

Appendix No 3.

An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America.

2^d July 1821

Whereas the competition in the "Fur Trade between the Governor and Company of Adventurers of England trading into 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 accidents and Grievances arising from such Competition

Competition have also for some
years past kept the interior of
America, to the 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 Violence
extending to the loss of lives, and
considerable destruction of Prop-
erty, have continually returned
therein; And whereas, for remedy
of such evils, it is expedient and
necessary that some more effectual
Regulations should be established
for the apprehending, detaining, and
bringing to Justice all Persons
committing such offences, and
that His Majesty should be em-
powered to regulate the said Trade;
And whereas doubts have been
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entertained, whether the Provisions
of an Act passed in the Forty
third year of the Reign of his late
Majesty King George the third, enti-
tled "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 ex-
tended. 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

Parliament assembled and by the
authority of the same, That from
and after the passing of this Act,
it shall be lawful for his Majesty,
his Heirs or Successors, to make
grant or give His Royal License
under the Hand and Seal of one
of His Majesty's Principal Secre-
taries of State, to any Body corpo-
rate 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 licenses 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
Possessions in North America, or of
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Any lands or Territories belonging
to the United States of America,
and all such grants and licenses
shall be good, valid, and effectual
for the purpose of securing to
all such Bodies Corporate or
Companies, or Persons, the sole
and exclusive Privilege of trading
with the Indians in all such parts
of North America (except as
hereinafter excepted) as shall
be specified in such grants or
licenses; anything contained
in any Act or Acts of Parliament,
or any Law to the contrary
notwithstanding.

II. Provided always, and be it
further enacted, That no such
Grant or License, made or given
by His Majesty, His Heirs or
Successors, of any such exclusive
Privileges

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Privileges of trading with the Indians
in such parts of North America as
aforesaid, shall be made or given for
any longer period than Twenty one
years; and no rent shall be required
or demanded for or in respect of
any such grant or licence or any
Privilege given thereby under the
Provisions of this Act for the first
period of Twenty one years; and
from and after the expiration of
such first period of Twenty one
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 reason-
able with security for the Payment
thereof; and such rents shall be
deemed Part of the Land Revenues
of His Majesty, His Heirs and
Successors.

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 Successors.

Successors, and be applied and
 accounted for as the other Land
 Revenues of His Majesty, His Heirs
 and Successors shall at the time
 of Payment of any such Rent being
 made, be applied and accounted for.
 III. And be it further enacted, That
 from and after the passing of this
 Act, 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 license, 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

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as shall be required by His Majesty
for the due Execution of all
Processes Criminal and Civil,
as well within the 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 Stipula-
tions as shall be contained in
any such Grant or License, either
for diminishing or preventing
the Sale or Distribution of Spi-
rituous Liquors to the Indians, or
for

by His Majesty
of all
and Civil,
Territories
which shall be
granted, as
to the Charter
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to Hudson's
Company or
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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.

IV. 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 Rocky 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. He is therefore
enacted, that nothing in this Act
contained shall be deemed or
construed to authorize any Body
Corporate

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Corporate Company or Person
to whom His Majesty may have
under the Provisions of this Act,
made a grant or given a License
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 License
as is by this Act required.

V. 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
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Act

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Act for extending the Jurisdiction
of the Courts of Justice, in the
Provinces of Lower and Upper
Canada, to the Trial and punish-
ment of Persons guilty of Crimes
and offences within certain parts
of North America adjoining to
the said Provinces, and all the
Clauses and Provisions therein
contained, shall be deemed and
construed, and it is and are
hereby respectively declared, to
extend to and over and be in
full force in and through all
the Territories heretofore granted
to the Company of Adventurers
of England Trading to Hudson's
Bay; anything in any Act or Act
of Parliament, or this Act, or in
any Grant or Charter to the Con-
trary notwithstanding.

VI. And be it further enacted,
That

That from and after the passing
of this Act, the Courts of Judica-
ture now existing, or which may
be hereafter established in the
Province of Upper Canada, shall
have the same Civil Jurisdiction,
Power and Authority, as well in
the cognizance of Suits, as in the
issuing Processes, Writs 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 Provinces of Lower
and Upper Canada respectively,
and that all and every contract,
agreement, Debt, Liability and
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Province, shall
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Jurisdiction,
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United States,
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been and, 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 with
in 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 Province
of Upper Canada; anything in
any Acts or acts of Parliament,
or Grant or Charter to the contrary
notwithstanding: Provided always
that all such Suits and actions
relating

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relating to lands, or to any claims
in respect of land, not being
within the Province of Upper
Canada, shall be decided accord-
ing to the Laws of that Part of the
United Kingdom called England,
and shall not be subject to or
affected by any local acts, sta-
tutes or Laws of the Legislature
of Upper Canada.

VII. 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
Province

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Province of Upper Canada.
VIII. And he do further enacted, that
it shall be lawful for the Govern-
or or Lieutenant Governor or
Person administering the Govern-
ment for the time being of Lower
Canada, by Commission, under
his hand and seal, to authorize
all Persons who shall be appoint-
ed Justices of the Peace under
the Provisions of this Act, 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,
Judgements, Decrees and acts,
which shall be issued, made,
delivered

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 other
such parts of North America
as aforesaid: And in case
any Person or Persons what-
soever residing or being with-
in the said Indian Territories,
or other such parts of America
as aforesaid shall refuse to
obey or perform any such
Process, writ, order, Judgement,
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
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crossed before him, by the oath
or affidavit of one credible
witness, to commit the said Per-
son or Persons so offending, and
aforesaid to custody, in order
to his or their being conveyed
to Upper Canada, and that it
shall be lawful for any such
Justice of the Peace or Commis-
sioners, or any Person or Persons
acting under his authority, to
convey for cause to be conveyed
such Person or Persons so offending
as aforesaid to Upper Canada,
in pursuance of such Process,
with order, decree, Judgement,
or act, writ issued, made, deliv-
-ed, given, or done, and that a
final Judgement or Decree
shall have been pronounced
in such such, and shall have
been duly performed, and all
Costs

costs paid, in case such Person
or Person 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 Commis-
sioner, with two 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, Judge-
ment, 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

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case, it shall
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Commissioner, or the said Court,
to discharge such Person or
Persons out of Custody.

IX: And be it further enacted,
That in case such Person or
Persons shall not perform and
fulfil the conditions or Conditions
of such Recognizance, then and
in such case, it shall and may
be lawful for any Justice or
Commissioner, and he is hereby
required, to assign such Recogni-
zance, to the Plaintiff or Plaintiffs
in any Suit in which such Pro-
cess, 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

as such Plaintiff shall prove to
have been sustained by him, by
reason of the original cause
of action, in respect of which
such Process, writ, order, Decree,
Judgement or act of the said
Courts were issued, made, deliv-
-ed, given or done as aforesaid,
notwith standing anything
contained in any charter
granted to the said Governor
and Company of Adventurers
of England trading to Hudson's
Bay.

X. And he it further enacted,
That it shall be lawful for His
Majesty of he shall 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
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turers of England trading to
Hudson's Bay, as within the
Indian Territories of such other
Parts of America as aforesaid,
and it shall be lawful for the
Court in the Province of Upper
Canada, in any case in which
it shall appear expedient to
take any evidence taken by
Commission or any Facts or
Issue, or any cause or fact
ascertained, to issue a Com-
mission to any three or more of such
Justices to take such evidence,
and return the same to try said
issue, and for that purpose to
hold Courts, and to issue Subpo-
nas or other Process to com-
pel attendance of Plaintiffs,
Defendants,

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Defendants, Jurors, witnesses,
and all other persons requisite
and essential to the execution
of the several purposes for
which such commissions or
commissions have issued, and
with the like power and author-
ity as are vested in the courts
of the said Province of Upper
Canada; and any order,
verdict, judgement 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
the manner, as if the same
had been made, found, declared
or published within the juris-
diction of the court of the said
Province;

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kind, declared
in the laws
of the said
Province,

Province, and at the time of
holding, such Commission or
Commissions shall be declared
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
Expences of such Commission
and the Execution thereof, shall
be raised and provided for.

XI. And it be further enacted,
That it shall be lawful for His
Majesty notwithstanding any
thing contained in this Act, or
in any Charter granted to the
said Governor and Company
of Adventurers of England,
trading to Hudson's Bay from
time to time, by any Commission
under the Great Seal, or otherwise
and

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 their demands, and also
 of Civil Causes, and it shall
 be lawful for His Majesty to
 order, direct and authorize
 the appointment of proper officers
 to act in aid of such Court and
 Justices within the Jurisdiction
 assigned to such Courts and
 Justices, in any such Commis-
 -ion, anything in this Act, or in
 any Charter of the Governor and
 Company of Merchants and Civili-
 -ans of England, trading to
 Hudson's Bay to the contrary
 notwithstanding.

XII. Provided always, and be it
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Courts shall 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 shall from time to time
 order and direct; but shall 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 Officer
 or, or Judge or cause any
 offender to suffer Capital
 Punishment or Transportation,
 or take Cognizance of or try any
 civil Action or suit, in which
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the cause of such suit or action shall 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 shall be brought, shall 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.

XIII. and be it further enacted, That all Judgements given in any such Suit shall be subject to appeal to His Majesty in Council

Council, in like manner as in other cases in His Majesty's Province of Upper Canada and also in any case in which the Right or title to any Land shall be in question.

XIV. 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 of England 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; anything in this Act to the contrary notwithstanding.

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Appendix No. 4.

An Act to make further provision
for the Regulation of the Trade with
the Indians, and for the Administra-
tion of Justice in the North Western
Territories of America

13th August 1854

"Whereas an Act was passed in the
Forty-third year of King George the
third (Chapter one hundred and
thirty-eight) 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 cer-
tain parts of both America ad-
joining to the said Provinces, and
an Act was passed in the Session
holden in the First and second
years of King George the Fourth
(Chapter thirty-six) for regulating
the Fur Trade, and for establishing
a Criminal and Civil Jurisdic-
-tion

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" took within certain parts of
" North America. And by the
" first of herein-mentioned Act, it
" was enacted that all offences
" committed within any of the
" Indian Territories or Parts of
" America, not within the limits
" of either of the Provinces of Lower
" and Upper Canada, or of any
" Civil Government of the United
" States of America, should be and
" be deemed to be offences of the
" same nature and should 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: and by the second-
" ly herein-mentioned Act, it was
" enacted, that it should be lawful
" for His Majesty, if he should deem
" it convenient so to do, to make

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to any Person or Persons to be
and act as Justices of the Peace
within such parts of America
as aforesaid; And it was also
enacted, that it should be lawful
for His Majesty by Commission
under the Great Seal, to authorize
and empower such persons so
appointed Justices to sit and
hold Courts of Record for the trial
of Criminal offences and mis-
deemeanors, and also of Civil
Causes: And whereas no Courts
of Record have been established
or authorized as aforesaid, and
it is expedient to make further
provision for the Administration
of Justice in Criminal Cases
in the said Indian Territories,
and such other parts as aforesaid
of America, and also to
make

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make Provisions for better regula-
-tion of Trade, with the Indians in the
Territories and Parts aforesaid:
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, as follows:—

I. It shall be lawful for Her
Majesty by the Council or by
whom any Justices of the
Peace are appointed under the
said Act of King George the
Fourth, or by any subsequent
Commission, or by any order
in Council, from time to time
to authorize any such Justice
or Justices to take cognizance
of and try in a summary way
all crimes

for better regula-
e Indians in the
Parts aforesaid:
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and Commissions,
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crimes, and demeanors and
offences whatsoever, except as
herein after mentioned, within
the local limits of the Jurisdiction
of such Justices (or such parts
thereof as Her Majesty may direct
in this behalf) and to punish
such Crimes, Misdoings and
offences, by Fine or Imprisonment
or both; and it shall be lawful
for Her Majesty, in manner
aforesaid, from time to time to
restrain or regulate the Exercise
or such Jurisdiction as she may
think fit, and to direct in what
cases the same may be exercised
by one or by more than one of the
said Justices, and generally
to make such Provision concern-
ing the Exercise of such Juris-
diction as to Her Majesty may
seem expedient; and it shall
also

also be lawful for Her Majesty
in manner aforesaid, to order
or authorize the appointment
of all proper Officers to aid in
aid of such Justices, and the
said Justices respectively may
do or cause to be done all acts,
matters, and Things for the
Execution of their Seals, and
in aid of their Jurisdiction, under
this Act, which ought to be done, or
caused to be done by Courts of
Record having Jurisdiction in
the like cases: Provided always,
that where the offence with which
any person is charged before any
such Justice or Justices is one
which is punishable with death
or one which in the opinion of
such Justice or Justices ought,
either on account of the Inadequa-
cy of the Punishment which
such

for Her Majesty
aid, to order
appointments
to act in
cases, and the
respectively may
doe all acts,
for the
jurisdiction, and
jurisdiction, and
ought be done, or
by Courts of
jurisdiction in
provided always,
power with which
granted before any
justices is one
punishable with death
in opinion of
justices ought
of the inadequa-
cent which
such

4

Such Justice or Justices can
imprison, or for any other reason,
to be made the subject of Prose-
cution in the ordinary way,
rather than be disposed of summarily,
Such Justice or Justices
shall commit the offender to
safe custody, and cause him
to be sent in such custody for
trial to Upper Canada, as
provided by the said Act of King
George the Fourth, or where such
Justice or Justices may see fit,
to the Colony of British Columbia,
and such offender may be tried
and dealt with by any Court
constituted in British Columbia,
having cognizance of the like
offences committed there, and
such Court shall have the like
Power and Authorities for this
purpose as under the said Acts
are

are given to any Court in Canada
in like cases.

II. Provided that nothing herein
before contained shall be taken
to repeal or affect the Provisions
of the said Act of King George the
Fourth concerning the Establish-
ment of Courts of Record in the
said Territories, and where
such Courts are established
any offender within the Limits
of the Jurisdiction thereof may
be committed for Trial to such
Courts instead of the Courts of
Canada or British Columbia.

III. It shall be lawful for Her
Majesty, by and with the advice
of Her Privy Council from Time
to Time, to make such Rules
and Regulations as she may
deem expedient for the conduct
of the Trade with the Indians
and

Appendix 5

Extract from minutes of a
General Court held at the
Hudson's Bay House, London
on the thirteenth day of March
one thousand eight hundred
and thirty nine

6th That there shall be
appointed a Governor of Assin-
iboia, who shall, in the absence
of the Governor in chief of
Rupert's Land, have the autho-
rity of Governor in chief under
the provisions of the Charter
within that District

7th That Duncan Finlayson
Esquire be Governor of the Dis-
trict of Assiniboia

8th That there shall be
appointed to the Province
of Rupert's Land a Council
of the District of Assiniboia

8th
That the following gentlemen
be Councillors of the District
of Afrimoria, viz: Adam Thom,
Esquire Barrister. The Right
Reverend the Roman Catholic
Bishop of Sulisopolis, The Rev^d
William Cockran, James Bird,
James Sutherland, William H
Cook, John Pritchard, Robert
Cogan, George Marcus Cary,
John Blinn, John McCallum,
John Peter Priden, Alexander
Robt, Culhert Grant, and
Andrew McDemott, Esquires.

10th That the District of Afrim-
-oria shall be co-extensive
with such portion of the Territory
granted to the late Thomas
Earl of Selkirk, on the 12th day
of June 1811, as is now within
the Dominions of Her Britannic
Majesty,

11th That there shall

be

be appointed a Recorder of Rupert's Land.

12th That Adam Thom Esquire Barrister shall be Recorder of Rupert's Land.

13th That there shall be appointed four Sheriffs of Rupert's Land.

14th That Robert Miles, Thomas Fraser, Donald Ross, and John Edward Harriott Esquires be Sheriffs of Rupert's Land.

15th That there shall be appointed two Sheriffs of the District of Assiniboia.

16th That Alexander Ross, and Cuttlesh Grant Esquires be Sheriffs of the District of Assiniboia.