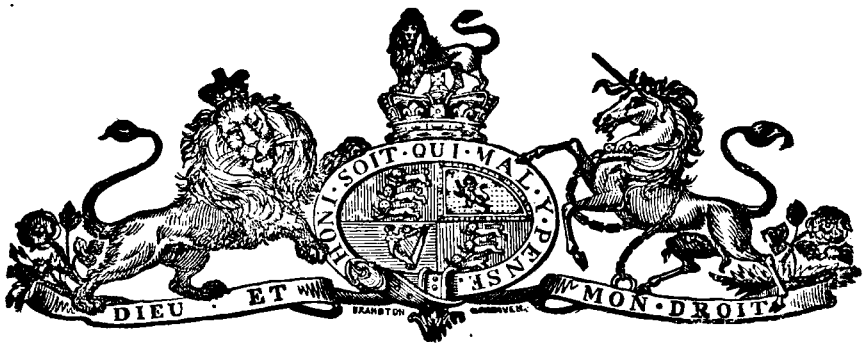


ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XLVIII.

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

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, 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 into,

43 G. 3. c. 138.

1 & 2 G. 4. c. 66.

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 it 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*:

And

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 Proclamation of this Act in *Vancouver's Island* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the Second Year of King *George* the Fourth, and the Provisions contained in such Act 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*, 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.

43 G. 3. c. 138. and Parts of 1 & 2 G. 4. c. 66. repealed as to Vancouver's Island.

II. Provided always, and be it enacted, That when and so soon as a local Legislature has been established in *Vancouver's Island* it shall be lawful for such Legislature, from Time to Time, by any Law or Ordinance made in the Manner and subject to the Conditions which may be by Law required in respect of Laws or Ordinances made by such local Legislature, to make such Alterations as to such 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.

Power to local Legislature to make Provision for Administration of Justice.

III. Provided always, and be it enacted, That all Judgments given in any Civil Suit in the said Island 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.

Appeal to Privy Council in Civil Cases.

IV. And

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 amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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