ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. 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.*

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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 whersoever 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.

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

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.

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

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.

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