

BRITISH
COLUMBIA.

XIX. Whenever any person shall permanently cease to occupy land acquired in either of the methods aforesaid, the magistrate resident nearest to the land in question may, in a summary way, on being satisfied of such permanent cessation, cancel the claim of the person so permanently ceasing to occupy the same, and record the claim thereto of any other person satisfying the requisition aforesaid.

Cancellation of claim on permanent cessation of occupation

XX. All deposits paid in respect of such forfeited claims, and all improvements, buildings, and erections thereon, shall, (subject to the appeal herein-after mentioned,) on such cancellation, be absolutely forfeited; and such claims, improvements, buildings and erections shall, subject to the appeal herein-after mentioned, be open to settlement by any other person.

Deposits and improvements forfeited on cancellation.

XXI. The decision of the magistrate may be appealed by either party to the decision of the Judge of the Supreme Court of Civil Justice of British Columbia.

Appeal.

XXII. Any person desirous of appealing in manner aforesaid may be required, before such appeal be heard, to find such security as may be hereafter pointed out by the rules or orders hereinafter directed to be published.

Security on appeal.

XXIII. The procedure before the magistrate and judge respectively shall be according to such rules and orders as shall be published by such judge, with the appropriation of the Governor for the time being of British Columbia.

Procedure.

XXIV. Whenever a person in occupation at the time of record aforesaid shall have recorded as aforesaid, and he, his heirs, or (in the case of a certificate of improvement) his assigns shall have continued in permanent occupation of the same land since the date of such record, he or they may, save as herein-before mentioned, bring ejectment, or trespass, against any intruder upon the same land, to the same extent as if he or they were seised of the legal estate in possession in the same land.

Ejectment or trespass by holder.

XXV. Nothing herein contained shall be construed as giving a right to any claimant to exclude free miners from searching for any of the precious minerals or working the same, upon the conditions aforesaid.

Saving of right to search and get gold in favour of free miners.

XXVI. The Government shall notwithstanding any claim, record, or conveyance aforesaid, be entitled to enter and take such portion of the land acquired in either of the methods aforesaid, as may be required for roads or other public purposes.

Power to Government to take land for public purposes

XXVII. Water privileges, and the right of carrying water for mining purposes, may, notwithstanding any claim recorded, be claimed and taken upon, under, or over the said land, so pre-empted or purchased as aforesaid, by free miners requiring the same, and obtaining a grant or licence from the Gold Commissioner, and paying a compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege or carriage of water, to be ascertained in case of dispute in manner aforesaid.

Water for mining purposes may be taken.

XXVIII. If any person, being already registered as a claimant, register a claim to any other land not being contiguous thereto, the land so previously claimed shall, *ipso facto*, be forfeited, and shall, with all improvements made thereon, be open to settlement by any other person.

If new claim taken up the old claim is lost.

XXIX. In case any dispute shall arise between persons with regard to any land so acquired as aforesaid, any one of the parties in difference may, before ejectment or action of trespass brought, refer the question in difference to the nearest magistrate, who is hereby authorized to proceed in a summary way to restore the possession of any land in dispute to the person whom he shall deem entitled to the same, and to abate all intrusions, and award and levy such costs and damages as he may think fit.

Arbitrament of Magistrate.

XXX. This proclamation may be cited as the "Pre-emption Consolidation Act, 1861."

Short title.

(L.S.) Issued under the public seal of the said Colony, at Victoria, Vancouver Island, this 27th day of August, in the year of our Lord One thousand eight hundred and sixty-one, and in the twenty-fifth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By his Excellency's command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE A.

I hereby certify that _____ has satisfied me by evidence of (naming the witnesses, and detailing any other evidence upon which the magistrate has come to his judgment) that _____ of _____ has made improvements to the extent of 10s. an acre on _____ acres of land, situated at _____

Signed,
this _____ day of _____