

## CHAP 36.

An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS certain territory on the western and northern boundary of Ontario is claimed by the Government of Ontario as being within the said Province, and whereas such claim is disputed ;

And whereas the Parliament of Canada is desirous of making suitable provision for the administration of criminal justice within the said territory until the dispute is determined :

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Where crimes and offences committed in the disputed territory may be prosecuted and tried.

1. Every crime or offence committed in any part of the said territory may be enquired of, tried and punished within any county or district in the Province of Ontario or the Province of Manitoba, or in the District of Keewatin, and such crime or offence shall be within the jurisdiction of any court, judge, magistrate or magistrates, or justice or justices of the peace, or other functionary having jurisdiction over crimes or offences of the like nature committed within the limits of the county or district in which such crime or offence is prosecuted ; and such court, judge, magistrate or magistrates, justice or justices or other functionary, shall proceed thereon by way of preliminary investigation, and to trial, judgment and execution, or other punishment, for such crime or offence, in the same manner as if such crime or offence had been committed within the county or district where such trial is had.

Where such crime or offence may be laid.

**2.** Such crime or offence shall be sufficiently laid and charged, whether it is laid and charged to have been committed in Ontario or in the District of Keewatin, and any sentence which might have been imposed upon the offender had the offence been committed either in an undisputed part of Ontario or in an undisputed part of Keewatin, may be imposed upon an offender convicted under this Act.

Retroactive effect of ss. 1 and 2.

**3.** The next preceding two sections shall apply to any crime or offence heretofore committed, as well as to every crime or offence hereafter committed, in the said territory.

Order of Court or Judge where the offender is in custody in one Province and it is intended to try him in another or elsewhere in the same Province.

**4.** Where any person charged with the commission of any crime or offence within the territory above described is in custody in any gaol within the Province of Ontario, or within the Province of Manitoba, charged with the said crime or offence, and it is intended that such person shall be tried in a province other than the province in a gaol of which he is confined, or in a different part of the same province, then any judge of any superior court of the province in a gaol of which such prisoner is confined, having criminal jurisdiction, or any such court, on application by or on behalf of the Minister of Justice of Canada, or of the Attorney General of Ontario, or in case the prisoner is in custody at Prince Arthur's Landing and it is intended to try him at Sault St. Marie, then the judge of the District of Algoma, on application as aforesaid, may make an order upon the keeper of such gaol to deliver the said prisoner to the person named in such order to receive him ; and such person shall, at the time prescribed in such order, convey such prisoner to the place at which he is to be tried, there to remain in custody subject to the order of the court by which it is intended he shall be tried, or of any other court which may have jurisdiction to try him. In case the prisoner is confined in any gaol or lock-up in the said disputed territory, any judge of a superior court of Ontario or Manitoba having criminal jurisdiction may make the like order.

If in gaol in the disputed territory.

Judge or Court may by such order limit time of trial, &c.

**5.** The judge or court, on granting the said order, may, if the judge or court thinks fit, direct that unless the prisoner is tried within a time limited in the said order, he shall be either discharged from custody on his own recognizance or on bail, or returned forthwith to the gaol from which he was taken, as the said judge or court may consider proper, and the terms of the said order shall be duly obeyed ; provided that the judge or any other judge of the same court or the court may, at any time, upon application made in that behalf, vary the terms of the said order.

Act cumulative.

**6.** The provisions of this Act are merely cumulative to the law as it now stands.

Provision for case of conviction in N. W. T., or Keewatin, and no proper place of confinement in the locality.

**7.** Whenever, under any law of Canada, any judge, Stipendiary Magistrate, justice of the peace or other functionary is authorized to commit to a common gaol, house of correction or lock-up house, or to the custody of the North-West Mounted Police, any person convicted before him of an offence committed in any part of the North-West Territories, or of the District of Keewatin, or in any part of the said disputed territory, then if there be no proper place of confinement for or within the locality in which the conviction is had or the offence was committed, or if for any reason, it would, in his opinion, be more convenient or less expensive so to do, the said judge, Stipendiary Magistrate, justice of the peace or other functionary may commit such person to the gaol at Winnipeg, or to the gaol at Prince Arthur's Landing, whichever may, in his opinion, be nearest to, or most conveniently accessible from the place of conviction.

Power to convey a prisoner sent to gaol under sect. 7.

**8.** Whenever any person is committed to gaol under the preceding section, any constable or other person, in whose charge such person is to be conveyed to the place of imprisonment, shall have the same power to hold and convey such person and to re-take him in case of an escape, and otherwise deal with such person as if he had been committed to such gaol by some court or authority competent (independently of the said section) to so commit him.

Certain statements not required in conviction or commitment.

**9.** It shall not be necessary in any warrant of commitment under this Act, or in any conviction or sentence upon which such warrant is issued, that any reason should be stated which renders it more convenient or less expensive, or that it should be stated that, in the opinion of the convicting judge, Stipendiary Magistrate, justice of the peace or other functionary, it is more convenient or less expensive that the offender should be committed to the gaol mentioned in the warrant, or that such gaol is in his opinion nearer to or more conveniently accessible from the place of conviction.

Arrangements may be made as to expenses under this Act.

**10.** The Governor in Council may, from time to time, make arrangements with the Governments of Ontario and Manitoba, respectively, for the payment of such sums as may be agreed upon for the confinement in the said gaols at Prince Arthur's Landing and Winnipeg, respectively, of such persons as may have been committed to either of such gaols for offences not committed within the Province in which such gaol is situate.

Duration of Act.

**11.** This Act shall remain in force until the end of the next Session of Parliament and no longer.