territories, or Parts of America not within the Limits of either of the said Provinces of *Lower or Upper Canada*, or of any Civil Government of the United States of *America*, shall be and be deemed to be Offences of the same Nature, and shall be tried in the same Manner and subject to the same Punishment as if the same had been committed within the Provinces of *Lower or Upper Canada*.

The Governor of Lower Canada may empower Persons to act as Justices for the *Indian Territories, etc.* for committing Offenders till conveyed to Canada for Trial, etc.

II. 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 the Province of *Lower Canada*, by Commission under his Hand and Seal, to authorize and empower any Person or Persons wheresoever resident or being at the Time to act as Civil Magistrates and Justices of the Peace for any of the *Indian Territories or Parts of America* not within the Limits of either of the said Provinces, or of any Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces, either upon Informations taken or given within the said Provinces of *Lower or Upper Canada*, or out of the said Provinces in any Part of the *Indian Territories or Parts of America* aforesaid, for the Purpose only of hearing Crimes and Offences, and committing any Person or Persons guilty of any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of *Lower Canada* to be dealt with according to Law; and it shall be lawful for any Person or Persons whatever to apprehend and take before any Persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient Speed, to the Province of *Lower Canada*, any Person or Persons guilty of any Crime or Offence, there to be delivered into safe Custody for the Purpose of being dealt with according to Law.

Place and Manner of Trial of such Offenders.

III. And be it further enacted, That every such Offender may and shall be prosecuted and tried in the Courts of the Province of *Lower Canada*, (or if the Governor or Lieutenant Governor, or Person administering the Government for the Time being, shall, from any of the Circumstances of the Crime or Offence, or the local Situation of any of the Witnesses for the Prosecution or Defence, think that Justice may more conveniently be administered in relation to such Crime or Offence in the Province of *Upper Canada*, and shall by any Instrument under the Great Seal of the Province of *Lower Canada*, declare the same, then that every such Offender may and shall be prosecuted and tried in the Court of the Province of *Upper Canada*), in which Crimes or Offences of the like Nature are usually tried, and where the same would have been tried if such Crime or Offence had been committed within the Limits of the Province where the same shall be tried under this Act; and every Offender tried and convicted under this Act shall be liable and subject to such Punishment as may by any Law in Force in the Province where he or she shall be tried be inflicted for such Crime or Offence; and such Crime or Offence may and shall be laid and charged to have been committed within the Jurisdiction of such Court, and such Court may and shall proceed therein to Trial, Judgement, and Execution, or other Punishment for such Crime or Offence in the same Manner in every Respect as if such Crime or Offence had been really committed within the Jurisdiction of such Court; and it shall also be lawful for the Judges and other Officers of the said Courts to issue Subpœnas and other Processes for enforcing the

the Attendance of Witnesses on any such Trial; and such Subpœnas and other Processes shall be as valid and effectual and be in full Force and put in Execution in any Parts of the *Indian* Territories, or other Parts of *America* out of and not within the Limits of the Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, in relation to the Trial of any Crimes or Offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any Offender or Offenders to Justice under this Act, as fully and amply as any Subpœnas or other Processes are, within the Limits of the Jurisdiction of the Court, from which any such Subpœnas or Processes shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Matter, or Thing to the contrary notwithstanding.

IV. Provided always, and be it further enacted, That if any Crime or Offence charged and prosecuted under this Act, shall be proved to have been committed by any Person or Persons not being a Subject or Subjects of His Majesty, and also within the Limits of any Colony, Settlement, or Territory belonging to any *European* State, the Court before which such Prosecution shall be had shall forthwith acquit such Person or Persons not being such Subject or Subjects as aforesaid of such Charge.

Offenders not being Subjects of His Majesty, and also within the Limits belonging to any *European* State, shall be acquitted.

V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the Trial of any other Person, being a Subject or Subjects of His Majesty, who shall be charged with the same or any other Offence, notwithstanding such Offence shall appear to have been committed within the Limits of any Colony, Settlement, or Territory belonging to any *European* State as aforesaid.

But Subjects to His Majesty shall be tried, although Offence be committed in another *European* State.

This act provides in the act of 1821 -
- act for the regulation of the funds
by 18 years. First of its kind for the
Indian Commission. Debtor Fund
Director. U.S. D.W. Co. & H.B. Co. 1821.