

ACTS

PASSED BY THE

LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM 5TH JANUARY TO 23TH MARCH,

1871.



VICTORIA, B. C. :

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

ACTS

PASSED BY THE

LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM 5TH JANUARY TO 28TH MARCH,

1871.



VICTORIA, B. C. :

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

LIST OF ACTS.

- No. 1. An Act to appropriate the sum of \$347,535.01, out of the General Revenue of the Colony, for the Contingent Service of the Year 1871.
- No. 2. An Act to exempt the "Lane and Kurtz Cariboo Mining Company" from the Payment of Duties and Road and Bridge Tolls, on certain Machinery imported, and yet to be imported, by them for Mining purposes.
- No. 3. An Act to amend and alter the Constitution of this Colony.
- No. 4. An Act granting a Supplemental Supply of \$45,969.07, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the Year 1870.
- No. 5. An Act to amend "The Tolls Exemption Ordinance, 1865"
- No. 6. An Act respecting Literary Societies and Mechanics' Institutes.
- No. 7. An Act relating to proceedings under "The Tax Sale Repeal Ordinance, 1867."
- No. 8. An Act to encourage the introduction into British Columbia of Thomson's Patent Road Steamers.
- No. 9. An Act to repeal "The Customs Amendment Ordinance, 1870."
- No. 10. An Act to amend the "Fire Companies' Aid Ordinance, 1869."
- No. 11. An Act to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year.
- No. 12. An Act to amend the Law as to the qualification of Electors, and of Elective Members for the Legislature, and to provide for the Registration of Persons entitled to Vote at Elections of such Members.
- No. 13. An Act to regulate Elections of Members of the Legislature of this Colony.
- No. 14. An Act to prevent Bribery, Treating, and undue influence at Elections of Members of the Legislature.
- No. 15. An Act to enable the Governor to grant Charters for Tolls.
- No. 16. An Act to provide for a permanent Civil List.
- No. 17. An Act to repeal certain Acts, Ordinances, and Proclamations.
- No. 18. An Act to Incorporate Charitable, Philanthropic, and Provident Associations.
- No. 19. An Act for Compiling and Printing a New Edition of the Laws of the Colony of British Columbia.
- No. 20. An Act to abolish Road Tolls on all Articles coming from the Interior of the Colony, in the direction of the Seaboard.
- No. 21. An Act to amend the "Investment and Loan Societies Ordinance, 1869."
- No. 22. An Act to prevent Desertion from Merchant Ships.
- No. 23. An Act to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature.
- No. 24. An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 1.

An Act to appropriate the sum of Three hundred and forty-seven thousand five hundred and thirty-five Dollars and One Cent, out of the General Revenue of the Colony, for the Contingent Service of the Year 1871.

[6th February, 1871.

MOST Gracious Sovereign:—We, Your Majesty's most dutiful Preamble. and loyal Subjects, the Legislative Council of the Colony of British Columbia, in order to make good the Supply which we have cheerfully granted to Your Majesty, have resolved to grant to Your Majesty the sum hereinafter mentioned, and do, therefore, most humbly beseech Your Majesty that it may be enacted; and

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. That there may be issued and applied out of the General Revenue of the Colony of British Columbia and its Dependencies, Appropriation of Revenue for 1871. not otherwise by Law specially appropriated, for or towards making good the Supply granted to Her Majesty for the Contingent Service of the Year One thousand eight hundred and seventy-one, the sum of Three hundred and forty-seven thousand five hundred and thirty-five Dollars and One Cent, the said amount being appropriated as follows, namely:—

FOR SALARIES AND ALLOWANCES.

| | | |
|---------------------------------------|----------|----|
| The Governor | \$ 2,052 | 00 |
| Legislative Council..... | 900 | 00 |
| Colonial Secretary | 9,224 | 00 |
| Treasury..... | 4,802 | 00 |
| Auditor General..... | 4,377 | 00 |
| Chief Commissioner of Lands and Works | 6,998 | 00 |
| Collector of Customs | 13,820 | 00 |
| Post Office | 3,200 | 00 |
| Judicial..... | 4,463 | 00 |
| Police and Gaols..... | 16,568 | 75 |
| Gold Commissioners:— | | |
| Kootenay..... | 6,024 | 50 |
| Cariboo..... | 13,910 | 00 |
| Yale | 7,320 | 00 |
| Lillooet..... | 4,608 | 00 |
| Nanaimo | 3,714 | 00 |

FOR

Appropriation Act.

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

| | | | |
|-----------------------------------|----|---------|----|
| Pensions..... | \$ | 485 | 00 |
| Revenue Services | | 1,000 | 00 |
| Administration of Justice..... | | 3,900 | 00 |
| Charitable Allowances..... | | 10,500 | 00 |
| Education | | 15,000 | 00 |
| Police and Gaols..... | | 12,000 | 00 |
| Rent | | 264 | 50 |
| Transport | | 3,250 | 00 |
| Conveyance of Mails | | 36,549 | 96 |
| Works and Buildings | | 23,650 | 00 |
| Roads, Streets, and Bridges | | 54,550 | 00 |
| Miscellaneous Services..... | | 23,260 | 00 |
| Interest | | 103,440 | 00 |
| Drawbacks and Refunds | | 2,100 | 00 |
| Sinking Fund | | 50,197 | 50 |
| Home Government Account | | 3,274 | 30 |
| Government Vessels..... | | 12,800 | 00 |
| Lighthouses | | 9,370 | 00 |

Treasurer to pay on Governor's warrant. II. The Treasurer of the said Colony, or other person duly authorized in that behalf, shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days, and in such proportions as the Governor for the time being, by any Warrant or Order in writing, shall from time to time direct: and the payments so to be made shall be charged upon and payable out of the Revenue of the said Colony and its Dependencies.

Passed the Legislative Council the 24th day of January, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 6th day of February, 1871.

A. MUSGRAVE
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 2.

An Act to exempt the “Lane and Kurtz Cariboo Mining Company” from the Payment of Duties and Road and Bridge Tolls, on certain Machinery imported, and yet to be imported, by them for Mining purposes.

[6th February, 1871.

WHEREAS, in the present state of affairs in British Columbia, Preamble.
it is desirable to promote by all lawful means the speedy opening up and development of Quartz and other Mines in the Colony, and to that end it is expedient to encourage the introduction of Steam and other Machinery in such Mines, by allowing the same under certain circumstances to be admitted into British Columbia free of duty;

And, whereas, a certain Company, organized and existing under the Laws of the State of California, and known as “Lane and Kurtz Cariboo Mining Company,” have already imported certain machinery to be used in the Williams Creek Meadows, upon which machinery Duties have not yet been collected;

And, whereas, the said Company, for the purpose of effectually carrying out their enterprise, intend to import additional machinery;

And, whereas, it is expedient for the purposes hereinbefore recited, to exempt the said Company from the payment of any Duties that might be assessed, levied, or collected, upon the machinery already imported by them, and from all Duties that may hereafter become payable by them, in respect of such other machinery as they may yet import for the purpose of their enterprise;

And, whereas, for the purpose of further encouraging the enterprise of the said Company, it is also expedient to exempt the said Company from the payment of any Road and Bridge Tolls that may be assessed, levied, or collected, upon or in respect of the machinery which the said Company may, for the purposes of their enterprise, cause to be conveyed from Victoria to Williams Creek;

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. It

Lane and Kurtz Cariboo Mining Company's Act.

Governor may remit Customs Duties on Machinery imported by the Co. I. It shall be lawful for the Governor, for the time being, of British Columbia, on application by the said Company, if he shall think fit, to remit the whole or any part of the Customs Duties and Port Charges that might, but for such remission, be assessed, levied, or collected, under any Law that may now or hereafter be in force in British Columbia, upon or in respect of any Quartz Mill or Mills, Steam Saw Mill, or Mining Machinery, of whatever nature or description, already imported, or that may hereafter be imported into British Columbia by the said Company, for the purpose of being used by them in Mining, and not for Sale.

Governor may also remit Road Tolls. II. It shall be lawful for the Governor of British Columbia, for the time being, on application by the said Company, if he shall think fit, to remit the whole or any part of any Road and Bridge Toll or Tolls, which by any law now in force, or that may hereafter be in force in British Columbia, might be assessed, levied, or collected, by the Government of British Columbia, for, upon, or in respect of any machinery, of whatever nature or description, that the said Company may cause to be transported from Victoria to Williams Creek, for the working by them of any Mine or Mines.

Till what date Act is in force. III. This Act, so far as regards the remission of Customs Duties is concerned, shall be in force until the First day of July next; and so far as regards the remission of Road Tolls, shall be in force for One Year from the date when it comes into operation.

Act not to take effect until Company have registered in the Colony. IV. Provided, always, that this Act shall not take effect until after the said Company has been duly registered as a Joint Stock Company, according to the Laws in force in the said Colony.

Short Title. V. This Act may be cited for all purposes as "The Lane and Kurtz Cariboo Mining Company's Act, 1871."

Passed the Legislative Council the 31st day of January, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 6th day of February, 1871.

A. MUSGRAVE
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 3.

An Act to amend and alter the Constitution of this Colony.

[14th February, 1871.

WHEREAS negotiations have taken place between the Govern-^{Preamble.}ment of this Colony and the Government of the Dominion of Canada, respecting the admission of this Colony into the Union or Dominion of Canada, constituted by the "British North America Act, 1867," and Terms for Union have been offered by the Government of the Dominion of Canada to the Government of this Colony, which Terms have been agreed to by the Legislative Council of this Colony, and have been embodied in an Address, pursuant to the provisions of the "British North America Act, 1867," in that behalf, from the Legislative Council of this Colony in the present Session, to Her Majesty the Queen;

And, whereas, the following provision is inserted in the Terms so offered and agreed to as aforesaid, viz: "The Constitution of "the Executive Authority and of the Legislature of British Columbia, shall, subject to the provisions of the 'British North America Act, 1867,' continue as existing at the time of the Union, "until altered under the authority of the said Act, it being at the "same time understood that the Government of the Dominion "will readily consent to the introduction of Responsible Govern- "ment when desired by the Inhabitants of British Columbia; and "it being likewise understood to be the intention of the Governor "of British Columbia, under the Authority of the Secretary of "State for the Colonies, to amend the existing Constitution of "the Legislature, by providing that a majority of its Members "shall be Elective;"

And, whereas, since the time when those Terms were offered, Her Majesty by an Order in Council, bearing date the 9th day of August, 1870, and made in pursuance of the "British Columbia Act, 1870," has established in this Colony the present Legislative Council, consisting of Nine Elective and Six Non-Elective Members, and has declared that it shall be lawful for the Governor, with the advice and consent of the said Council, to make Laws for the Peace, Order, and Good Government of this Colony;

And, whereas, the Legislature now established in this Colony is a Representative Legislature within the meaning of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session holden in the 28th and 29th years of the Reign of Her present Majesty, intituled "An Act to remove doubts as to the

Constitution Act.

the validity of Colonial Laws," and has power to make Laws respecting the Constitution, Powers, and Procedure of such Legislature;

And, whereas, it is desirable that this Colony should enter into the Union with the Dominion of Canada with a Constitution altered in some respects to that at present subsisting, and with an enlarged Legislative Assembly consisting of wholly Elective Members;

Be it enacted by His Excellency the Governor of the said Colony of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

- Interpretation.** 1. In this Act the term "Governor," shall mean the Officer Administering the Government of the Colony of British Columbia.
- Executive Power.** 2. The Executive Power shall, so far as the same is unaltered by this Act, be continued as it exists at present, subject, however, upon the Union of this Colony with the Dominion of Canada, to the provisions of the "British North America Act, 1867," Sections 58, 59, 60, 61, 62, 66, and 67, and to any other part of the said Act affecting the same, and to any Order of Her Majesty in Council framed in pursuance of the said Act, or to any Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed for the purpose of effecting the Union of this Colony with the Dominion of Canada.
- Composition of Executive Council; Officers included in the first instance.** 3. The Executive Council of British Columbia shall be composed of such persons as the Governor from time to time thinks fit, not exceeding Five, and in the first instance shall include the following Officers, namely: the Colonial Secretary, the Attorney General, and the Chief Commissioner of Lands and Works.
- Appointment of Executive Officers on vacancies.** 4. When either of the Offices held by the last mentioned Officers becomes vacant, that is to say, the Office of Colonial Secretary, of Attorney General, or of Chief Commissioner of Lands and Works, by the death, removal, or resignation, of the present occupants, the Governor may appoint Officers to hold such Offices respectively during pleasure, and may from time to time appoint other or additional Officers to be Members of the Executive Council, and to hold Office during pleasure, and the Governor in Council may from time to time prescribe the duties of those Officers and of the several Departments over which they shall preside, or to which they shall belong, and of the Officers and Clerks thereof; but so nevertheless that the whole number of Members of the Executive Council shall not exceed the number of Five as is hereinbefore in that behalf provided.
- Governor in Council may prescribe their duties.**
- Powers, duties, &c., of Executive Officers;** 5. All rights, powers, duties, functions, responsibilities, or authorities, at the passing of this Act, vested in, or imposed on, the Colonial Secretary, Attorney General, and Chief Commissioner of Lands and Works, or any other Officer to be appointed as aforesaid by the Governor, by any Proclamation, Law, Act, or Ordinance now in force in this Colony, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Governor for the discharge of the same or any of them, subject to the regulations from time to time made by the Governor in Council, as is hereinbefore provided.
- subject to prescription as above provided.**
- Legislative Assembly constituted.** 6. There shall be established in this Colony, instead of the Legislative Council now subsisting, a Legislative Assembly constituted in the manner hereinafter provided, and the Governor shall have power, by and with the advice and consent of the said Assembly, to make Laws in and for this Colony in all cases whatever, subject however after the Union of this Colony with the Dominion of Canada, if such Union shall take effect, to the provisions of the "British North America Act, 1867," or to any Order of Her Majesty in Council, or Act of the Parliament of the United Kingdom of Great Britain and Ireland, framed or passed for the purpose of effecting such Union.

Constitution Act.

7. The Legislative Assembly shall consist of Twenty-five Members to be Elected as hereinafter provided, and for the purpose of returning such Members the Colony shall be divided into Twelve Electoral Districts, the Boundaries whereof shall, for the purposes of this Act, be those set forth in the Schedule hereunto annexed marked A, each of which Districts shall return the number of Members assigned thereto in the said Schedule. No. of Assembly.
Electoral Districts.
8. No person accepting or holding in British Columbia any Office, Commission, or Employment, permanent or temporary, to which an Annual Salary, or any Fee, Allowance, or Emolument, or Profit of any kind, or Amount whatever from the Colony is attached, shall be eligible as a Member of the Assembly, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council as hereinbefore mentioned, or shall disqualify him to sit or vote in the Assembly, provided he is Elected while holding such Office. Restriction on Election of holders of Offices.
9. No person whosoever holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself, or by the interposition of any trustee, or third party, any Contract or Agreement with Her Majesty, or with any Public Officer or Department, with respect to the Public Service of this Colony, or under which any Public Money of this Colony is to be paid for any service or work, shall be eligible as a Member of the Legislative Assembly, nor shall he sit or vote in the same. No public contractor &c., to be eligible as member.
10. If any person disqualified or declared incapable of being Elected a Member of the Assembly by this Act or by any other Law in force in this Colony, is nevertheless elected and returned as a Member, his election and return shall be null and void. Election of persons disqualified to be void.
11. No person disqualified by this Act, or by any other Law, to be elected a Member of the Assembly, or to sit or vote in the same, shall sit or vote in the same while he remains under such disqualification. No disqualified person to sit or vote in Assembly.
12. If any person so disqualified, or declared incapable of sitting or voting in the Assembly, sits or votes therein he shall thereby forfeit the sum of Five Hundred Dollars for each and every day on which he so sits or votes, and such sum may be recovered from him by any person who will sue for the same by Action of Debt, Bill, Plaint, or Information, in any Court of competent Civil Jurisdiction in this Colony. Penalty for so doing;
how recoverable.
13. All Laws, which at the time this Act comes into operation are in force in this Colony, or are passed during the present Session of the Legislature, relative to the following matters or any of them, namely:
The qualifications and disqualifications of persons in any respect not provided for by this Act, to be elected or to sit or vote as Members of the existing Legislative Council, the qualifications or disqualifications of Voters, the Registration of persons qualified to vote, and the compilation and revision of Lists of all such persons, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the issuing, executing, and returning the necessary Writs for the election of Members to the said Council, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections, and the proceedings incident thereto, shall, when not absolutely repugnant to the provisions of this Act, respectively apply to elections of Members to serve in the Legislative Assembly of British Columbia constituted by this Act. Continuance of existing Election laws.
14. For the purposes of the first Election of the Members of the Assembly, and for all General Elections of Members of the Assembly, the Writs for the several Districts shall be issued by the Registrar of the Supreme Court, at the instance of the Governor, addressed to the Returning Officers respectively of each District. Writs for first Election.

15. The

Constitution Act.

Summoning of Assembly.

15. The Governor of British Columbia shall, from time to time, in the Queen's name, by Instrument under the Public Seal of British Columbia, summon and call together the Assembly.

Prorogation, dissolution, and duration of Assembly.

16. The Governor may by Proclamation in Her Majesty's name, under the Public Seal of the Colony, Prorogue or Dissolve the said Assembly when he shall think fit, and in the absence of such dissolution the Members of the said Assembly shall hold their seats for Four Years from the day of the returning of the First Writs for the Election of Members to the said Assembly, and no longer.

Oath of Allegiance.

17. No Member of the Assembly shall vote or sit therein until he shall have taken and subscribed the following Oath before the Governor or some other person authorized by him to administer such Oath:

"I, A. B., do swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to Law. So help me God."

But every person authorized by Law to make a solemn Affirmation or Declaration instead of taking an Oath, may make such Affirmation or Declaration in lieu of the said Oath.

Speaker to be elected.

18. The Assembly shall on their first meeting, before proceeding to the dispatch of business, elect one of their Members to be Speaker, which election being confirmed by the Governor, shall be valid and effectual during the continuance of the Assembly or until the said Speaker shall die, or resign his Office by writing under his hand, addressed to the Governor, or shall cease to be a Member of the Assembly.

Vacancy to be filled up.

19. In case of a vacancy happening in the Office of Speaker by death, resignation, or otherwise, the Assembly shall with all practicable speed, proceed to elect another of its Members to be Speaker.

Speaker to preside.

20. The Speaker shall preside at all Meetings of the Assembly.

Speaker not attending, Member may preside.

21. If the Speaker, from illness or other cause, does not attend a meeting of the Assembly, a Member elected by the Assembly may preside at such meeting until the close of such meeting, or until the Speaker himself arrives and takes the Chair; and whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during a meeting of the Assembly on any day, he may call upon any Member thereof to take the Chair and act as Speaker during the remainder of such day, unless the Speaker himself resume the Chair before the close of the sittings for that day, and the Member so elected or so called upon shall take the Chair and act as Speaker accordingly; and every Act passed, and every Order made and thing done by the said Assembly, while such Member is acting as Speaker as aforesaid, shall be as valid and effectual to all intents and purposes as if done while the Speaker himself was presiding in the Chair.

Speaker absenting himself during sitting may call upon Member to act.

Acting Speaker's acts, &c., valid.

If Speaker absent for 48 hours, another Member may be elected Speaker.

22. In case of the absence, for any reason, of the Speaker from the Chair of the Assembly for a period of forty-eight consecutive hours, the Assembly may elect another of its Members to act as Speaker, and the Member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of the Speaker.

Quorum for business.

23. The Assembly shall not be competent to the dispatch of any business, except that of adjournment, unless Nine Members be present, and for this purpose the Speaker, if present, shall be reckoned as a Member.

Voting, and Speaker's casting vote.

24. All questions shall be determined by a Majority of Votes of the Members present, other than the Speaker. When the Votes are equal, the Speaker shall have a Casting Vote.

Standing Rules and Orders.

25. The Assembly shall at its first meeting, and from time to time afterwards, as occasion may require, adopt Standing Rules and Orders for the orderly conduct of business.

26. The

Constitution Act.

26. The Governor may transmit by Message to the Assembly the Draft of any Laws which it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration by the Assembly, in such convenient manner as shall be by the Rules and Orders provided for that purpose.

Initiation of laws by the Governor.

27. Whenever any Bill shall be presented to the Governor for his assent thereto, he may return the same by Message for the re-consideration of the Assembly, with such amendments as he may think fitting.

Governor may return Bills passed by Assembly for re-consideration.

28. The provisions in the recited Order in Council of the 9th day of August, 1870, relating to the Governor's assent to Laws relating to Revenue Bills, and to disallowance of Laws by Her Majesty, shall be in force in this Colony, and apply as if they were inserted in this Act, but nothing in this Section contained shall be taken in any way to interfere with the operation of the 90th Section of the "British North America Act, 1867," after the Union of this Colony with the Dominion of Canada shall have been effected.

Certain provisions in Order in Council to apply until union with Canada.

29. Every Legislative Assembly of this Colony shall continue for Four Years from the day of the return of the Writs for choosing the same, and no longer, subject, nevertheless, to being sooner dissolved by the Governor.

Duration of Assembly.

30. There shall be a Session of the Legislature of this Colony once, at least, every year, so that twelve months shall not intervene between the last sitting of the Assembly in one Session and its first sitting in the next Session.

Yearly Session of Assembly.

31. If any Member of the Assembly shall, without the permission of the Assembly, fail during a whole Session to give his attendance in the said Assembly, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign State or Power, or shall do, concur in, or adopt any act whereby he may become the Subject or Citizen of any such State or Power, or shall become a Bankrupt or an Insolvent Debtor, or a Public Defaulter, or be attainted of Treason, or be convicted of Felony or any Infamous Crime, or if any Member of the Assembly, by accepting any Office, or becoming a party to any Contract or Agreement becomes disqualified by law to continue to sit or vote in the same, his Election shall thereby become void and the Seat of such Member shall be vacated, and a Writ shall forthwith issue for a new Election as if he were naturally dead.

Seat of Members forfeited in certain cases.

32. Provided, nevertheless, that whenever any person holding the Office of Colonial Secretary, Attorney General, or Chief Commissioner of Lands and Works, or any other Office, who is a Member of the Executive Council, and also a Member of the Assembly, resigns his Office, and within one month after his resignation accepts any other Office, but still remains a Member of the Executive Council, he shall not thereby vacate his Seat in the said Assembly.

Executive Officer may resign and accept another office without vacating seat.

33. Any Member of the Assembly wishing to resign his Seat may do so by giving in his place in the Assembly notice of his intention to resign, in which case, and immediately after such notice has been entered by the Clerk in the Journals of the House, the Speaker may address his Warrant under his hand and seal to the Registrar of the Supreme Court for the issue of a Writ for the Election of a new Member in the place of the Member resigning.

Member may resign by giving notice in his place; to be entered on Journals. Issue of Writ.

Or such Member may address and cause to be delivered to the Speaker a declaration of his intention to resign his Seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of the Assembly or in the interval between two Sessions; and the Speaker may, upon receiving such declaration, forthwith address his Warrant, under his hand and seal, to the Registrar of the Supreme

Or by declaration of his intention, in manner prescribed.

Constitution Act.

- Issue of Writ.** Supreme Court for the issue of a Writ for the Election of a new Member in the place of the Member so resigning, and a Writ shall issue accordingly; and an entry of the declaration so delivered to the Speaker shall thereafter be made in the Journals of the Assembly.
- Vacation of Seat.** And the Member so tendering his resignation shall be held to have vacated his Seat and cease to be a Member of the Assembly.
- No resignation to be tendered whilst Election is contested.** 34. No Member shall so tender his resignation while his Election is lawfully contested, nor until after the expiration of the time during which it may by law be contested.
- Provisions as to resignation between 2 Sessions when there is no Speaker, or if Member be himself Speaker.** 35. If any Member of the Legislative Assembly wishes to resign his seat in the interval between two Sessions of the Assembly, and there is then no Speaker, or if such Member be himself the Speaker, he may address and cause to be delivered to any Two Members of the Assembly, the Declaration before mentioned of his intention to resign; and such Two Members, upon receiving such Declaration, shall forthwith address their Warrant under their hands and seals, to the Registrar of the Supreme Court, for the issue of a new Writ for the Election of a Member in the place of the Member so notifying his intention to resign, and such Writ shall issue accordingly; and the Member so tendering his resignation, shall be held to have vacated his seat, and cease to be a Member of the Legislative Assembly.
- Issue of Writ.** 36. If any vacancy happens in the Assembly by the death of any Member, or by his accepting any Office, the Speaker on being informed of such vacancy by any Member of the Assembly in his place, or by notice in writing, under the hands and seals of any Two Members of the House, shall forthwith address his Warrant to the Registrar of the Supreme Court, for the issue of a new Writ for the Election of a Member to fill the vacancy, and a new Writ shall issue accordingly.
- If any such vacancy happens, and at any time thereafter, before the Speaker's Warrant for a new Writ has issued, there be no Speaker of the House, or the Speaker be absent from the Colony, or if the Member whose seat is vacated be himself the Speaker, then any two Members of the Assembly may address their Warrant, under their hands and seals, to the Registrar of the Supreme Court, for the issue of a new Writ for the Election of a Member to fill such vacancy, and such Writ shall issue accordingly.
- As to vacancies after General Election, and before first meeting of Assembly.** 37. The Registrar of the Supreme Court may, at the Governor's instance, issue a new Writ for the Election of a Member of the Legislative Assembly, to fill up any vacancy arising subsequently to a General Election, and before the first meeting of the Legislative Assembly thereafter, by reason of the death, or acceptance of Office of any Member, and such Writ may issue at any time after such death or acceptance of Office.
- But the Election to be held under such Writ, shall not in any manner affect the rights of any Person entitled to contest the previous Election; and the Report of any competent authority appointed to try such previous Election, shall determine whether the Member who has so died or accepted Office, or any other Person was duly returned or elected thereat, which determination, if adverse to the return of such Member, and in favour of any other Candidate, shall avoid the Election held under this Section; and the Candidate declared duly elected at the previous Election shall be entitled to take his seat, as if no subsequent Election had been held.
- Allowance to Members for attendance.** 38. In each Session of the Assembly, there shall be allowed to each Member of the Legislative Assembly attending at such Session, Five Dollars for each Day's attendance, during the period of Fifty Days, if the Session shall continue so long, but no such allowance shall exceed the sum of Two Hundred and Fifty Dollars.

Constitution Act.

Each day during the Session on which there has been no sitting, or on which the Member has been prevented by sickness from attending any sitting, but on which in either case he was in the place where the Session is held shall be reckoned as a day of attendance at such Session.

39. There shall also be allowed to each Member of the Legislative Assembly, Fifteen Cents for each Mile of the distance between the place of residence of such Member and the place at which the Session is held, reckoning such distance going and coming.

Allowance to Members for mileage.

40. Each Member at the close of any Session shall make and sign, before the Speaker of the Assembly, a solemn Declaration stating the number of Day's attendance, and the number of Miles of distance for which such Member is entitled to the said allowance; and such Declaration may be in the form in the Schedule hereunto annexed, marked B., and shall have the same effect as an Affidavit in the same form.

Declaration to be made by Members.

Form.

41. The Speaker shall settle the amount to which each Member is entitled under this Act for Allowances, and shall give a certificate under his hand, at the close of each Session, stating the amount to which each Member is entitled, distinguishing in each case the amount settled for attendance, and the amount settled for travelling expenses, which Certificate, together with the Declarations hereby required to be made by Members, shall be forwarded to the Governor by the Clerk of the Assembly.

Amounts to be settled by Speaker.

Certificate of Speaker to be forwarded to Governor.

42. Upon such Certificate and Declarations being forwarded as aforesaid, the Governor shall issue his Warrant to the proper Officer of the Treasury to pay the respective amounts to the Members named in such Certificate, and shall return the Declarations to the Clerk of the Assembly, to be kept by him amongst his official documents.

Governor to issue warrant on Treasury for amount.

43. No omission or failure to elect a Member or Members in or for any Electoral District, nor the vacating the seat or avoiding the Election of any such Member or Members, shall be deemed or taken to make the Assembly incomplete, or to invalidate any proceedings thereof, or to prevent such Assembly from meeting and despatching business, so long as there shall be a Quorum of Members present.

Omission to elect Member for any District, vacation of seat, &c., not to invalidate proceedings of Assembly.

44. It shall be lawful for the Legislature of this Colony from time to time to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Assembly, and by the Members thereof respectively. Provided, that no such privileges, immunities, or powers shall exceed those, at the passing of this Act, held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

Privileges of Legislature.

45. The appointment to Public Offices under the Government of British Columbia, hereafter to become vacant, or to be created, whether such Offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointments of the Officers who are also appointed Members of the Executive Council, which appointments shall be vested in the Governor alone.

Appointment to Public Offices.

46. No part of the Revenue of this Colony shall be issued out of the Treasury of this Colony, except in pursuance of Warrants under the hand of the Governor.

Warrants for issue of money.

47. This Act shall not come into operation until it has received Her Majesty's assent, nor until such assent has been proclaimed in this Colony by the Governor, nor until the expiration of such time as the Governor shall direct after such assent has been proclaimed as aforesaid, to be fixed by the Governor in such Proclamation.

Suspending clause.

48. If the projected Union of this Colony with the Dominion of Canada shall be carried into effect, this Act shall be construed, after this

How Act to be construed.

this

Constitution Act.

this Colony has been so united as aforesaid, anything hereinbefore contained to the contrary notwithstanding, as being subject to all the provisions contained in the "British North America Act, 1867," which may by such Union become applicable to this Colony, and to the provisions contained in any Order of Her Majesty in Council for the admission of this Colony into such Union as aforesaid, under the authority of that Act, and to the provisions contained in any Act of the Parliament of the United Kingdom of Great Britain and Ireland, made for the purpose of effecting such Union as aforesaid, or to any other provisions framed by competent authority, other than already mentioned, for such purpose.

Short Title.

49. This Act may be cited as "The Constitution Act, 1871."

Passed the Legislative Council the 7th day of February, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 14th day of February, 1871.

A. MUSGRAVE
Governor.

SCHEDULE A.

Cariboo District, as defined in a Public Notice from the Lands and Works Office on the 15th day of December, A.D. 1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th Clause of the "Mineral Ordinance, 1869," shall constitute one District, to be designated "Cariboo District," and return Three Members.

Lillooet District, as defined in the said Public Notice, shall constitute one District, to be designated "Lillooet District," and return Two Members.

Yale District, as defined in the said Public Notice, shall constitute one District, to be designated "Yale District," and return Three Members.

Kootenay District, as defined in the said Public Notice, shall constitute one District, to be designated "Kootenay District," and return Two Members.

New Westminster and the Coast Districts, as defined in the said Public Notice, other than and except that portion thereof next hereinafter defined as New Westminster City District, shall constitute one District, to be designated "New Westminster District," and return Two Members.

All that tract of land indicated as the City and Suburbs of New Westminster upon an Official Map now deposited in the Lands and Works Office, Victoria, which Map is designated "District of New Westminster," "Suburbs," bears the Official Seal of the Lands and Works Department, and is signed "R. C. Moody," the exact boundaries of which tract of land are defined on the said Map by a dotted line and by the bank of the Fraser River, shall constitute one District, to be designated "New Westminster City District," and return One Member.

That tract of land comprised within the Municipal limits of the City of Victoria, as defined by law for the time being, shall constitute one District, to be designated "Victoria City District," and return Four Members.

Those tracts of land included within Nanaimo, Mountain, Cedar, and Cranberry Districts, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Nanaimo District Official Map, 1859," "Mountain District Official Map, 1859," "Cedar District Official Map, 1859," "Cranberry District Official Map, 1859," shall constitute one District, to be designated "Nanaimo District," and return One Member.

Those

Constitution Act.

Those tracts of land included within Cowichan, Quamichan, Somenos, Comiakén, Shawnigan, Chemainis, and Salt Spring Island, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Cowichan District," "Quamichan District," "Somenos District," "Comiakén District," "Shawnigan District," "Chemainis District Official Plan," and "Salt Spring Island District," shall constitute one District, to be designated "Cowichan District," and return Two Members.

That tract of land defined on the Official Map of Comox District now deposited in the Land Office, Victoria, under the name "Official Map, Comox District," shall constitute one District, to be designated "Comox District," and return One Member.

Those tracts of land, other than and except Victoria City District hereinbefore mentioned, comprised within the Victoria, Lake, North Saanich, and South Saanich Districts, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Victoria District Official Map, 1858," "Lake District," "North Saanich, 1859," "South Saanich Official Map, 1859," shall constitute one District, to be designated "Victoria District," and return Two Members.

Those tracts of land comprised within the Metehosin, Esquimalt, Sooke, and Highland Districts, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Metehosin District Official Map, Anno 1858," "Esquimalt District Official Map, 1858," "Sooke District Official Map, 1858," "Highland District Official Map, 1862," shall constitute one District, to be designated "Esquimalt District," and return Two Members.

Provided that all Islands not hereinbefore mentioned, and parts of Islands, adjacent to any of the above Districts in Vancouver Island, shall be included in the Districts which are nearest to those Islands, and parts of Islands, respectively.

SCHEDULE B.

I, A. B., one of the Members of the Legislative Assembly, solemnly declare that I reside at _____, which is distant _____ miles from _____, where the Session of the Assembly which began on the _____ day of _____ 18____, was held; that during the said Session I was present _____ days at _____, where the Session was held; and that on each of the said days on which there was a sitting of the said Assembly I attended such sitting, or a sitting of some Committee thereof, * except only on _____ days, on _____ ** of which days I was prevented by sickness from attending any such sitting though I was then present at _____ ***

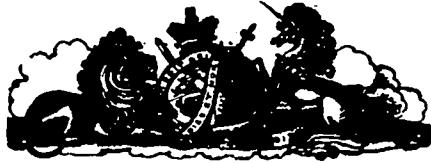
Declared before me this _____ day of _____ 18____, _____
 C. D.,
 Clerk of the Legislative Council. _____
 Signature, A. B.

If the Member attended a sitting of the House, or of some Committee, on every sitting day during the time at which he was present where the Session was held, omit the words from * to ***, and if his non-attendance was not on any day occasioned by sickness, omit the words from ** to ***.

 VICTORIA, B. C. :

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 4.

An Act granting a Supplemental Supply of Forty-five thousand nine hundred and sixty-nine dollars and seven cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the year 1870.

[24th February, 1871.

MOST Gracious Sovereign: whereas certain further Supplies Preamble. are required for the use of Your Majesty; and whereas, we, the Legislative Council of British Columbia, do cheerfully grant the same; we do therefore beseech Your Majesty that it may be enacted; and

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows;—

1. That the sum of Forty-five thousand nine hundred and sixty-nine dollars and seven cents, be granted to the use of Her Majesty, for the purposes mentioned in the Schedule hereto, and that the same be paid out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1870; and the Governor of the said Colony is hereby authorized to empower the Officer acting as Treasurer of the said Colony to give and apply the same accordingly. Grants Supplemental Supply of \$45,969 07.

Passed the Legislative Council the 23rd day of February, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 24th day of February, 1871.

A. MUSGRAVE
Governor.

SCHEDULE.

SCHEDULE.

SERVICES EXCLUSIVE OF ESTABLISHMENTS.

| | | |
|--|--------|----|
| Revenue Services, Exclusive of Establishments..... | \$ 570 | 00 |
| Administration of Justice Do. | 1,650 | 00 |
| Charitable Allowances | 560 | 00 |
| Police and Gaols, Exclusive of Establishments..... | 4,853 | 00 |
| Transport..... | 4,398 | 00 |
| Works and Buildings | 7,278 | 00 |
| Roads, Streets, and Bridges | 4,000 | 00 |
| Miscellaneous Services | 17,440 | 00 |
| Government Vessels | 1,750 | 00 |
| Light Houses | 551 | 00 |
| Deposits | 1,919 | 07 |
| The Commissioners of Savings Banks' Account..... | 1,000 | 00 |

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 5.

An Act to amend "The Tolls Exemption Ordinance, 1865."

[24th February, 1871.

WHEREAS by "The Tolls Exemption Ordinance, 1865," it is amongst other things provided, that all wheat, beans, peas, oats, barley, and grain of all kinds, hay, roots, vegetables, and other agricultural produce in an unprepared state, the growth of the Colony of British Columbia, should be exempt from liability to any Road or Ferry Tolls in the Colony, subject as is therein mentioned; and it is expedient to exempt flour and meal, manufactured in this Colony from wheat, beans, peas, oats, barley, and grain of all kinds which have been grown in the Colony also from Road and Ferry Tolls;

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. From and after the passing of this Act, all flour and meal manufactured in this Colony from wheat, beans, peas, oats, barley, and grain of all kinds, grown in the Colony, shall be exempt from liability to any Road or Ferry Tolls in the Colony, payable to the use of Her Majesty, Her heirs and successors, in like manner as if such flour and meal respectively had been specified in "The Tolls Exemption Ordinance, 1865."

Exempts Flour manufactured in the Colony from Road Tolls.

II. This Act may be cited as "The Tolls Exemption Ordinance, 1865, Amendment Act."

Short Title.

Passed the Legislative Council the 23rd day of February, A. D. 1871.

CHARLES GOOD, Clerk of the Council.

PHILIP J. HANKIN, Speaker.

Assented to, in Her Majesty's name, this 24th day of February, 1871.

A. MUSGRAVE Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE. 1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIA REGINÆ.

No. 6.

An Act respecting Literary Societies and Mechanics' Institutes.

[24th February, 1871.

WHEREAS it is expedient that facilities should be afforded for the Preamble.
Incorporation of Literary Societies and Mechanics' Institutes;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. Any number of Persons, not less than Ten, having subscribed or holding together not less than One hundred Dollars in money or money's worth, for the use of their intended Society or Institute, may make and sign a Declaration (in duplicate) of their intention to establish a Literary Society or a Mechanics' Institute, or both (as the case may be), at some place in British Columbia to be named in such Declaration, in which they shall also state:—

Declaration to be made by persons intending to establish a Literary Society or Mechanics' Institute.

1. The Corporate name of the Society or Institute;
2. Its purpose;
3. The amount of money or money's worth subscribed by them respectively, or held by them for the use thereof;
4. The names of those who are to be the first Trustees, Directors, or Committee for managing its affairs; and
5. The mode in which their Successors are to be appointed, or new Members of the Corporation admitted, or in which By-Laws are to be made for such appointment or admission, or for any other purpose or for all purposes; and
6. Generally, such other particulars and provisions as they may think necessary, not being contrary to this Act or to Law.

II. One duplicate of such Declaration shall be filed in the Office of the Registrar General of Titles, or of any Deputy Registrar, by one of the subscribing parties, who shall before such Registrar acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their Attorneys.

Duplicate of Declaration to be filed in office of Registrar General.

III. Such Registrar General or Deputy Registrar shall keep the duplicate so filed, and deliver the other to the person who filed it, with a Certificate of the same having been so filed and of the execution having been attested before him, and such duplicate or any copy thereof certified by such Registrar General or Deputy Registrar, shall be *prima facie* evidence of the facts alleged in such Declaration and Certificate.

Certificate of filing granted.

IV. A fee of Five Dollars shall be paid to the Registrar General or Deputy Registrar aforesaid, for his own use, for the filing of such Declaration and delivering the Certificate thereof as aforesaid.

Fee for filing.

V. When

Literary Societies Act.

- On filing of the Declaration the Literary Institute to be a body corporate.** V. When the formalities aforesaid have been complied with, the Persons who signed such Declaration, or the Trustees, Directors, or Committee for the time being of any such Society or Institute, or United Societies or Institutes, and their Successors shall be a body corporate and politic, and shall have the powers, rights, and immunities vested in such bodies by Law, with power to such Corporation in their corporate name, from time to time to acquire and hold to them and to their Successors, for the use of such Corporation, any messuages, lands, tenements, or hereditaments situate within this Colony, subject to the limits hereinafter specified.
- Declaration to be made in the case of existing Institutions** VI. In case of a Literary Society or Mechanics' Institute (or both united) established or in existence when this Act takes effect, the Trustees, Directors, or Committee thereof for the time being may make and sign a Declaration of their wish or determination to become Incorporated according to the provisions of this Act, stating in such Declaration the corporate name to be assumed by such Society or Institute, or United Societies or Institutes; and, also, with such Declaration file, in the manner hereinafter provided, a copy of the Constitution and By-Laws of such Society or Institute, or United Societies or Institutes, together with a general statement of the nature and amount of all the Property, Real or Personal, held by or in trust for such Society or Institute, or United Societies or Institutes.
- Value of land which may be held.** VII. Any Literary Society or Mechanics' Institute duly Incorporated, and situate in any Town or City having Three thousand Inhabitants, or more, may hold Real Property not exceeding in annual value the sum of Two thousand Dollars.
- Managing body of such Corporations.** VIII. Any Literary Society or Mechanics' Institute duly Incorporated, and situate in any Village, Town, or City not having Three thousand Inhabitants, may hold Real Property not exceeding in annual value the sum of One thousand Dollars.
- Who shall be a Member thereof.** IX. The affairs of every such Corporation shall be managed by the Trustees, Directors, or Committee thereof for the time being appointed as hereinafter, or by any By-Law of the Corporation provided, who, or a majority of whom, may exercise all the powers of the Corporation, and act in its name and on its behalf, and use its Seal, subject, always, to any provisions limiting the exercise of such powers in the Declaration aforesaid, or in any By-Law of the Corporation.
- By-Laws.** X. For the purposes of this Act, and where not otherwise specially provided, a member of any such Society or Institute as aforesaid shall be a person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of members (if any); but in all proceedings under this Act, no Person shall be entitled to vote or be counted as a member whose current subscription shall be in arrear at the time.
- Election of governing body.** XI. Such Trustees, Directors, or Committee, or a majority of them, may make By-Laws binding the Members and Officers thereof, and all others who not being Members agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the Declaration aforesaid that By-Laws shall be made in some other manner.
- Failure to elect not to operate, a dissolution of the Corporation.** XII. The members of every such Corporation may, at their Annual Meeting to be held on the day appointed by a By-Law of the Corporation, choose from among themselves a Board of Trustees, or Directors, or a Committee of such Corporation, who shall hold office for One Year, or such further time as may be hereinafter limited or permitted, and shall be the governing body of such Corporation for the time being.
- XIII. A failure to elect Trustees, Directors, or a Committee on any day appointed for that purpose by the Declaration aforesaid, or by any By-Laws, shall not operate the dissolution of the Corporation, but the Trustees, Directors, or Committee then in office shall remain in office until their Successors are elected, which they may be (if no other provision be made therefor by the Declaration or By-Laws) at any meeting of members of the Corporation at which a majority of such members are present, in whatever way such meeting may have been called.

Literary Societies Act.

XIV. Every such Corporation may by its By-Laws impose a fine not exceeding Five Dollars on any member contravening the same, or on any person not being a member of the Corporation who has in writing agreed to obey the By-Law for the contravention whereof it is imposed.

Fines may be imposed.

XV. Any such fine, if incurred, and any subscription or other sum of money which any member or other person may have agreed to pay to the Corporation for his subscription to the funds of the Corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or for attending any Lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation, by action in any Court having jurisdiction in Civil matters, to the amount on allegation and proof of membership, or of the signature of the defendant to some writing, by which he has undertaken to pay such subscription or to obey such By-Laws, and of the breach of such undertaking, which breach as regards a promise to pay any sum of money shall be presumed, until the contrary is shewn, and as regards the contravention of any such By-Law may be proved by the oath of any one credible witness.

Mode of recovering fines.

XVI. In any action to which the Corporation may be a party, any member or officer of the Corporation shall be a competent witness, and a copy of any By-Law bearing the signature of the defendant, or bearing the seal of the Corporation, and the signature of some person purporting to have affixed such seal by authority of the Corporation, shall be *prima facie* evidence of such By-Law.

In any action a Member may be a witness, and copy of By-Law under seal evidence thereof.

XVII. Any fine incurred may be recovered in like manner as a subscription or other sum of money, and all fines so recovered shall belong to the Corporation, for the use thereof.

Fines belong to Corporation.

XVIII. Any such Corporation may, if so stated in the Declaration aforesaid, be at the same time a Mechanics' Institute and a Literary Society, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute or of a Literary Society, or both, as the case may be, and no other; but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other.

Business and purpose of such Corporations.

XIX. If it be provided in the Declaration aforesaid, or by the By-Laws of the Corporation, that the shares of the members, or of any class of members, in the property of the Corporation shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in such Declaration or By-Laws, if by such Declaration such transfers are to be regulated by them.

Shares to be transferable.

XX. All such shares shall be personal property, and by the Declaration or By-Law, provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

Personal property, and may be forfeited.

XXI. Provision for the dissolution of such Corporation may be made by the Declaration, or it may be therein provided that such provision may be made by the By-Laws of the Corporation; but no such dissolution shall take place until the liabilities of the Corporation are discharged.

Provision for dissolution.

XXII. Any member of any such Corporation who shall steal, purloin, or embezzle the money, securities for money, goods, or chattels of the Corporation, or wilfully and maliciously, or wilfully and unlawfully destroy or injure the property of such Corporation, or shall forge any deed, bond, security for money, receipt, or other instrument whereby the funds of the Corporation may be exposed to loss, shall be subject to the same prosecution, and if convicted by any Court of competent jurisdiction, shall be liable to be punished in like manner as any person not a member would be subject and liable to in respect of the like offence.

Punishment for stealing property of Corporation;

XXIII. If any person shall knowingly buy, take in exchange, or have in his possession or keeping, without satisfactorily accounting for the same, any book or other article which is the property of

and for having any property of the Corporation in possession without accounting therefor.

Literary Societies Act.

any such Corporation, he shall, whether a member of such Corporation or not, be liable to a penalty not exceeding One hundred Dollars, with or without imprisonment for any term not exceeding Three calendar Months, on conviction of such offence by or before any Stipendiary Magistrate or two Justices of the Peace.

Short Title.

XXIV. This Act may be cited for all purposes as "The Literary Societies Act, 1871."

Passed the Legislative Council the 10th day of February, A. D. 1871,

CHARLES GOOD,

Clerk of the Council.

PHILIP J. HANKIN,

Speaker.

Assented to, in Her Majesty's name, this 24th day of February, 1871,

A. MUSGRAVE,

Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 7.

An Act relating to proceedings under "The Tax Sale Repeal Ordinance, 1867."

[2nd March, 1871.

WHEREAS by "The Tax Sale Repeal Ordinance, 1867," it was Preamble. provided amongst other things, that it should be lawful for the Governor at any time, and from time to time thereafter, to cause a list to be made out of Taxes and Sums due and chargeable on Real Estate, in respect of the Real Estate Tax Acts of the years 1860 and 1862, of the then lately separate Colony of Vancouver Island and its Dependencies, and of the said "Tax Sale Repeal Ordinance, 1867," and to cause the same to be published in the *Government Gazette*, for the period of time therein mentioned, at the expiration of which period, provision was thereby made in default of payment within the time therein specified for the recovery of the amounts mentioned in such list;

And, whereas, such list has been made out and published in the *Government Gazette*, in pursuance of the provisions of the said Ordinance;

And, whereas, it has been alleged that numerous inaccuracies exist in such list, and that many of the sums appearing in such list to be due and chargeable on Real Estate are not in reality so due and chargeable;

And, whereas, it has been considered advisable to appoint Commissioners, with power to enquire fully into such complaints, and generally as to the correctness of such list, and report thereon to the Governor of this Colony;

And, whereas, it is desirable that such Commissioners should be empowered to examine Witnesses upon Oath; that the Governor should have power to act upon the Report of such Commissioners; and that provision should be made for the payment of the expenses involved in the execution of such Commission;

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. The

The Tax Sale Repeal Ordinance, 1867, Amendment Act.

Empowers Governor to appoint Commission to enquire into arrears of Taxes due on Real Estate.

Power of Commissioners.

I. The Governor may appoint any Person or Persons, by Commission in Her Majesty's name, and under the Public Seal of this Colony, to enquire into the alleged erroneous charges and inaccuracies in the said List so published in the *Government Gazette* as aforesaid, and generally to enquire into the correctness of such List by revising the same; and such Commissioner or Commissioners shall have the power of summoning before him or them any party or witness, and of requiring such party or witness to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioner or Commissioners may deem requisite to the full investigation of the matters into which they are hereby appointed to examine; and such Commissioner or Commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any witness on oath or solemn affirmation, before such Commissioner or Commissioners as aforesaid, shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by answering which he might render himself liable to a criminal prosecution.

Governor may take action on Commissioners' Report.

II. It shall be lawful for the Governor, upon receiving any Report from such Commissioner or Commissioners, to act upon the same, in such manner as he may deem advisable, and to remit any amounts that may appear in such List to be due or chargeable on any Real Estate mentioned therein, and to give such instructions as he may deem expedient for the purpose of rectifying and completing such List. Provided that if any new charge is placed upon such List the same shall be published in the *Government Gazette*, as required by "The Tax Sale Repeal Ordinance, 1867."

Empowers Governor to remunerate Commissioners.

III. It shall be lawful for the Governor to issue his Warrant to the proper Officer of the Treasury, for any sum or sums that he may think fit, as a remuneration for the said Commissioner or Commissioners, and also for such sum or sums as may be requisite to pay for the attendance of witnesses giving evidence before such Commissioner or Commissioners, and also for such further charges and expenses as shall, with the approval of the Governor, be incurred, laid out, and expended in the course of such enquiry as aforesaid.

Interpretation Clause.

IV. The term "Governor" shall mean the Officer for the time being Administering the Government of this Colony.

Short Title.

V. This Act shall be read as part of "The Tax Sale Repeal Ordinance, 1867," and may be cited for all purposes as "The Tax Sale Repeal Ordinance, 1867, Amendment Act."

Passed the Legislative Council the 23rd day of February, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 2nd day of March, 1871.

A. MUSGRAVE,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIA REGINÆ.

No. 8.

An Act to encourage the introduction into British Columbia of Thomson's Patent Road Steamers.

[8th March, 1871.

WHEREAS, JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, of Victoria, British Columbia, propose to import and use upon the Public Roads on the Mainland of British Columbia, for the carriage of Goods and Passengers, certain Traction Engines propelled by steam, and known as "Thomson's Patent Road Steamers,"

Preamble.

And, whereas, it is expedient for the purpose of encouraging the importation and use of such Steamers, that certain privileges should be granted and secured to the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD:

I. The said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, and Assigns, shall henceforth have the privilege of using Thomson's Patent Road Steamers on the Public Road on the Mainland of British Columbia, between the Town of Yale and Williams Creek in British Columbia aforesaid, and commonly known as the Yale-Clinton and Clinton and Cameron-town, or the Cariboo Road, subject to any Law hereafter to be made regulating the use of Locomotives on Public Roads generally. Provided that the Tires of the Wheels of the said Road Steamers shall not be less than 12 inches in width, and the Tires of any new Waggons, hereafter to be constructed and used therewith, shall not be less than 6 inches in width.

Confers privilege on J. C. Beedy and F. J. Barnard, to use Thomson's Patent Road Steamers.

II. For the period of One Year, to be computed from the date of the passage of this Act, the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, and Assigns, shall, upon complying with all the requirements of this Act, have the exclusive privilege of using the said Patent Road Steamers and suitable Carriages and Waggons for the said purposes on the said Road; and during the said period, it shall not be lawful for any other Person or Persons, Company or Companies, to use such Engines on the said Road.

Privilege to be exclusive for one year.

III. In case any damage is done to any portion of the said Public Road, or to any Bridge on the said line of Road, by the use of any such Patent Road Steamer, or by any Carriages or Waggons attached thereto or employed therewith, beyond what, in the opinion of the Chief Commissioner of Lands and Works, or some other Officer specially appointed by the Governor in Council for the

Damage done to Road to be repaired at cost of Beedy & Barnard.

Patent Road Steamers Act.

Bond of \$10,000 to be executed by Beedy and Barnard for such repairs.

the purpose of inspecting such Road, the ordinary traffic upon such Road would have occasioned; such damage shall be repaired by the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors or Administrators, to the satisfaction of the said Chief Commissioner of Lands and Works, or other Officer so specially appointed as aforesaid; and the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD shall, on or before the 1st day of April next, enter into a Bond, with good and sufficient securities, in the amount of Ten Thousand Dollars, to be approved by the Governor in Council, to Her Majesty the Queen, conditioned to perform any such repairs that may be required, in the manner and to the satisfaction of such person as is hereinbefore in that behalf mentioned. Provided that no greater weight shall be allowed to be carried on the Thomson River Bridge than has heretofore been accustomed, and that an amount, in proportion to the amount of goods carried and to the number of oxen or other animals that would otherwise have been employed in such carriage of goods by the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, be allowed to the proprietors of such Bridge, until the expiration of the "Thompson Bridge Toll Act, 1864;" such amount to be fixed, in case of dispute, by the Stipendiary Magistrate of the District.

Improvements to Roads to be carried out by Beedy and Barnard, under control of Lands and Works Department.

IV. Wherever it may be necessary or advisable, in the opinion of the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, to strengthen or support any of the Bridges now erected or built on the said line of Road, or to make any alterations or improvements to the Road, by lessening the grade, removing obstructions, or otherwise, for the purpose of facilitating the working of such Road Steamers, together with the said carriages and waggons, all such work that may be necessary or advisable to be done for the purpose of strengthening or supporting such Bridges as aforesaid, and all such alterations and improvements to the Road, shall be done, made, and effected by the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns. Provided that all such work, repairs, and improvements shall be done, made, and effected under the supervision and control of the Department of Lands and Works, or any Officer specially authorized by such Department in that behalf.

Beedy and Barnard may make reasonable charges for conveyance of goods and passengers for one year.

V. It shall be lawful for the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, for the period of One Year from the date of the passage of this Act, to make such reasonable charges, in respect of the conveyance of Goods and Passengers that may be offered to them for carriage, as the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, may from time to time determine upon.

Beedy and Barnard to have rights and suffer penalties of Common Carriers. Certain goods 'excepted of a dangerous character.

VI. The said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, and Assigns, shall have all the rights and privileges, and be subject to all the liabilities of Common Carriers. Provided, always, that no person shall be entitled to require the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, to carry any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, may be of a dangerous nature; and it shall be lawful for the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, or Assigns, to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Material may be imported Duty Free till July 1871.

VII. All Patent Road Steamers, and all Materials for the construction of Waggons and Carriages to be used therewith, and all Tools requisite for the repair of such Patent Road Steamers, Carriages,

Patent Road Steamers Act.

Carriages, and Waggons, that may be introduced into the Colony of British Columbia by the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, from and after the time when this Act shall become law, and up to the First day of July, A. D. 1871, for the purposes of their business as Common Carriers, shall be allowed to enter any Port or Ports of British Columbia free from duty. Provided that if any other person or persons shall, during the period for which an exclusive right is hereby granted to the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, introduce and use upon the said Road, any Road Steamer or Steamers not prohibited by this Act, the person or persons so introducing such Road Steamer or Steamers shall be liable to pay to the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, such a proportion of the expense that may have been or may be incurred by the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, in strengthening Bridges and otherwise altering and fitting the said Road for the use of their Road Steamers (provided, always, that the said Chief Commissioner shall deem such alterations and improvements necessary for the employment of such other Traction Engines) as the Commissioner of Lands and Works may determine, having regard to the number and weight of Steamers employed; and after the said Commissioner shall have determined the amount to be paid by the person or persons aforesaid, the said JOSIAH CROSBY BEEDY and FRANCIS JONES BARNARD, their Executors, Administrators, or Assigns, may maintain an action for such amount against such person or persons, in any Court of competent jurisdiction in British Columbia.

Other parties using Road Steamers shall be assessed for damage done and for share of expense incurred by Beedy and Barnard in altering Roads.

VIII. In the construction of this Act the words "Thomson's Patent Road Steamers," shall mean Traction Engines propelled by steam, with improved wheels, intended to run on common Roads, such improvements consisting in applying to the wheels of such Steamers external bands or tires of vulcanized rubber; such external bands or tires of rubber being either in single bands, or in pieces or segments. Interpretation Clause.

IX. This Act may be cited for all purposes as "The British Columbia Patent Road Steamers Act, 1871." Short Title.

Passed the Legislative Council the 28th day of February, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 8th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIA REGINÆ.

No. 9.

An Act to repeal "The Customs Amendment Ordinance, 1870."

[8th March, 1871.]

WHEREAS it is expedient to repeal "The Customs Amendment Ordinance, 1870;" Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council, as follows:

I. "The Customs Amendment Ordinance, 1870," shall be and the same is hereby repealed; but such repeal shall not in any way be taken to prevent the collection of the Duty leviable upon Spirits prior to the passing of that Ordinance, which Duty shall, after this Act comes into operation, be collected as if "The Customs Amendment Ordinance, 1870," had never been passed. Repeals "Customs Amendment Ordinance, 1870."

II. This Act shall not come into operation until Her Majesty's assent thereto has been proclaimed in the Colony. Suspending clause.

III. This Act may be cited for all purposes as the "Customs Repeal Act, 1871." Short Title.

Passed the Legislative Council the 1st day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 8th day of March, 1871.

A. MUSGRAVE,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIA REGINÆ.

No. 10.

An Act to amend the "Fire Companies' Aid Ordinance, 1869."

[8th March, 1871.]

WHEREAS it is expedient that further provision should be made for the raising of funds for the support of the Fire Establishments of the City of Victoria, in addition to the provisions contained in the "Fire Companies' Aid Ordinance, 1869;" Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. In addition to the rates levied and collected, or hereafter to be levied and collected, upon and from all Agents of Fire Insurance Companies issuing Policies of Insurance against Fires within the limits of the City of Victoria, upon property situate within such limits, there shall be payable to the Municipal Council thereof, by the Agent or Agents of each and every such Fire Insurance Company, so carrying on business within the said limits, the annual sum of Three hundred Dollars; such sum to be payable by four equal quarterly payments, each of Seventy-five Dollars in each year, on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December, respectively; and the first of such quarterly payments shall be made on the 31st day of March, A. D. 1871, and they shall continue thenceforth to be made on each such quarter day as above mentioned. Levies a further rate of \$300 on Fire Insurance Companies.

II. Every such quarterly payment shall be made when due, as aforesaid, by the Agent or Agents of every such Fire Insurance Company, to the Clerk of the said Council, at the Council Chambers, in the City of Victoria; and such Clerk shall keep an account thereof; and if any such quarterly payment shall be in arrear for a period of thirty days, the same shall be recoverable by action, to be brought against such Agent or Agents, or the Company which he or they represent, at the election of the said Clerk, as a debt due to him and in his name, in any Court of competent jurisdiction in the Colony; and all moneys raised by virtue of this Act, after deducting the expenses of collection or recovery thereof, shall be applied, from time to time, by the said Municipal Council towards the Provides for payment of the same.

Fire Companies' Aid Amendment Act.

the maintenance of the said Fire Establishments, in such manner and subject to such conditions as the said Council shall in their uncontrolled discretion think most proper.

Fire Companies'
Aid Ordinance not
repealed.

III. Nothing herein contained shall be deemed to repeal the "Fire Companies' Aid Ordinance, 1869," or any part thereof: provided that the aggregate of the sums of money to be raised by virtue of the said Ordinance, and of this Act, shall not be limited to the annual sum of Three thousand Dollars.

Short Title.

IV. This Act may be cited for all purposes as the "Fire Companies' Aid Amendment Act, 1871."

Passed the Legislative Council the 2nd day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 8th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, E. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 11.

An Act to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year.

[8th March, 1871.

WHEREAS it is desirable to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year;

Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. The first sitting of the said Court of Appeal, during this present year, shall be held on the First day of April, or the first Monday thereafter, and on any subsequent days such Court may appoint during the month of April.

Extends sitting of Court of Appeal in 1871 to 1st April.

II. This Act shall be read and construed together with "The Road Amendment Ordinance, 1870."

This Act to be construed with "Road Amendment Ordinance, 1870."

III. This Act may be cited for all purposes as "The Road Appellate Court Extension Act, 1871."

Short Title.

Passed the Legislative Council the 2nd day of March, A. D. 1871.

CHARLES GOOD, -
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 8th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIA REGINÆ.

No. 12.

An Act to amend the Law as to the qualification of Electors, and of Elective Members for the Legislature, and to provide for the Registration of Persons entitled to Vote at Elections of such Members.

[14th March, 1871.

WHEREAS by a Proclamation bearing date the 13th day of Preamble.
October, 1870, and issued by the Governor of this Colony under and by virtue of the powers and authorities conferred upon him by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council bearing date the 9th day of August, 1870, made in pursuance of the said Act, amongst other things certain provisions were made as to the Qualification of Electors and Elective Members;

And, whereas, it is expedient to amend the Law as to the Qualification of Electors and of Elective Members of the Legislature, and to provide for the Registration of Persons entitled to Vote at Elections for such Members;

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

1. No person shall be capable of being Elected a Member of Qualification of Members.
the Legislature who shall not be duly registered or entered on the Register of Electors for some Electoral District of the Colony according to the provisions of this Act at the time of his election, and who shall not have been resident within this Colony for One Year previous to the date of his election; and no person shall be capable of being elected a Member to serve in the Council who shall be a Minister of any Religious Denomination, whatever may be his title, rank, or designation.

2. No Judge of the Supreme Court or of the County Courts, no Persons disqualified from voting.
Stipendiary Magistrate, no Constable or Police Officer, no Returning Officer, except in cases to be hereafter provided, shall be entitled to vote at any Election of a Member of the Legislature.

3. Every male of the full age of Twenty-one Years, not being Qualification of Electors.
disqualified by this Act or by any other Law in force in this Colony, being entitled within this Colony to the privileges of a natural-born
British

Qualification and Registration of Voters' Act.

British Subject and being able to read English, or if a natural-born British Subject being able to read the language of his Country, having resided in this Colony for Six Months previous to sending in his claim to vote as hereinafter mentioned, who shall have a freehold estate in possession, situate within the Electoral District for which his vote is to be given, of the clear value of Two Hundred and Fifty Dollars above all charges and incumbrances affecting the same, or shall have a leasehold estate in possession, situate as aforesaid, of the annual value of Forty Dollars above all charges and incumbrances affecting the same, or shall be a householder within such District occupying any house, warehouse, counting-house, office, shop, or other building or premises of the clear annual value of Forty Dollars, or shall pay for lodging the sum of Forty Dollars annually, or for board and lodging the sum of Two hundred Dollars annually within such District as aforesaid, or who shall hold a duly recorded pre-emption claim to not less than One Hundred Acres within such District as aforesaid, or a free mining license upon which a claim has been duly recorded within such District as aforesaid shall, being duly registered under the provisions of this Act, be entitled to vote at the Election of a Member or Members of the Legislative Council. Provided that no person shall be entitled to be registered unless he shall have been seised, or possessed of, or occupied, used, held, or enjoyed the qualification in respect of which he shall claim to be registered for the period of Three Calendar Months at least previous to sending in his claim to vote as hereinafter mentioned. Provided, also, that no person shall be entitled to be registered as aforesaid, who shall have been convicted of any Treason, Felony, or other Infamous Offence, unless he shall have received a free or conditional pardon for such offence, or have undergone the sentence passed upon him for such offence. Provided, also, that no person shall be entitled to be registered as aforesaid, in respect of such estate or occupation, unless at the time of such registration he shall have paid up all Rates and Taxes, other than Municipal, which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupation, except such as shall have become payable during Three Calendar Months next before registration, except such as are due or alleged to be due at the time of the passing of this Act. Provided, also, that no natural born British Subject who has renounced his allegiance, or sworn allegiance to any Foreign State, or become the citizen of any Foreign State, shall be entitled to be registered under the provisions of this Act, until he shall have taken the oath of allegiance to Her Majesty before some Judge of the Supreme or County Courts, Magistrate, or Justice of the Peace in this Colony, which oath such Judge, Magistrate, or Justice of the Peace is hereby authorized to administer in the following words:—

Oath of Allegiance.

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to law. So help me God.”

And such oath shall be in writing, and shall be signed by the person taking the same, and by the Judge, Magistrate, or Justice of the Peace before whom the same is taken, and shall be delivered to the person taking the same.

But every person authorized by Law to make a solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath, provided that such affirmation or declaration is also in writing and signed in the same manner as is above required when an oath is taken, and shall be in like manner delivered to the party; and the production of such oath, affirmation, or declaration shall be *prima facie* evidence that the person producing it and purporting to have signed it has duly taken or made the same.

No public tax, &c.,
a charge or incum-
brance.

4. No public tax, rate, or charge, shall be deemed to be any charge or incumbrance on lands within the meaning of this Act.

5. Where

Qualification and Registration of Voters' Act.

5. Where any freehold estate or any lands and tenements are jointly owned, held, or occupied by more than one person, each of such joint owners, holders, or occupiers, shall be entitled to be registered as an elector and to vote at the Election of Members to serve in the Council. Provided the value of his individual share or interest in the said freehold estate, or lands and tenements would, under the provisions of this Act, entitle such owner, holder, or occupier to be registered as such elector and to vote as aforesaid.

Joint interests.

6. No person shall be allowed to have any vote in the Election of a Member of the Council for or by reason of any trust estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same; but the mortgagor or cestuique trust in possession shall and may vote for the same estate, notwithstanding such mortgage or trust.

Trustees and mortgagees not to vote.

7. It shall be lawful for the Governor in Council, from time to time, to fix a polling place or polling places in each Electoral District, or if in the opinion of the Governor in Council it is advisable to divide any Electoral District into any number of Polling Divisions, and assign to each such Polling Division a polling place, in such manner as to enable each Voter, so far as practicable, to have a polling place within a convenient distance of his residence; and such polling places and the boundaries of such Polling Divisions shall be proclaimed in the *Government Gazette*; and every such Polling Division to alter and vary, as in his discretion he may think fit, and also from time to time to appoint such and so many persons as may be necessary to collect, compile, and make out Lists of the Electors of such District or Polling Divisions respectively, and such persons so appointed shall for the purposes of this Act be deemed and considered Collectors of the District or any Polling Division in or for which they are respectively appointed to act; and also from time to time to appoint such and so many persons as may be necessary to be Registrars under this Act for each Electoral District; and also for such Governor in Council to remove any person appointed under the provisions of this section, and to appoint another in his place. Provided that until the boundaries of such Polling Divisions are published, each person claiming to vote as hereinafter mentioned shall send in his claim to the Collector appointed for the nearest polling place in the same Electoral District, as the residence of the claimant, or in case such claimant claims in respect of property, the property in respect of which he claims to be registered as a Voter is situate; and for the purpose of this Act, and until the boundaries of the Polling Divisions are fixed and published as aforesaid, the country round nearest to each respective polling place, if more than one in the District, shall be considered as separate Polling Divisions of the Electoral District in which such polling place is situate.

Governor may fix Polling Places, or make Polling Divisions;

and appoint Collectors to make out Lists of Voters in each Polling Division;

and appoint Registrars.

Provide as to Polling Places and Polling Divisions.

8. When any real property, although wholly within the same Electoral District nevertheless, lies partly within the limits of one of the Polling Divisions of the District, and partly within the limits of another of the said Polling Divisions, the person entitled to vote as the owner, holder, or occupier of such property, shall send in his claim to the Collector appointed for the nearest polling place, and shall vote at the polling place where his claim is registered.

If real property not wholly within limits of one Polling Division, owner to send in claim to Collector appointed for nearest Polling Place.

9. In case any alteration is made at any time under the powers hereinbefore contained in the Polling Divisions once constituted of any Electoral District, the Registrar of the District shall amend any copies of registers, lists, claims, or objections submitted to him in such manner as to make the same conformable to the alterations so to be made as aforesaid.

On alteration of Polling Division, Registrar to amend copies of Registers, &c.

10. The Registrar for every Electoral District shall, in the year 1871, obtain a sufficient number of printed forms of precepts, notices, and lists, according to the respective Forms in the Schedule A. to this Act annexed, and of the Table of Fees numbered 1 in the Schedule B, to this Act annexed; and shall also, on

Registrar to deliver Collector precept, forms, &c. before 1st May, 1871.

or

Qualification and Registration of Voters' Act.

or before the 1st May, in the year 1871, make and cause to be delivered to the Collector of his District (or to each of the Collectors of the several Polling Divisions in his District, as the case may be) a precept according to the Form numbered 1 in the said Schedule A., together with a sufficient number of the said printed notices and lists, and of the said table of fees, for the purposes hereinafter mentioned.

Collector to publish on or before 10th May 1871, a notice calling on persons entitled to vote, to send notice of their claim to him;

11. Every such Collector shall, on or before the 10th day of May, in the year 1871, publish a notice according to the Form for the year 1871, numbered 2 in the said Schedule A., having first signed the same, requiring all persons entitled to vote in the Election of a Member of the Legislative Council, in respect of any property situate within such Electoral District or within any Polling Division of such District (if such District has been so divided as aforesaid) or in respect of any other qualification, to give or send to the said Collector, on or before the 10th day of June then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid; and every such person shall, on or before the 10th day of June in the said year, deliver or send to the said Collector a notice signed by him of his claim, according to the form of notice set forth in that behalf in the Form numbered 3 in the said Schedule A., or to the like effect. Provided that it shall not be necessary for any person who shall claim to be registered during the year 1871 as a Voter, to be in possession of the qualification in respect of which he shall so claim three months previous to the time of sending in such claim to be registered.

possession of qualification previous to claim not required in 1871.

Collector to make out on or before 20th June, 1871, List of persons who have claimed to be registered as Voters;

12. Every Collector shall, on or before the 20th day of June in the year 1871, make out, according to the Form numbered 5 in the said Schedule A., an Alphabetical List of all persons who on or before the 10th day of June then next preceding, shall have claimed as aforesaid; and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying Tenant thereof (if any), and the same shall be written as stated in the claim, or such other particulars as may be stated on the claim, and the said Collector if he shall have reasonable cause to believe that any person whose name shall appear in such List of Claimants, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such list of claimants; and the Collector shall cause a sufficient number of such list of claimants, with all such marginal additions as aforesaid, to be written or printed as aforesaid, and shall after having submitted the same or a copy of the same (if possible) to the Registrar of the District for his approval, on or before the 1st day of July, 1871, sign and publish the same; and the said Collector shall likewise keep a copy of such list of claimants with the marginal additions as aforesaid signed by him, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon, and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by him, to all persons applying for the same on payment of a price for each copy after the rate contained in the said Table of Fees numbered 1 in the Schedule B. to this Act annexed.

and shall add the word "objected" against the name of any person he thinks not entitled to be on the List;

and shall publish the said List.

List of claimants to be deemed List of Voters for 1871.

13. The list of claimants so to be made out by the Collector of every District, or in case the District is divided as aforesaid, of every Polling Division shall, together with the marginal additions as aforesaid, during the year 1871, be deemed to be the List of Voters of such District or Division for the purposes hereinafter mentioned.

Registrars to deliver to Collectors forms of precepts, notices, lists, on or before 1st May in every year after 1871.

14. The Registrar for every District shall, in every year after the year 1871, obtain a sufficient number of printed forms of precepts, notices, and lists according to the respective Forms in the Schedule A. to this Act annexed, and of the Table of Fees numbered 1 in the Schedule B. to this Act annexed; and shall also, on or before the

Qualification and Registration of Voters' Act.

the 1st day of May in every year after the year 1871, make and cause to be delivered to the Collector of his District or any Division of his District, a precept according to the Form numbered 1 in the said Schedule A., together with a sufficient number of the said printed notices and lists, and of the copies of the Register of Voters then in force for such Electoral District, or if any Polling Division or Divisions of such District have been made, then of such part of such Register of Voters as shall relate to such Polling Division or Divisions respectively, and of the said Table of Fees, for the purposes hereinafter mentioned.

15. Every Collector shall after the year 1871, on or before the 10th day of May in each year, publish the Register or part of the Register so transmitted to him as aforesaid, and also a notice according to the Form numbered 2 in the said Schedule A., having first signed the same, requiring all persons entitled to vote in the Election of a Member of the Legislative Council, in respect of any property situate wholly or in part within such Electoral District or Division, who shall not be upon the Register of Voters then in force, and also all persons so entitled as aforesaid, who being upon such register shall not retain the same qualification, or continue in the same place of abode as described in such register, or have been inserted on such register in respect of payment for lodging, or for board and lodging, or in respect of Free Miners' Certificates, and who are desirous to have their names inserted in the register about to be made, to give or send to the said Collector, on or before the 10th day of June then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid, and every such person and any person, who being upon such register, shall be upon such register in respect of payment for lodging, or for board and lodging, or in respect of a Free Miners' Certificate, or may be desirous to make a new claim shall, on or before the 10th day of June, deliver or send to the Collector a notice signed by him of his claim, according to the form of notice set forth in that behalf in the Form numbered 3 in the said Schedule A., or to the like effect.

Collector to publish Register, &c., on or before 10th May in every year after 1871.

Persons required to send in claims to Collector on or before 10th June.

16. Every Collector shall, on or before the 20th day of June in every year after the year 1871, make out, according to the Form numbered 5 in the said Schedule A., an Alphabetical List of all persons who, on or before the 10th day of June then next preceding, shall have claimed as aforesaid, and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof (if any) shall be written as the same are stated in the claim, and the said Collector if he shall have reasonable cause to believe that any person whose name shall appear in such List of Claimants or in the copy of the Register relating to his District or Division and received by him from the Registrar, is not entitled to have his name upon the Register then next to be made, shall add the word "objected" before the name of every such person, on the margin of such List of Claimants or the said copy of the Register; and the Collector shall add the word "dead" before the name of any person in the register whom he shall have reasonable cause to believe to be dead; and the Collector shall cause a sufficient number of copies of such list of claimants, and the said copy of the register with the marginal additions respectively as aforesaid, to be written or printed, and shall, on or before the 1st day of July in every year after the year 1871, and after having (if possible) submitted the same, or a copy of the same, to the Registrar of the District for his approval, sign and publish the same; and the said Collector shall likewise keep a copy of such list of claimants, and the said copy of the register with the marginal additions respectively as aforesaid signed by him, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock of the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by him, to all persons applying

Collector to make out List on or before 20th June in every year after 1871;

and shall add the word "objected" against the name of any person he thinks not entitled to be on the list; and the word "dead" against the name of any person he believes to be dead.

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applying for the same, on payment of a price for each copy after the rate contained in the Table of Fees numbered 1 in the Schedule B. to this Act annexed.

List of claimants, and copy of Register after 1871, to be the List of Voters.

17. The list of claimants (if any) so to be made out by the Collectors of every District, or Polling Division of a District, together with the said copy of the Register with the marginal additions respectively as aforesaid, for the time being relating to the same District or division, shall, after the year 1871, be deemed to be the List of Voters of such District or Division, for the purposes hereinafter mentioned.

Declaration to accompany claim to vote;

18. All persons giving or sending to the Collector a claim to vote under this Act, shall give or send therewith a declaration according to the Form numbered 4 in the said Schedule A. to this Act annexed, or to the like effect; and any person making such declaration, knowing any statement contained therein to be false, shall be deemed guilty of a misdemeanor, and shall upon conviction before a Court of competent jurisdiction, be liable to such fine or imprisonment, or both, or either, as such Court may direct.

False statement, a misdemeanor.

Forms to be furnished by Collector; Collectors to serve notices of objection if required;

19. The Collector of every District, or Polling Division of a District, shall furnish to all parties requiring them the Forms numbered 3, 4, 6, and 7 in the said Schedule A. hereunto annexed, for the prices respectively fixed in the Table of Fees numbered 1 in the said Schedule B., and shall, if required, fill up such forms in accordance with the instructions furnished to him for filling up the same, for which he shall be paid the sums fixed in the said Table of Fees; and he may also be required to serve any notices of objections by any party requiring the same to be served, on payment of the amount prescribed in the said Table of Fees. Provided that nothing in this Act contained shall prevent the Collector from serving such notices by Deputy.

Collector may serve notice by Deputy.

Any Elector may object to any name on the list of his District or Polling Division;

20. Any person whose name shall have been inserted in any List of Voters for any District, or Polling Division of a District, or who shall claim to have his name inserted in such list, may object to any other person as not having been entitled, on the 10th day of June then next preceding, to have his name retained or inserted in any List of Voters for the same District: and any person so objecting shall, on or before the 15th day of July in every year, give, or cause to be given, a notice, according to the Form numbered 6 in the said Schedule A., or to the like effect, to the Collector of the District or Polling Division to which the List of Voters containing the name of the person so objected to may relate, and every person so objecting shall also give, or cause to be left at the place of abode of the person so objected to as stated in the said list, a notice, according to the Form numbered 7 in the said Schedule A., and every notice of objection shall be signed by the person objecting, or by some one duly authorized by him in his behalf.

Form 6;

Form 7.

Collector to include names of persons objected to in a list, as in Form No. 8 of Schedule A., and publish same.

21. The said Collector shall include the names of all persons against whom notice of objection shall have been given to him as aforesaid in that year, in a list according to the Form numbered 8 in the said Schedule A., and shall sign such list, and shall cause copies thereof to be written or printed, and shall, after submitting the same, if possible, to the Registrar for his approval, publish such list on or before the 25th day of July in each year, and shall keep copies of the said list, and also the notices of objection which he shall have received, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, until the expiration of fourteen days (Sundays excepted), and shall deliver a copy of such lists to any person requiring the same, on payment of a price for each copy after the rate contained in the Table of Fees, numbered 1 in the Schedule B. to this Act annexed.

Collector to deliver copy of List of Voters, and copy of List of persons objected to, to Registrar.

22. Every Collector shall, on or before the 23rd day of July in each year, deliver to the Registrar of the District a copy of the List of Voters so made out by him as aforesaid, and a copy of the List of persons objected to as aforesaid.

32. Every

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23. Every notice, list, register, or other document herein required to be published, shall be so published, except some other mode or place of publication is hereby expressly provided, by being fixed in some public or conspicuous situation, on the outside door or outer wall near the door of the following buildings, that is to say, every Court House, Police Office, or other place where any Justice or Justices of the Peace usually sit or hold Court; and in Districts and Divisions where no Court is held, then in some conspicuous situation within the District in which the same is required to be published, and in such other places as the Registrar of the District may direct.

How Lists, &c., to be published.

24. In all cases in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be affixed on or near the door of any building, or in some public and conspicuous situation, or in some place directed by the Registrar as aforesaid, the same shall continue so fixed for a period of seven consecutive days at the least, and in case the same shall be destroyed, mutilated, effaced, defaced, or removed before the expiration of such period, the Collector or other party required by this Act to publish the same as aforesaid shall, as soon as conveniently may be after he shall have become aware thereof, publish in like manner in its place another notice, list, register, or other document to the like purport and effect as the notice, list, register, or document so destroyed, mutilated, effaced, defaced, or removed.

Duration of publication.

25. Every person who shall wilfully destroy, mutilate, efface, deface, or remove any notice, list, register, or other document so affixed as aforesaid, during the period for which the same is hereinbefore required to remain so affixed, shall for every such offence forfeit any sum not exceeding Twenty-five Dollars to any person who will sue for the same, to be recovered in a summary manner before any two Justices of the Peace, or any Stipendiary Magistrate.

Penalty for defacing Lists, &c.

26. No list shall be invalidated by reason that it shall not have been affixed in every place, and for the full time hereinbefore required for publication thereof, but the Registrar shall proceed to revise and adjudicate upon every such list which shall have been affixed in any place hereinbefore mentioned in that behalf; but nothing hereinbefore contained shall be construed to exempt the Collector or other person charged with the duty of publishing such list from the penalties of his neglect or wilful default.

List not to be invalidated by reason of non-publication in every place required.

27. The Registrar of each Electoral District, for the time being, shall revise the Lists of Voters for the District for which he is so appointed Registrar as aforesaid. Provided that nothing herein contained shall be taken to prevent the Governor in Council from appointing one Registrar for more than one District. Provided, also, that it shall be lawful for the Registrar, in case of his inability from illness or other cause to attend to the Revision of the Lists of Voters for his District, or any portion of such lists, to appoint some fit and proper person, subject to the approval of the Governor in Council, as his Deputy in his place and stead, to revise the Lists of Voters for his District, or so much of the said lists as the Registrar himself is unable to revise.

Revision of Lists to be made by Registrars.

28. The Registrar shall make a circuit and hold open Courts for revision at each of the places which now are or may hereafter be appointed polling places for such District or Division, and at any other places within the said District or Division which he shall think expedient, at convenient times between the 10th day of August and the last day of September inclusive, in the then current year, and shall, ten days at the least before the holding of the first Court of Revision, give notice, so far as is practicable, to the Collector or Collectors of the Polling Division of the several times and places at which the said Courts will be holden, and of the lists which will be revised at each of the said Courts; and the said Registrar shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers circulating within the said Electoral District, if so directed by the Governor in Council, and shall cause a sufficient number of copies of the said notice to be written

Registrar to hold Court of Revision.

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written or printed, and shall deliver or send copies to the Collector of the District, or Collectors of the Polling Divisions, requiring him or them to publish such copy of notice in the manner hereinbefore mentioned, and to attend at the Court therein appointed for the Revision of the List of Voters relating to their said District or Polling Division, and the said Collectors shall forthwith publish the said copy of the said notice accordingly.

Proceedings of Registrar at Revision Court.

29. The Registrar shall at such Court or Courts produce the Lists of Voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to his District, or any Division thereof, and also after the year 1871, one or more printed or written copies of the Register of Voters then in force for such District or Division; and the Collector for such District or Division shall attend the Court to be holden for revising the lists relating to his District or Division, and shall deliver to the Registrar holding such Court, the original notices of claim and notices of objection given to him as aforesaid, and the said Collector shall (if required) answer upon oath all such questions as such Registrar may put to him, and produce all documents, papers, and writings, in his possession, custody, or power, touching any matter herein mentioned.

Registrar may insert names in List, in certain cases.

30. If any person who shall have given to the Collector of any District, or Division of a District, due notice of his claim to have his name inserted in the List of Voters shall have been omitted by such Collector from such list, it shall be lawful for the Registrar upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such Registrar that such person gave due notice of such his claim to the said Collector, and that he was entitled, on the 10th day of June then next preceding, to be inserted in the said List of Voters.

In 1871, persons on List of Voters may be required to show he is in possession of qualification at the time the Revision Court is held.

31. During the year 1871, any person whose name may appear on the List of Voters may be required by any other such person, or by the Registrar, to prove that he is in possession of the qualification for which he has claimed to be registered, at the time of the holding of the Revision Court.

Electors may oppose such insertion.

32. It shall be lawful for any person whose name shall be on the List of Voters for any District or Division to oppose the claim of any person so omitted as aforesaid to have his name inserted in any List of Voters for the same district or division, and such person intending to oppose any such claim shall, in the Court to be holden as aforesaid for the revision of such list, before the hearing of the said claim, give notice in writing to the Registrar of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any List of Voters, and who shall appear and prove the requisite notices as hereinafter mentioned.

Registrar may require any person to attend and prove his qualification.

33. It shall be lawful for the Registrar to require any person whose name shall be in any List of Voters, in any year, in the District for which he has been so appointed Registrar, or in any Polling Division thereof, to appear before the Revision Court and prove his qualification; or to give any information to the said Registrar that he may require for the purpose of enabling him to judge whether such name ought or ought not to be retained on such Register or List of Voters; but notice shall be given to the party, if possible, by the Collector three days before such party shall be required to appear at such Court of Revision.

If he does not attend, his name may be struck out.

34. If such person does not appear, and the Registrar shall be satisfied that he has been duly served with notice, and has had reasonable time to attend; or if the Registrar is satisfied that such person cannot be found, it shall be lawful for the Registrar sitting in the Revision Court to strike such name out of the List of Voters.

35. No.

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35. No person whose name shall be on any List of Voters shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the Registrar so to do, and if such personal attendance shall be rendered requisite on the application of any person objecting to any such name being retained or inserted in any list, such objector may, if his objection be not sustained, be ordered to pay to the person so required to attend, such sum as the Revision Court may award.

Personal appearance of Elector not necessary to substantiate qualifications, except required.

36. Whenever it shall be proved before the Registrar that any person who is or claims to be placed on the List of Register of Voters for any Electoral District or Polling Division, has been convicted of Bribery or undue influence at any Election, or that judgment has been obtained against any such person for any penal sum made recoverable by any law for the time being in force in the Colony, in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such Registrar shall, in case the name of such person is in the List of Voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names shall be so expunged from the List of Voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons Disqualified for Bribery, Treating, or Undue Influence," which last mentioned list shall be appended to the List or Register of Voters, and shall be printed and published therewith wherever the same shall be or is required to be printed or published.

Claimant convicted of Bribery, &c., shall be expunged from List;

List of such persons expunged to be made.

37. The Registrar, sitting in the Revision Court, shall correct any mistake which shall be proved to have been made in any list, and shall expunge the name of every person whose qualification as stated in any list shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead, and wherever the christian name, or place of abode, or the nature of the qualification, or the local or other description of the property of any person who shall be included in any such list, and the name of the occupying tenant thereof (if any) shall be wholly omitted in any case where the same is by this Act directed to be specified therein; or, if any person whose name is included in such list, or his place of abode, or the nature or description of his qualification shall, in the judgment of the Registrar sitting in such Revision Court, be insufficiently described for the purpose of being identified, such Registrar shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described, be supplied to the satisfaction of such Registrar before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list.

Registrar to correct mistakes in List.

38. Provided, always, that whether any person shall be objected to, or not, no evidence shall be given of any other qualification than that which is described in the List of Voters, or claim (as the case may be), nor shall the Registrar be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly or accurately defining the same; and where the name of any person inserted in any List of Voters shall have been objected to by the Collector or by any other person, and such other person so objecting shall appear by himself or by some one on his behalf in support of such objection, and shall prove that he gave the notice or notices respectively required by this Act to be given by him, every such Registrar shall then require it to be proved that the person so objected to was entitled on the 10th day of June, then next preceding, to have his name inserted in the List of Voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such Registrar, or in case it shall be proved that such person was then incapacitated, by any Law in force in this Colony, from voting in the Election of Members to serve in the Legislative Council, such Registrar shall expunge the name of every such person from the said lists.

Provisions as to evidence before Registrar;

Names of persons not having qualification or incapacitated to be expunged.

39. Provided,

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Names of persons objected to in cases of change of abode without giving fresh notice of claim may be retained in certain cases ;

No person's name to be expunged without notice being given to him, if possible.

Power to adjourn Courts ;

Power to administer oath ;

False oath, perjury.

No appeal.

Costs may be awarded where any frivolous or vexatious objection shall have been made.

Registrar to keep lists and copy the same in books in alphabetical order :

39. Provided, always, that where any person whose name appears on any List of Voters for any District, or Division of a District, shall be objected to on the ground of having changed his place of abode, without having sent in a fresh notice of claim, it shall be lawful for the Registrar, on revising the list, to retain the name of such person on the List of Voters; provided, that such person, or some one in his behalf, shall prove that he possessed, on the 10th day of June, the same qualification in respect of which his name is inserted in such list, and shall, also, supply his true place of abode, which the said Registrar shall insert in such list. Provided, also, that no person's name shall be expunged by such Registrar from any list, except in case of death, or conviction of any felony, unless notice as herein required in such case shall have been given, or the word "objected" shall have been added to his name by the Collector, as aforesaid, or he shall have been required by such Registrar, if possible, to attend and prove his qualification, or to give such information as aforesaid.

40. Every Registrar holding any Court under this Act shall have power to adjourn the same from time to time, and from any one place to any other place within the same District or Division, but so that no such adjourned Court shall be holden after the last day of October in any year; and at every Court to be holden as aforesaid shall have power to administer an oath to all persons examined before him, and all persons, whether claiming, or objecting, or objected to, and all persons whatsoever may be examined upon oath touching the matters in question; and every person taking any oath or affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and every such Registrar shall, upon the hearing in open Court, finally determine upon the validity of such claims and objections; and such Registrar shall in open Court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake shall have been corrected, or any omission supplied, or any insertion made by him, and shall sign his name to every page of the several lists so settled, and there shall be no appeal from the decision of such Court to any Superior Court of Law.

41. If in any case it shall appear to any Registrar holding any Revision Court as aforesaid, that any person shall, under this Act, have made or attempted to sustain any groundless, frivolous, or vexatious claim or objection, or title, to have any name inserted or retained in any List of Voters, it shall be lawful for the said Registrar, in his discretion, to make such order as he shall think fit for the payment by such person of the costs, or of any part of the costs, of any person in resisting such claim, or objection, or title; and in every such case the said Registrar shall make an order in writing, specifying the sum which he shall order to be paid for such costs, and by and to whom and where the same shall be paid, and shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid; provided that the said sum so ordered to be paid shall not in any case exceed the sum of Ten Dollars. Provided, also, that whenever any Registrar shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said Registrar to hear or admit proof of any other objection or notice of objection made or signed by the same person, until the sum of money so ordered to be paid by him for costs be paid to the person so entitled to receive the same, or deposited in the hands of the said Registrar in Court for the use of the person so entitled.

42. The Registrar shall keep the said lists safely in his custody, and shall forthwith cause the same to be copied and printed in a book or books, or to be written in a book or books (and if the District is divided, arranged with the names in each Polling Division of his District) in strict alphabetical order according to the surnames, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name and continuing

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ing them down in a regular series to the last name; and every such book shall be arranged in such manner and form that the List of Voters of and for each and every Polling Division of a District, may be conveniently and completely detached from all the other Lists of Voters contained in the same book, so that all the Lists for every or any Polling District may be ready for the purposes of this Act, or for sale; and the said Registrar shall sign the said book or books, and deliver the same on or before the 14th day of September in the then current year to the Returning Officer of the District, to be by him and his successors in office safely kept for the purposes hereinafter mentioned.

to be signed by Registrar and delivered to Returning Officer on 14th September.

43. The said book or books so signed as aforesaid by the Registrar, and given into the custody of the Returning Officer of any District, shall be the register of persons entitled to vote at any Election of a Member to serve in the Legislative Council, which shall take place in and for the same District, between the 14th day of September in the year wherein such register shall have been made, and the 14th day of September in the succeeding year.

Books so signed shall be the Register of persons entitled to vote.

44. The Registrar of every Electoral District shall furnish a certified copy of such Register to any person applying for the same, upon payment of a price after the rate contained in the table numbered 2, in the Schedule B. to this Act annexed.

Registrar to furnish certified copy of the same to any person.

45. In case no List of Voters shall have been made out for any District or Polling Division by the Collector thereof, by the day herein appointed for such purpose in the year 1871, it shall be lawful for the Governor in Council, at any time before the first Election shall be holden for such District under the provisions of this Act, to extend the time hereby appointed for the purpose aforesaid, and whenever any such extension shall be made the various times hereby appointed for the completion of the Lists of Voters, prior to the revision thereof and for such revision, shall also be extended in the like proportion as nearly as may be, and if after the year 1871 no List of Voters shall have been made out for any District or Division in any year, or in case such list shall not have been published as hereinbefore mentioned in that behalf, the Register of Voters for such District or Division then in force shall be taken to be the List of Voters for such District or Division for the year then next ensuing, and the provisions in this Act contained respecting any such List of Voters shall be taken to apply to such register as aforesaid; and in case no list shall be revised before the last day of September in any year, after the year 1871, then such register then in force shall be the register for such District or Division for the twelve months then next ensuing.

If no List made out in 1871, time may be extended;

If no List made out or published in any year after 1871, the Register then in force shall be the List for the year then next ensuing.

46. Any person who shall wilfully refuse or neglect, when duly required by summons, under the hand of the Registrar, to attend before such Registrar at any Court to be holden as aforesaid, according to the exigency of such summons, shall upon proof before such Registrar sitting in the Revision Court of the service of such summons, be liable to pay by way of fine for every such offence, a sum not exceeding Twenty-five Dollars, to be imposed by and at the discretion of the said Registrar holding any such Court as aforesaid.

Penalty for refusing to attend on summons.

47. Any Collector of any District or Division who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who has given due notice of claim; or, who in making out the List of Voters for any District or Division, shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list; or, who shall wilfully and without reasonable cause insert in any such list the name of any person not duly qualified; or, who shall wilfully refuse or neglect to publish any notice, or list, or copy of the Register of Voters or part of the Register of Voters relating to his Division, at the time and in the manner required by this Act; or, who shall wilfully refuse or neglect to deliver to the Registrar the copy of the lists of claimants, and of persons objected to, and of the

Penalty on breach of duty of Collector.

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the copies of the Register as required by this Act; or, who shall wilfully refuse or neglect to attend the Court for revising the Lists of Voters of his District or Division; or, who shall wilfully refuse or neglect to deliver to the Registrar, holding any such Court, the several lists to be made out by him as aforesaid; or, who shall be wilfully guilty of any breach of duty in the execution of this Act, shall for every such offence be liable to pay, by way of fine, a sum of money not exceeding Twenty-five Dollars, to be imposed by and at the discretion of any Registrar holding any Court for the revision of any list of the District or Division of a District of such Collector. Provided, always, that nothing herein contained as to any fine as aforesaid, shall affect or abridge any right of action against any Collector or other person which he may incur under or by virtue of this Act, or any Law for the time being in force in this Colony.

Registrar to state in any order made by him to whom fines to be paid.

48. Every Registrar when and so often as he shall impose any such fine as aforesaid, shall at the same time in open Court, by an order in writing under his hand stating the sum payable for such fine, direct that the same shall be paid to the Collector of the District (or of the division as the case may be) or to any other person mentioned in such order, and such Collector or other person shall receive the same.

Collector to keep an account of all moneys received and pay moneys to Registrar who shall pay same to the Treasury.

49. The Collector shall keep an account of all moneys to be received by him for the sale of notices, declarations, copies of register, or for or by way of fine imposed, or otherwise, under this Act, and shall pay over or account for all such moneys received by him to the Registrar of his District; and the said Registrar shall pay over all such moneys, and all such moneys which he may himself receive under the provisions of this Act, to the Treasury of this Colony, or to such person and in such manner as the Governor in Council may direct.

Governor to fix remuneration to be paid to Registrars and Collectors.

50. The Governor in Council may, from time to time, fix such remuneration to be paid to the Registrars and Collectors appointed under this Act, as may be found necessary or desirable for the purpose.

Fines and costs how recovered;

51. In case any sum of money by the order of any Registrar directed to be paid by any person, by way of fine or costs, shall not be paid according to the terms of such order, it shall be lawful for any Justice of the Peace, and he is hereby required upon proof before him that a true copy of the said order hath been served upon or left at the usual place of abode of the person in the said order directed to pay such sum, and that the said sum hath been demanded of such person, and that he hath refused or neglected to pay the same, by Warrant under his hand and seal to order the said sum of money, together with the costs of and attending the said Warrant, to be levied by distress and sale of the goods and chattels of such person so making default, which may be found within the jurisdiction of such Justice; and the overplus, if any, after the said sum of money and costs, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of the said goods and chattels. Provided, always, that no *certiorari* or other writ or process for the removal of any such order or warrant, or any proceeding thereon into the Supreme Court, shall be allowed or granted.

no *certiorari*.

Register of Voters in force at the time of any Election to be final and conclusive.

52. The Register of Voters in force at the time of any Election shall be final and conclusive, to all intents and purposes, as to the right of the persons whose names are inserted therein to vote at such Election, whether such persons shall at the time of such Election have ceased to have the qualification for which he was registered or not; and in case of any proceedings being taken before any tribunal upon any petition whatever complaining of an undue Election, or return of any Member or Members at such Election, no inquiry shall be allowed as to the right to vote of any person whose name shall not be upon the register in force at the time of such Election.

53. Maps

Qualification and Registration of Voters' Act.

53. Maps descriptive of the boundaries of the Electoral Districts, and of any Divisions thereof, made by order of the Governor in Council in pursuance of this Act, approved of by the Governor in Council, and authenticated by the signature of the Surveyor General, shall be received as evidence of the boundaries of such Electoral Districts, and of the Divisions thereof; and such Maps shall be issued to and used by the Collectors, Registrars, Revision Courts, and Returning Officers, in discharge of their duties. Official Maps to be evidence of boundaries of Districts.

54. This Act shall come into operation upon its being passed, but shall not be taken to apply to the qualification or Election of any Member of the Legislature until the Register of Voters is completed and delivered to the Returning Officer as is hereinbefore provided; and until such Register of Voters is so completed and delivered as aforesaid, the qualification of Members and Voters shall be the same as if this Act had never been passed. When Act to come into operation.

55. This Act shall be taken to apply to "The Constitution Act, 1871", passed in the present Session, if, and when the same comes into operation in this Colony, as fully and effectually to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the qualification of Electors and of Members for the Legislative Assembly thereby constituted, and to the Registration of persons entitled to vote at the Election of such Members of the Legislative Assembly, so far as the provisions contained in this Act are not absolutely repugnant to the provisions of "The Constitution Act, 1871." Act to be taken to apply to "The Constitution Act, 1871."

56. When any matter or thing shall be directed by this Act to be performed on a certain day, and that day shall happen to be Sunday, such matter or thing shall be performed on the next following day. Any matter required to be done on Sunday may be performed on Monday.

57. This Act may be cited as "The Qualification and Registration of Voters Act, 1871." Short Title.

Passed the Legislative Council the 3rd day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 14th day of March, 1871.

A. MUSGRAVE,
Governor.

Qualification and Registration of Voters' Act.

SCHEDULE A.

No. 1.

PRECEPT OF THE REGISTRAR TO THE COLLECTORS.

Electoral District of }
to wit: }

To the Collector of the Electoral District of _____ [or of the Polling Division of
the Electoral District of _____]

In pursuance of the provisions of "The Qualification and Registration of Voters' Act, 1871," I require your attention to the following

INSTRUCTIONS.

On or before the 10th day of May, you are to publish* a notice signed by you according to the Form marked No. 2, among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows, (that is to say): you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door, or outer wall near the door, of the following Buildings, that is to say: every Court House, Police Office, or other place where any Justice or Justices of the Peace usually sit or hold Court, or if there should be no such place, then in some public or conspicuous situation in this District [or in your Polling Division, of this District, as the case may be] or in [Registrar may direct any other place in addition] and it must remain there during a period of seven consecutive days.

On or before the 20th day of June, you are to make out an Alphabetical List of all persons who, on or before the 10th day of June, shall have delivered or sent you their claim as Voters for this District [or for your Polling Division of this District] in respect of any property situate within this District [or wholly or in part within your Polling Division], or in respect of any other qualification. In making out such list you are to write, or cause to be written, in the proper column of the printed form of list (herewith sent) numbered 5, the christian name and surname of every such person, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof (if any) as the same shall be stated in the claim, or such other particulars as may be stated in the claim. If you have reasonable cause to believe that any person so claiming‡ is not entitled to have his name on the § register about to be made, you are to add the word "objected" before his name in the margin of the copy of the || list in which his name appears. ¶ Having done this you are to sign the List of Claimants** [Where it is practicable the Registrar shall insert these words: "and submit the same to me for my approval"], and to cause a sufficient number of copies of such lists, with your marginal additions, to be written or printed; and then, on or before the 1st day of July, you are to publish the said †† list on every Court House &c., in your District [or Polling Division] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of the List of Claimants †† with your marginal additions thereon signed by you, and allow them to be perused by every person desirous of perusing them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you have published them, without payment or demand of any fee; and you are also to deliver copies of the List of Claimants †† signed by you, to every person applying for the same, on payment of a price for such copy after the rate contained in the table of fees numbered 1 in the Schedule B herewith sent.

You are to make a list according to the Form 8 (herewith sent) containing the names of every person against whom a notice of objection shall have been given to you, on or before the 15th day of July. [Where it is practicable the Registrar shall insert these words: "and submit the same to me for my approval."] And you are to publish copies of such lists on or before the 25th day of July, on every Court House &c., in the same manner as before mentioned with regard to the notice; and you are to keep a copy of such list of persons objected to, to be perused by any person, without payment or fee, at any time between the hours of ten of the clock in the forenoon and four of the clock of the afternoon of any day, except Sunday, until the expiration of fourteen days after the 25th day of July; and you are to deliver a copy of such list to any person requiring the same, on payment of a price for such copy, after the rate contained in the table of fees numbered 1 in the Schedule B. herewith sent.

And if you shall find any such notice, list, |||| or other document published by you as aforesaid, to be destroyed, mutilated, defaced, effaced, or removed, you are forthwith to place another to the same effect in its place.

On or before the 23rd day of July, you are to deliver to me the List of Claimants, * & and also a copy of the list of persons objected to, signed by you.

* The following alterations shall be made in the precept after the year 1871. Insert the words "one of the copies of the register of _____ for this District [or of your Division of this District] herewith sent and"

† After the year 1871 insert the words "register and"

‡ Insert the following words "or any person whose name shall appear in the copy of the register for this District [or your Division of this District] herewith sent,"

§ Insert the word "new"

¶ Insert the words "register or" in the year 1871 omit these words

†† Insert the word "dead" before the name of any person whom you shall have reasonable cause to believe to be dead.

** Insert the words "and also the copy of the register herewith sent"

††† Insert the words "register and"

†††† Insert the words "and of the said register sent to you"

††††† Insert the words "and of the said register"

†††††† Insert the word "register"

*. Insert the words "the copy of the register [or part of the register] herewith sent"

Qualification and Registration of Voters' Act.

lodging to [insert name, description, and residence of person to whom this amount paid], in respect of my residence at [insert description of house in which party resides and boards, with number (if any) and name of street, if in a town], not less than the sum of Two hundred Dollars per annum; or of my having a Pre-emption Claim to [describe place fully, and number of acres, Section, and Range] duly recorded at [state where recorded, and number and date of Record]; or of my having taken out a Free Miner's Certificate this year, upon which a Claim to [describe place to which claim is made] has been duly recorded at [with date and number of Record].

Dated at this day of in the year 18 .
(Signed) C. D.

[Claimant to state his christian name and surname at full length, and add his residence, and his profession, trade, or calling.]

No. 4.

FORM OF DECLARATION TO BE ANNEXED TO NOTICE OF CLAIM.

I do most sincerely and solemnly declare that I am possessed of the qualification above set forth, to the best of my knowledge and belief, [*and that I have been possessed of the same for the space of Three Months previous to this date]; that I am a British Subject by birth, having been born at [if not a British Subject by birth, state when, how, and where claimant became entitled to the privileges of a British Subject]; that I have never renounced my allegiance, nor taken the oath of allegiance to any Foreign State [if such has been the case, but claimant has since taken the oath of allegiance to Her Majesty, state the fact, and when, and where, and before whom such last mentioned oath was taken]; that I am of the full age of twenty-one years; that I can read English [or if a natural born British Subject, that I can read]; and that I am not disqualified to vote, to the best of my belief, by any Law in force in this Colony.

(Signed) _____

Witness _____

* These words may be omitted in the year 1871.

No. 5.

FORM OF LIST OF PERSONS CLAIMING TO VOTE.

Electoral District of
or Polling Division of the
Electoral District of }
TO WIT.

LIST OF PERSONS CLAIMING OR SUPPOSED TO BE ENTITLED TO VOTE IN THE ELECTION OF A MEMBER OF THE DISTRICT OR POLLING DIVISION.

| Margin for entering Registrar's objections. | Christian name and surname of the Claimant at full length. | Residence of Claimant, with full description of House, if in a town, with number (if any) and name of street. | Profession, trade, or calling. | Nature of qualification | If claim be made in respect of freehold or leasehold property, or of occupation, state street, lane, or other place in this District [or Division], name of property, and occupying tenant (if any), and as full a description of the property as can be given; If by a lodger, state residence of landlord or person to whom rent paid, and description and number of house (if any), and name of street, if in a town; If in respect of board and lodging, state name, description, and residence of person to whom amount for board paid, with number (if any) and name of street, if in a town, and sum paid per annum; If in respect of a pre-emption claim, state place fully, and number of acres, where recorded, and number of record, date, &c.; If in respect of a mining certificate, state name of claim, number of certificate, where recorded, and date. |
|---|--|---|--------------------------------|-------------------------|---|
| | | | | | |

Qualification and Registration of Voters Act.

No. 6.

FORM OF NOTICE OF OBJECTION, TO THE COLLECTOR.

To the Collector of

I hereby give you notice that I object to the name of W. S., of [describe person objected to as he is described in the List of Voters] being retained on the List of Voters for the Electoral District of [or the Polling Division of the Electoral District of], on the following grounds [here specify the grounds of objections.]

(Signed) C. D.

[Objector to state here his qualification, his profession, trade, or calling, and residence.]

N. B.—A notice of objections must be sent to the person objected to, as well as to the Collector.

No. 7.

FORM OF NOTICE OF OBJECTION, TO BE GIVEN TO PARTIES OBJECTED TO BY ANY OTHER PERSON, OTHER THAN THE COLLECTOR OR REGISTRAR.

To W. S. [name of person objected to, describe him as he is described in the List of Voters].

I hereby give you notice, that I object to your name being retained on the List of Voters for the Electoral District of [or the Polling Division of the Electoral District of], on the following grounds: [here specify the grounds of objections.]

(Signed) C. D.

[Objector to state here his qualification, his profession, trade, or calling, and residence.]

No. 8.

FORM OF LIST OF PERSONS OBJECTED TO.

LIST OF PERSONS OBJECTED TO, TO BE PUBLISHED BY THE REGISTRARS.

The following persons have been objected to as not being entitled to have their names retained in the List of Electors, for the District of

| Margin for entering Registrar's objections. | Christian name and surname of the Claimant at full length. | Residence of Claimant, with full description of House, If in a town with number (if any) and name of street. | Profession, trade, or calling. | Nature of qualification | <p>If claim be made in respect of freehold or leasehold property, or of occupation, state street, lane, or other place in this District (or Division), name of property, and occupying tenant (if any), and as full a description of the property as can be given;</p> <p>If by a lodger, state residence of landlord or person to whom rent paid, and description and number of house (if any), and name of street, if in a town;</p> <p>If in respect of board and lodging, state name, description, and residence of person to whom amount for board paid, with number (if any), and name of street, if in a town, and sum paid per annum;</p> <p>If in respect of a pre-emption claim, state place fully, and number of acres, where recorded, and number of record, date, &c.;</p> <p>If in respect of a mining certificate, state name of claim, number of certificate, where recorded, and date.</p> |
|---|--|--|--------------------------------|-------------------------|---|
| | | | | | |

Qualification and Registration of Voters' Act.

SCHEDULE B.

TABLE No. 1.
FEEs TO BE RECEIVED BY COLLECTOR.

| | cents. |
|--|--------|
| For Form No. 3, Schedule A..... | 25 |
| For filling up same, if required..... | 25 |
| For Form No. 4, Schedule A..... | 25 |
| For filling up same, if required..... | 12½ |
| For Form No. 5, Schedule A..... | 12½ |
| For filling up same, if required..... | 12½ |
| For Form No. 7, Schedule A..... | 12½ |
| For filling up same, if required..... | 12½ |
| For any List, or copy of a List, containing any number of Persons' names, for each folio of 100 words, or fractional part thereof..... | 25 |
| For serving Notice of Objections, the same amount as is allowed for service of Summons in the County Court. | |

TABLE No. 2.
FEEs TO BE RECEIVED BY REGISTRAR.

| | |
|---|--------|
| For every printed copy of any Register, or any part of any Register, containing any number of Persons' names, not exceeding 1,000 names | \$1 00 |
| Exceeding 1,000 names..... | 2 00 |
| For every written copy of any Register, or any part of any Register, containing any number of Persons' names, for each folio of 100 words | 25 |

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.
1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 13.

An Act to regulate Elections of Members of the Legislature of this Colony.

[22nd March, 1871.

WHEREAS by a Proclamation, bearing date the 13th day of Preamble.
October, 1870, and issued by the Governor of this Colony, under and by virtue of the powers and authorities conferred upon him by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council, bearing date the 9th day of August, 1870, made in pursuance of the said Act, certain provisions (amongst other things) were made as to the Regulation of Elections of Members of the Legislative Council;

And, whereas, it is desirable to amend the Law as established by the said Proclamation, by making other and further provisions as to the Regulation of the Elections of Members of the Legislature;

Be it therefore enacted by the Governor and Council, with the advice and consent of the Legislative Council, as follows:

1. It shall be lawful for the Governor in Council, from time to time, to appoint a fit and proper person to be the Returning Officer of each Electoral District, and to cause such appointment to be notified in the *Government Gazette*; and from time to time, in his discretion, to revoke any such appointment and remove any person so appointed, and to appoint another Returning Officer in the stead of the person so removed, or whose appointment is so revoked. Provided that nothing in this Act, or in any other Law in force in this Colony, shall be construed to exclude any Returning Officer from being elected a Member for any District, except that for which he shall at such Election act as Returning Officer, provided he be not under any other disqualification. Provided, also, that nothing in this Act, or in any other Law in force in this Colony contained, shall prevent the Governor in Council from appointing the Registrar of Voters for the District to be the Returning Officer of such District. Governor in Council to appoint a Returning Officer for each Electoral District.

2. None of the persons hereinafter designated in this Section shall in any case be appointed to act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say, neither— Persons disqualified as Returning Officers, &c.

- The Members of the Executive Council;
- Nor the Members of the Legislature;
- Nor any Minister of any Religious Denomination, whatever may be his title, rank, or designation;
- Nor the Judges of the Supreme Court.

3. If

Election Regulation Act.

Penalty on parties disqualified acting as such.

3. If any one of the persons mentioned in the preceding Section acts as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of One Hundred Dollars.

Persons exempted.

4. None of the persons hereinafter mentioned in this Section shall be obliged to act as Returning Officer or Deputy Returning Officer, or as Election Clerk or Poll Clerk, that is to say—
Physicians and Surgeons;
Postmasters;
Or, Persons being 60 years of age and upwards.

Penalty for refusing to serve.

5. Every person appointed to act as Returning Officer who resides in the District for which he has been appointed, or who has accepted the appointment of Returning Officer for any District, who refuses to perform the duty of Returning Officer in such District at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of One Hundred Dollars, such person not being disqualified as aforesaid, and not being incapacitated by sickness or by being a Candidate at such Election, or if, having a right to claim the exemption granted by the next preceding Section, has not in fact claimed such exemption immediately after such appointment has been conferred upon him.

Writs of Election to be addressed to Returning Officers, and Return day to be mentioned therein.

6. Whenever a Writ of Election is issued for the Election of a Member to serve in the Legislature of this Colony, the same shall be addressed and directed to the Returning Officer for the Electoral District so appointed as aforesaid, and in every such Writ shall be mentioned the day on which such Writ shall be returnable.

Form of Writ of Election.

7. The Writs of Election shall be in the following form:—

“VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen Defender of the Faith.

“*To the Returning Officer of the Electoral District of*

“Whereas [*here mention briefly the occasion requiring the Election.*] We therefore command you, firmly enjoining that having first made Proclamation in the said Electoral District of _____ immediately after the receipt of this Our Writ, and thereby notified (giving not less than eight days' notice thereof) a day and place for Electing a Member to serve for the said Electoral District of _____, you cause on the said day and place a Member of the Legislative Council, the most fit and discreet, to be freely and indifferently chosen to represent the said Electoral District of _____ in Our Legislative Council, by those present at the day of Election, to be fixed by such Proclamation as aforesaid, and the name of such Member so chosen you cause to be returned by your Certificate, annexed to this Our Writ, and cause the person so chosen as aforesaid to come to the said Legislative Council, so that the said Member may have full and sufficient power for himself and the commonalty of the said Electoral District of _____, severally from them to do and consent to those things which then and there, by the favor of God, shall happen to be ordained by the Common Council of Our said Colony upon the said affairs, so that for default of such Powers, or through Improvident Election of such Member, the said affairs remain not undone in any way, and that you Certify, on or before the _____ day of _____, unto us in to Our Supreme Court at the City of Victoria, the Election so made, distinctly and openly, under your Seal, duly endorsed upon this Our Writ.

“In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony of British Columbia. Witness _____ at Our Government House, at Victoria, the _____ day of _____, in the Year of Our Lord One thousand eight hundred and _____

“By Command.

“A. B.,

“Registrar of the Supreme Court.”

Governor in Council may appoint places for nomination, and

8. It shall be lawful for the Governor in Council from time to time to appoint by Proclamation the place for the nomination of Candidates

Election Regulation Act.

Candidates in each Electoral District, and to appoint any additional polling places within any Electoral District, or within any Polling Division of any Electoral District, for the purpose of taking the poll at any contested Election.

additional polling places at contested Elections.

9. Each Returning Officer shall on receiving the Writ of Election forthwith endorse thereon the date of his so receiving it, in the following terms:—

Returning Officer to endorse on Writ date of receipt.

“Received the within Writ on the day of 18 . Form of endorsement;
“A. B.,
“Returning Officer.”

And immediately after his so receiving such Writ as aforesaid, he shall, by a Proclamation under his hand, state the place, day, and hour at which he will proceed to hold the Election.

and shall by Proclamation state place, day, and hour of Election.

10. The Proclamation shall be in the following form:—

Form of Proclamation.

“BRITISH COLUMBIA.

“PROCLAMATION.

“Electoral District of
“TO WIT.

}

“Public Notice is hereby given to the Electors of the District of that, in obedience to Her Majesty’s Writ to me directed, and bearing date the day of , in the Year of Our Lord One thousand eight hundred and , I require the presence of the said Electors at [*this must be the place fixed by the Governor in Council for the nomination of Candidates*], on the day of , at o’clock in the noon, for the purpose of Electing a person [*or persons, as the case may be*] to represent them in the Legislature of this Colony; and that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the day of , at [*here mention the different places at which a Poll is to be opened and kept*], of all which every person is hereby required to take notice and govern himself accordingly.

“Given under my hand at the day of ,
One thousand eight hundred and .
“ (Signature) A. B.
“Returning Officer.”

11. The Returning Officer shall cause the said Proclamation to be posted up on the outside of the outer door of the principal Court House in his District, and in such other public place or places in his District, and in every Polling Division of his District as may be used for the purpose of publishing notices under the provisions of “The Qualification and Registration of Voters’ Act, 1871,” at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the Nomination Day.

Returning Officer to publish Proclamation at least eight days before the nomination day.

12. In and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a poll be demanded and granted as hereinafter provided, such poll shall be opened in conformity to this Act, in his Electoral District or in each Polling Division of his District (as the case may be) for taking and recording the Votes of the Electors according to Law.

Returning Officer in Proclamation to fix polling day.

13. If in any case it happens that there is no place at which, under the provisions of this Act, the poll ought to be held, then the Returning Officer shall himself appoint the place or places in his District, or in each Polling Division of his District, selecting such as he deems most central and convenient for the majority of the Electors.

Returning Officer may appoint polling place in certain cases.

14. Neither the day of nomination, nor that of the publishing of such Proclamation, shall be included within the said eight days.

How the eight days to be reckoned.

15. Any Returning Officer refusing or neglecting to cause such Proclamation to be published as herein required, shall for such neglect or refusal incur a penalty of One Hundred Dollars; but no Election shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required for the publication thereof.

Penalty on Returning Officer refusing or neglecting to publish Proclamation. Election not to be invalidated by imperfect publication.

16. Each

Election Regulation Act.

Returning Officer to make declaration. 16. Each Returning Officer shall, before the nomination day, make the following Declaration, in the presence of at least two of the Electors of the District, who shall attach their signatures to such Declaration as witnesses, and shall annex the same to his Return to the Writ of Election :—

Form. "I, the undersigned Returning Officer for the Electoral District of _____, do solemnly declare that I will act faithfully in the capacity of Returning Officer, without partiality, fear, favor, or affection.
 "Dated this _____ day of _____ 18 _____
 " (Signature) A. B.,
 " Witnesses: " Returning Officer."

Penalty on omission. And any Returning Officer who omits or neglects to make and subscribe the said Declaration, or to annex it to his Return, shall for such omission or default incur a penalty of Fifty Dollars.

Returning Officer to appoint an Election Clerk. 17. Each Returning Officer shall, before the nomination day, appoint by a Commission under his hand, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer; and such Commission may be in the following form :—

Form of Commission. "To E. F. [*set forth his name, profession, trade, or calling, and residence.*]
 "Know you that, in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Election Clerk, to act in that capacity according to law, at the approaching Election for this District.
 "Given under my hand, at _____ this _____ day of the month of _____, in the year _____
 " (Signature) A. B.,
 " Returning Officer."

Election Clerk to take an oath of office. 18. Such Election Clerk shall take and subscribe, either before some Justice of the Peace for the District in which he resides, or before the said Returning Officer, the following oath; and the Justice of the Peace or Returning Officer before whom such oath is taken, shall subscribe his name thereto, in the following form :—

Form. "I, the undersigned E. F., appointed Election Clerk for the Electoral District of _____ do solemnly swear (or if he be one of the persons permitted by law to affirm, do solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor, or affection. So help me God.
 " (Signature) E. F.,
 " Election Clerk.
 "Sworn before me this _____ }
 day of _____ 18 _____ }
 " G. H., J. P.
 " or Returning Officer."

Penalty on persons refusing to perform the duty, or take oath. 19. Any person so appointed as Election Clerk who refuses to accept the said office, or, who having accepted such office, refuses or neglects to take and subscribe the said oath hereby above required of him, shall for such refusal or neglect incur a penalty of Twenty-five Dollars.

Another Election Clerk may be appointed in certain cases. 20. The Returning Officer may, either before or after the nomination day, appoint in the manner above mentioned another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness, or absence of any Election Clerk previously appointed, or of his refusal or neglect to act or otherwise; and such new Election Clerk so appointed shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in like cases.

Duty of Election Clerk in case the Returning Officer is unable to perform the duties of his office. 21. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence, or otherwise, the Election Clerk so by him appointed as aforesaid shall, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed, in like cases, on the Returning Officer,
 act

Election Regulation Act.

act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new oath for that purpose; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the said oath so taken by him as aforesaid as Election Clerk.

Oath to be annexed to return in such case.

22. Every Returning Officer shall at the time and place stated by him in the Proclamation hereinbefore mentioned, proceed to the hustings (which shall be held in the open air, at such place as that all the Electors may have free access thereto), and shall there make or cause to be made, in the presence of the Electors there assembled at the hustings, the following Proclamation; and shall then and there read or cause to be read publicly the Writ of Election; and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Council, in obedience to the said Writ of Election:—

Proceedings of Returning Officer on nomination day.

“Oyez! Oyez! Oyez!

“All persons are commanded and strictly enjoined to keep silence while Her Majesty’s Writ for the present Election is publicly read.”

Form of Proclamation.

23. If the Candidates, or their respective agents, and the Electors then and their present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid; and if, after such show of hands, a poll be not demanded in the manner hereinafter mentioned, the Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen to be duly elected a Member or Members, to represent in the Legislature the Electoral District for which such Election is had.

If no poll be demanded.

24. Any Elector present, or any Candidate, either in person or by his agent may demand a poll.

Any Elector, Candidate, or Agent may demand a poll.

25. If a poll be demanded then the Returning Officer shall grant such poll for taking and recording the Votes of the Electors in the manner hereinafter prescribed; and when at any such Election a poll is demanded as aforesaid, if the Returning Officer refuses or neglects to grant the same, the Election shall be *ipso facto* null, and such Returning Officer shall for such refusal or neglect incur a penalty of Five Hundred Dollars.

If a poll be demanded.

Penalty for not granting.

26. Any person authorized in writing may act as Agent of a Candidate during the continuance of the Election.

Agent authorized in writing may act for Candidate.

27. At any Election as aforesaid, in the absence of any person authorized in writing to act as agent for any absent Candidate, any Elector in the interest of such Candidate may, at any time during the Election, declare himself to be and may act as the agent of any such Candidate, without producing any special authority in writing for that purpose.

Provision as to agent of absent Candidate.

28. Any person who at any time, either during the Election, or before the Election, is employed at such Election, or in reference thereto, or for the purpose of forwarding the same by any Candidate, or by any person whomsoever, as Counsel, Agent, Attorney, or Clerk at any polling place at such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during, or after the said Election, from any Candidate, or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or employment, or any promise, pledge, or security whatsoever, for any sum of money, fee, office, place, or employment, shall be incompetent to vote at such Election, and his vote, if given, shall be null and void; and such person shall further incur, for having so voted, a penalty of Fifty Dollars.

No paid Agent, Attorney, Counsel, &c. of any Candidate to vote at the Election.

Penalty for so doing.

29. Any Candidate before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:

Candidate to make declaration, if required

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Form.

"I, A. B., do hereby most solemnly and sincerely declare that I am duly registered on the Register of Voters for the Electoral District of for this year, and that I have resided in this Colony for the space of Twelve Months, and that I am not, to the best of my belief, in any way disqualified for Election.

"Dated this day of 18 .

"A. B.

"Taken and acknowledged before me }
this day of 18 . }

"C. D., J. P.

"or Returning Officer."

False declaration a misdemeanor.

30. If any such person shall knowingly and wilfully make a false Declaration he shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by Law are incurred by persons guilty of wilful and corrupt perjury, in the place in which such false Declaration shall have been made.

Declaration may be voluntarily made.

31. Any person may, with a view to his becoming a Candidate at any Election of a Member of the Legislature make at any time, after the date of the Writ of Election, voluntarily and without waiting to be required so to do, the Declaration lastly hereinbefore mentioned; and any such Declaration so made voluntarily as aforesaid, shall to all intents and purposes have the same force and effect as if it had been made after his being thereunto required according to Law.

In what cases only a Candidate may be called upon to make declaration.

32. No such Declaration, when any Candidate is required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinbefore provided, need be so made by such Candidate, unless the same has been personally required of him on or before the day of nomination of Candidates at such Election, and before a poll has been granted, and unless he has not already made the same voluntarily as hereinbefore provided, and not in any other case; and when any such Declaration has been so required according to Law, the Candidate called upon to make the same, may do so at any time during such Election; provided it be made before the Proclamation to be made by the Returning Officer at the close of the Election, of the person or persons Elected at such Election.

At what time it may be made, if required.

Before whom it may be made, and how attested.

33. When such Declaration is so made by any Candidate, whether voluntarily, or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer, or before some Justice of the Peace, and such Returning Officer or Justice of the Peace shall take the same, and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation.

Returning Officer to certify the delivery to him of the declaration under a penalty of \$200.

34. Any Candidate who delivers or causes to be delivered such Declaration so made and attested to the Returning Officer, at any time before the Proclamation made by him at the closing of the Election as hereinbefore mentioned, shall be deemed to have complied with the Law to all intents and purposes as regards such Declaration; and any Returning Officer thereunto so required, shall be bound under a penalty of Two hundred Dollars, in case of refusal to give forthwith after such Declaration is delivered to him, to the Candidate or other person who has delivered the same, an acknowledgment under his hand of the delivery of such Declaration; and every such Declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it has been so delivered to the Returning Officer, either by the Candidate, or by any person on his behalf, whatever be the date of its receipt or of its attestation; and the possession of such Declaration shall be *prima facie* evidence of the possessor having been authorized by the Candidate to deliver it to the Returning Officer.

What shall be deemed the date of any such declaration, and who may deliver it to the Returning Officer.

Day of opening the poll to be proclaimed from the hustings.

35. When at any Election for any Electoral District, a poll has been granted, the Returning Officer immediately after having granted such poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously stated in his first Proclamation, and the place or places at which the poll shall be so opened, in his District or in each Polling Division of his District (as the case may be) for the purpose of then and there taking and recording the Votes of the Electors according to Law.

Poll not to be held on certain days. To be same day for each division of a District.

36. The day to be proclaimed by the Returning Officer for opening the poll, shall not be a Sunday, Good Friday, or Christmas day. Such day shall be the same for each division of a District, and the poll shall be opened and held in all places in such District on that day only.

37. At

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37. At each Election, the Electors shall vote at the polling place so opened and kept in the Polling Division (if any) within the limits whereof the property shall lie upon which they shall respectively claim the right of voting at such Election, and where they have been registered, and not at any other polling place; and if any Elector votes at any other polling place, he shall thereby incur a penalty of [Twenty-five] Dollars, and his vote if given shall be null and void. At what polling place each Elector shall vote.

38. No person shall vote in more than one polling place in any District though he shall be possessed of distinct qualifications in several Polling Divisions of such District; and if any Elector shall vote at more than one polling place in any one Electoral District, he shall thereby incur a penalty of Fifty Dollars, and all the votes given by him shall be null and void. No person to vote in more than one polling place. Penalty.

39. The poll shall be held if demanded, if possible, within Fourteen days after the nomination day; at every poll, the voting shall commence at eight o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned, as hereinafter provided, by reason of riot or other interruption, and every Elector may vote for any number of Candidates not exceeding the number of Members then to be chosen. Poll to be held, if possible, within 14 days after nomination day, between 8 a.m. and 4 p.m.

40. The Returning Officer shall cause rooms to be hired (if necessary) at every polling place within his District, in accordance with the instructions (if any) received by him from the Governor in Council. Returning Officer may hire rooms.

41. Such rooms may be divided into compartments, and if so divided, there shall be affixed over the entrance of each compartment certain letters (the entire letters of the alphabet being divided according to the number of compartments of the polling place), and no Elector shall be permitted to poll in any compartment, unless his surname shall commence with one of the letters which shall be so fixed over the entrance of such compartment. If divided into compartments, such compartments to be alphabetically arranged.

42. The Returning Officer shall preside at the principal polling place in his District where the nomination of Candidates has been held (or at the nearest polling place thereto), and the Election Clerk shall act as Poll Clerk (or one of the Poll Clerks) at such principal polling place, and the polling book shall be made up as is hereinafter mentioned. Returning Officer to preside at principal polling place.

43. For the purpose of taking the Votes at any such Election, the Returning Officer shall, by a Commission under his hand, appoint a Deputy Returning Officer for each Polling Division of a District, or for each separate polling place where such Returning Officer is himself personally unable to attend; and such Commission may be in the following form:— Returning Officer to appoint a Deputy.

“To G. H. [*insert his title and address*]

“Know you that in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Deputy Returning Officer [*or one of the Deputy Returning Officers, as the fact is*] for the Electoral District of _____ [*or for the Polling Division of the District of _____*] to take and record the votes of the Electors at _____, in the said District [*or in the said Polling Division.*]

Form of Commission.

“Given under my hand this _____ day of _____ 18 . . .

“(Signature) _____ A. B. “Returning Officer.”

44. Each Deputy Returning Officer shall, before acting as such, subscribe the following Declaration, in the presence of not less than two Electors of the District, who shall attach their signatures to such Declaration as witnesses:— Deputy Returning Officer to make declaration.

“I, the undersigned G. H., appointed Deputy Returning Officer for the District of _____, do solemnly declare that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection. Form.

“Dated this _____ day of _____ 18 . . .

“Witnesses : _____ “Signature, G. H., _____ “Deputy Returning Officer.”

“J. K.
“S. M.”

45. Any person so appointed a Deputy Returning Officer, who refuses to accept the said office, or who, after having accepted the same, refuses Penalty on persons refusing to perform the duty, or to make declaration.

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or neglects either to take and subscribe the said Declaration hereby required of him, or to perform the duties of a Deputy Returning Officer, shall for such neglect or refusal incur a penalty of Twenty-five Dollars.

Returning Officer may appoint another Deputy. in certain cases.

46. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness, or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity or otherwise; and such new Deputy Returning Officer so appointed shall perform all the duties and obligations of the said office, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases.

Returning Officer to issue his warrant for holding the poll, &c. to each of his Deputies.

47. The Returning Officer shall, by a warrant under his hand, addressed to each of the Deputy Returning Officers by him appointed as aforesaid, require such Deputy Returning Officer to open and hold the poll according to Law, at the time and place fixed as hereinbefore provided and set forth in his said warrant, in the Polling Division of the District for which such Deputy has been so appointed, or at the polling place where such Deputy is required to act, and to take and record at such poll, in a book which such Deputy shall keep or cause to be kept for that purpose, the Votes of the Electors voting at the said poll, and to return to him the said Poll Book signed with his hand, and sealed with his seal, immediately after the close of the poll. Such Warrant may be in the following form:—

Form of Warrant.

“ District of
“ To G. H., Deputy Returning Officer for the District of
“ Whereas, by Her Majesty’s Writ to me directed, and bearing date the day of , 18 , I am commanded to hold an Election of Member to represent the Electoral District of in the Legislative Council of this Colony; and whereas a poll having been demanded, was granted by me according to Law. These are, therefore, to authorize and require you to open and hold the poll of such Election at on the day of , 18 , at 8 o’clock in the forenoon, and there to keep the said poll open until 4 o’clock in the afternoon, and to take and record at the said polling place, in a Book which you shall keep for that purpose, the Votes of the Electors voting at the said polling place, and to return to me the said Poll Book, signed with your hand, and sealed with your seal, together with this Warrant, immediately after the close of the poll.
“ Given under my hand, at this day of 18 .
“ (Signature) A. B.,
“ Returning Officer.”

And such Poll Book shall be made up as follows:—

Form of Poll Book.

| No. | Names of the Voters. | Their profession, trade, or calling. | Their place of residence. | Objections. | Sworn | Voters refusing to take the oath. | Name of person voted for. |
|-----|----------------------|--------------------------------------|---------------------------|-------------|-------|-----------------------------------|---------------------------|
| | | | | | | | |

Returning Officer, on receipt of writ, to furnish his Deputies with Register of Voters.

48. Every Returning Officer upon receiving a Writ to hold any Election for a Member to serve in the Legislature shall furnish every Deputy Returning Officer, Election Clerk, and Poll Clerk with a copy of the Register of Voters relating to the Polling Division of the District or polling place for which he is appointed Deputy Returning Officer, which copy shall be certified under the hand of the Registrar of Voters for the District; and such certified copies shall be furnished by the Registrar of Voters for the District, according to the requisition made to him in that behalf by such Returning Officer.

Returning Officer and Deputy may appoint Poll Clerks by Commission.

Oath to be taken.

49. The Returning Officer for the principal polling place at which he presides, in addition to the Election Clerk, and every Deputy Returning Officer, may, by a Commission under his hand appoint a Poll Clerk or Poll Clerks to assist him in taking the Poll according to Law, and each Poll Clerk appointed as aforesaid, shall before acting as Poll Clerk, take and subscribe, either before a Justice of the Peace for the District in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the oath hereinafter set forth, which Commission may be in the following form:—

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"To J. K., [*insert his profession, trade, or calling, and residence.*]

Form of Commission.

"Know you, that in my capacity of Deputy Returning Officer [*or one of the Deputy Returning Officers, or Returning Officer, as the fact is*] for _____, I have appointed and do hereby appoint you to be Poll Clerk for _____

"Given under my hand at _____ this _____ day of the month of _____, in the year _____

"Signature, G. H.,

"Returning Officer or Deputy Returning Officer."

And which Oath may be as follows:—

Form of Oath.

"I, the undersigned J. J., appointed Poll Clerk for _____ in the _____ of _____, do solemnly swear [*or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm*], that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favour, or affection. So help me God.

"Signature, J. J.,

"Poll Clerk.

"Sworn before me this _____ }
day of _____ 18 _____ }

"C. D., J. P.

"or Returning Officer or Deputy Returning Officer."

50. Any person so appointed a Poll Clerk, who refuses to accept the said Office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, or any Election Clerk who neglects or refuses to perform the duties of a Poll Clerk, shall for such neglect or refusal incur a penalty of Twenty-five Dollars.

Penalty on persons refusing to perform the duty, or to take the oath.

51. Each Poll Clerk shall at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the Returning Officer or Deputy Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Returning Officer or Deputy Returning Officer.

Duty of the Poll Clerk.

52. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence, or otherwise, and if in any such case no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former appears at the polling place, then such Poll Clerk, or if more than one, the Poll Clerk who has first received his appointment shall (under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer) act at such poll as Deputy Returning Officer, and perform all the duties and obligations of that office in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose.

To perform the duty of Deputy Returning Officer in certain cases.

53. Whenever any Poll Clerk, in the case hereinbefore provided acts as Deputy Returning Officer, he may appoint, by a Commission under his hand another person as Poll Clerk to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath hereinbefore required of a Poll Clerk, and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself.

In such case he may appoint another Poll Clerk.

54. Whenever any Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence or other cause, the Returning Officer or Deputy Returning Officer whose Poll Clerk he was may appoint, by a Commission under his hand, another person as Clerk at the said polling place to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath hereinbefore required of a Poll Clerk.

Returning Officer or his Deputy may appoint another Poll Clerk in certain cases.

55. No Registrar or Collector of Voters, and no Deputy Returning Officer, Election Clerk, or Poll Clerk shall be entitled to vote at any Election of a Member or Members of the Legislature in the Electoral District for which they are so respectively appointed as aforesaid; and any vote given by any such person shall be null, and he shall be liable to a penalty of Fifty Dollars.

No Registrar, Collector, Deputy Returning Officer, &c., entitled to vote in his District. Penalty.

56. Each Returning Officer and Deputy Returning Officer shall write, in full, at the head of each page of the Poll Book used by him, the number of such page, and certify the same by his signature as follows:

Each Returning Officer and Deputy to certify each Page of the Poll Book.

"Page number one (or two as the case may be) A. B., Returning Officer or Deputy Returning Officer, and he shall certify in full words at the foot thereof

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the oath (or if he be one of the persons permitted by Law to affirm in civil cases) the affirmation following:—

“I swear (or affirm) that I will faithfully translate such oaths, declarations, and affirmations, as the Returning Officer or Deputy Returning Officer shall require me to translate at this Election. So help me God.”

64. In case no such Interpreter can be found, such Elector shall not be permitted to vote, and an entry thereof shall be made in the Poll Book. If no Interpreter. Elector not to vote.

65. The Returning Officer or Deputy Returning Officer shall, at the close of the poll, certify under his signature on the said Book, in full words, the true state of the votes at such close, to the effect following:— State of the poll to be certified at the close.

“I certify that the number of the votes polled at the close of the poll at this polling place, is (the total number of votes polled) whereof
 “G. H. a Candidate has polled ; J. K. a Candidate has polled ;
 “and L. M. a Candidate has polled (as the case may be).”
 “Signed A.B.,
 “Returning Officer or Deputy Returning Officer.”

of which state of the votes he shall publish a certified copy by posting the same in some conspicuous place at such polling place, before leaving the polling place for that day. Form. To be published.

66. No Returning Officer or Deputy Returning Officer shall grant, make, or enter into any scrutiny of the votes given at any Election. Officers not to grant, make, or enter into any scrutiny.

67. If at the Election of a Member to serve in the Legislature any person knowingly personates and falsely assumes to vote in the name of any other person whose name appears on the proper Register of Voters, whether such other person be living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding Two Hundred Dollars, or to be imprisoned for a term not exceeding six months. Punishment for falsely personating a Voter on the Register.

68. The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating, or attempting, or about to personate any Elector or deceased Elector, or if called upon so to do by any Candidate, or the Agent of any Candidate, require such person to sign his name in a book to be kept for that purpose, and any person signing or writing the name of any such Elector, not being his own name, shall be deemed guilty of forgery, and liable on conviction to be punished accordingly, and any person being so required who, unless unable to write, shall decline or refuse to sign his name shall on conviction forfeit a sum not exceeding Fifty Dollars. Person voting may be required to sign his name. False signature forgery.

69. If any person so required as aforesaid to sign his name in such book as aforesaid shall allege that he is unable to write, the Returning Officer or Deputy Returning Officer shall himself write the name so given by such person in such book as aforesaid, and shall require such person to affix his mark thereto; and any person so affixing his mark to the name of any such Elector not being his own name shall be deemed guilty of forgery, and liable on conviction to be punished accordingly; and any such person being so required to affix his mark as aforesaid who shall decline or refuse so to do shall, on conviction, forfeit a sum not exceeding Fifty Dollars. Provision as to marksmen.

70. If any lands or tenements are transferred or conveyed to any person by any title or instrument whatsoever fraudulently, and for the purpose of giving him the qualification requisite to enable him to be registered as an Elector, and if such person votes at any Election upon such lands or tenements he shall incur a penalty of One Hundred Dollars; and, nevertheless, such transfer or conveyance notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements shall be valid, and shall transfer such lands or tenements out of and from the person who has so transferred or conveyed the same, and shall vest them in the person to whom they have been so transferred or conveyed to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement has been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever. Penalty for fraudulently conveying lands in order to give a vote; but the conveyance shall be valid, any agreement to the contrary.

71. Every Poll Clerk shall, immediately after the closing of the poll at which he has acted as such, make and subscribe, either before a Justice of the Peace for the District in which he resides, or before the said Deputy Returning Officer, or the Returning Officer himself the following oath:— Oath to be made by Poll Clerk at close of Poll.

“I, the undersigned Poll Clerk for _____, do solemnly swear Form of Oath.
 [or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm] that the Poll Book kept by me under the direction of the _____
 the _____

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the Returning Officer, [or of A. B., who has acted as Deputy Returning Officer therein] has been so kept by me, under his direction as aforesaid, correctly, and to the best of my skill and judgment; and that the total number of Voters polled in such Poll Book is the number of _____, whereof C. D., a Candidate, has polled _____ votes, E. F., a Candidate, has polled _____ votes, (and so on as the case may be); and that to the best of my knowledge and belief it contains a true and exact record of the votes given as the said votes were taken at the said Poll by the said Returning Officer or Deputy Returning Officer.

“Signature, J. J.,
“ Poll Clerk.

“Sworn [or affirmed] and subscribed before me at _____ this day of the month of _____ in the year _____

“Signature, X. Y.,
“Justice of the Peace,
“or, T. V.,
“Returning Officer,
“or, A. B.,
“Deputy Returning Officer.”

To be annexed to Poll Book.

Which oath shall thereafter be annexed to the said Poll Book.

Deputy Returning Officer to make declaration.

72. Each Deputy Returning Officer shall, before returning the Poll Book to the Returning Officer, make and subscribe a Declaration, in the presence of at least two Electors, which Declaration shall be in the following form:—

Form.

“I, the undersigned, Deputy Returning Officer [or one of the Deputy Returning Officers, as the case may be] for _____ of _____ do hereby declare that to the best of my knowledge and belief the Poll Book [or Poll Books] kept at this polling place under my direction, hath been so kept correctly, and that the total number of votes polled in such Poll Book [or Poll Books] is the number of _____, whereof C. D., a Candidate, has polled _____ votes, E. F., a Candidate, has polled _____ votes [and so on as the case may be], and that to the best of my knowledge and belief it contains [or they contain] a true and correct record of the votes given at this polling place, as the said votes were taken.

“Signature, A. B.,
“ Deputy Returning Officer.

“Declared at _____, the _____ day of the month of _____, in the year _____.

“Signature, S. M.,
“ Deputy Returning Officer.

“Witnesses:
“O. P.,
“Q. R.”

To be annexed to Poll Book.

And such Declaration shall thereafter be annexed to the said Poll Book, and the Deputy Returning Officer shall then immediately return the Poll Book to the Returning Officer.

Penalties for neglect, &c.

73. Any Deputy Returning Officer or Poll Clerk who refuses or neglects to perform such obligations or formalities as lastly hereinbefore mentioned, shall for each such refusal or neglect incur the penalty hereinafter mentioned, that is to say, any Deputy Returning Officer a penalty of One Hundred Dollars, and any Poll Clerk a penalty of Fifty Dollars.

Poll Book to be delivered by Deputy in person to Returning Officer in person unless in case of sickness, &c.

74. The Deputy Returning Officer shall deliver the said Poll Book, personally, to the Returning Officer, and if he is unable to do so by sickness, or otherwise, he shall deliver such Poll Book, under a sealed cover, to a person chosen by him, and shall mention on the outside of such cover, the name of the person to whom it has been delivered under a sealed cover, to be so transmitted, and shall take a proper receipt therefor; and any Deputy Returning Officer failing therein, and any person having taken charge of the Poll Book, and failing to deliver the same so covered and sealed in the same state in which he received it, in due time and manner, shall be guilty of a misdemeanor, and shall incur a penalty not exceeding Fifty Dollars, or be imprisoned for a term of not more than one year, or be punished by imprisonment and fine together.

Penalty for neglect.

Proceedings in case of riot, violence, &c.

75. Where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of Candidates or of the taking the poll, the Presiding, Returning, or Deputy Returning Officer or Poll Clerk shall not for such cause terminate the business of such nomination, or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place at which such interruption or obstruction shall have happened to the following day; and if necessary shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer or Deputy Returning Officer shall again proceed with the business of the

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the nomination, or with the taking of the poll, as the case may be, at the place at which the same may respectively have been interrupted or obstructed; and the day on which the business of the nomination shall be concluded, shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall, if practicable, be put off for an equal number of days for which any such nomination may have been adjourned; and any day whereto the poll shall have been so put off or adjourned, shall as to such place or places be reckoned the day of polling at such Election within the meaning of this Act. Provided that no adjournment shall be made to any day beyond that named as the return day in the Writ, and if the Election shall not have been completed by that day, the Returning Officer shall specially return that fact; and where any such poll shall have been adjourned by the Deputy of any Returning Officer, he shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the poll or the name or names of the Member or Members chosen, until the poll so adjourned as aforesaid shall have been finally closed.

76. Within seven days after the day of polling, on a day and hour to be appointed by the Returning Officer, he shall proceed to the same place at which the nomination was held, first giving public notice thereof at the close of the poll on the polling day, by openly proclaiming such day and hour, and he shall then and there proceed to ascertain the state of the general poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the Election in all the polling places in such Electoral District for which the Election has been had, and as soon as he has so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such Electoral District in the Legislature, the person or persons having the greatest number of the votes so counted and added up; but the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books have been returned to him by all his Deputy Returning Officers; and in the event of the number of votes being found to have been equal for any two or more Candidates, one or more of whom, but not all of such Candidates being by the state of the poll and the number of Members to be elected entitled to be declared elected, such Returning Officer shall, by a casting vote or votes, as the case may be, and whether he be an Elector for such District or Division, or not, decide which of the Candidates for whom the votes may be equal shall be elected. Provided, that no Returning Officer shall vote at any Election for the Electoral District or Division of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

Proceedings on the day appointed for closing the Election.

Counting the Votes.

Proclamation of person elected.

If Votes equal, Returning Officer to have Casting Vote.

77. If it happens that one or more of the Poll Books have not been returned by the Deputy Returning Officer or Officers, and it is consequently impossible for the Returning Officer to ascertain the total number of votes as required by the next preceding Section, then such Returning Officer, instead of proceeding to examine the Poll Books which have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day, until all the said Poll Books have been returned to him.

Proceedings to be adjourned if Poll Books not returned.

78. In proclaiming such adjournment, he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose; and he shall in no case adjourn such proceedings to a Sunday, or to any of the holidays hereinbefore mentioned; but if the case occurs, he shall adjourn the proceedings to the day next after such Sunday or holiday.

Reason of adjournment to be proclaimed.

79. In case any Poll Book is stolen, or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer, to whom the custody of such Poll Book for the time being belonged, at any time before he has made his Return of the same to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer, and report to him the fact of such loss of the said Poll Book, and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss personally, or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on such Returning Officer.

Proceedings in case any Poll Book is stolen, lost, or destroyed.

80. The Returning Officer shall examine such Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book; and the number of votes which the said Returning Officer shall by this means find in each

Examination of Deputy Returning Officer and Poll Clerk.

Election Regulation Act.

such Poll Book for each Candidate at such Election, shall be included in his summing up of the votes of such Election, as if the same had been taken from such Poll Book.

Punishment of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

81. If either the Deputy Returning Officer or the Poll Clerk omits to attend on such Returning Officer as hereby required, or refuses to be sworn or affirmed by such Returning Officer as aforesaid, he shall be subject to a penalty of Two Hundred Dollars; and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common gaol, until thence discharged by an order in that behalf made by the Legislative Council.

Duty of Returning Officer believing any Election documents to be altered, &c.

82. When the Returning Officer, having received any Poll Book or any document connected with the Election, has reason to believe that the same has been altered, injured, or obliterated, or that additions have been made thereto, he shall adjourn the proceedings and establish the true facts in the manner above provided in the case of the loss of any Poll Book.

Returning Officer to certify names of persons elected.

83. As soon as the state of the poll is proclaimed (or if no poll is demanded on the nomination day) at the close of the proceedings, the Returning Officer shall make out a Certificate, under his hand and seal, naming the person or persons elected as Member or Members as aforesaid, which Certificate shall be appended to the Writ of Election, and shall be returned with the Writ to the Office of the Registrar of the Supreme Court; but no person shall be named in such Certificate who has been publicly required in manner aforesaid to make a Declaration of his qualification prior to the proclamation of the state of the poll, and has declined or refused or omitted so to do.

Form of Certificate.

84. The Certificate shall be as follows:—

“I do hereby certify, that in obedience to the annexed Writ of Election to me directed, I have caused an Election to take place within the Electoral District of _____, and that the Electors of the said District have chosen to represent the said District in the Legislative Council.

“Dated, this _____ day of _____ 18 .

{ L.S. }

“(Signature) A. B.,
“Returning Officer,
“Electoral District of _____.”

Returning Officer to furnish Candidate with a Certificate of his Election.
Form.

85. The Returning Officer (if required so to do) shall also give to each Candidate so elected, a Certificate in the following form:—

“I do hereby certify that, in obedience to the Writ of Election to me directed, I have caused an Election to take place within the Electoral District of _____, and that the Electors of the said District have chosen you to represent the said District as a Member [*or one of the Members*] for the said District in the Legislative Council.

“Dated, this _____ day of _____ 18 .

“(Signature) A. B.,
“Returning Officer.

“ To _____ ”

Returning Officer to have copies of Poll Books made, and deposit same with Registrar of Voters, To be open to inspection.
Fee.

86. Each Returning Officer shall make, or cause to be made, exact copies of all the Poll Books as well those kept under his own superintendence as those returned to him by his several Deputies, and within ten days after the closing of the Election shall deposit such copies, duly certified by him, in the Office of the Registrar of Voters of the District; and the said Registrar shall allow inspection thereof to any person who may demand the same, on payment of a fee of One Dollar, and shall allow such person to take a copy of the same at his own expense.

Original Poll Books and Writ to be returned to Registrar of Supreme Court.
Their effect as evidence.

87. The Returning Officer shall also then transmit the originals of the said Poll Books with the Writ of Election, and his return thereupon, to the Registrar of the Supreme Court immediately after the closing of the Election, and the said original Poll Books with the Declarations, Affidavits, and Certificates hereinbefore required, shall in all cases be *prima facie* evidence of the truth of the allegations therein contained.

Also copies of Registrar of Voters used at Elections.

88. The Returning Officer shall forward to the Registrar of the Supreme Court with his return to the Writ of Election, copies of the Register of Voters used at that Election duly certified as such by him.

Delay or technical objections not to invalidate proceedings.

89. No Election shall be held to be void in consequence of their being no Returning Officer at the time of the issue of the Writ of Election, or in consequence of any delay in the holding of the Election at the time appointed, or in taking the poll, or in the return of the Writ, such delay not extending beyond the day named for the return of the Writ, or in consequence of any impediments of a technical or formal nature; and it shall be lawful for the Governor in Council to cause to be adopted

Election Regulation Act.

adopted such measures as may be necessary for removing any obstacle or the doing of or the omission to do any act of a technical or formal nature, by which, or the want of which, the due course of any Election may be impeded. Provided that the measures so taken as aforesaid shall be forthwith declared by the Governor, by a Proclamation to be for that purpose published in the *Government Gazette*.

90. From the time when any Returning Officer has received the Writ of Election, or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy Returning Officer respectively shall be a Conservator of the Peace and invested, for the maintenance of the Peace, for the arrest, detention, or admission to bail, trial, and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Colony.

Returning Officer and his Deputies to be Conservators of the Peace during a certain time.

91. And for the maintenance of peace and of good order at such Election each Returning Officer or Deputy Returning Officer respectively may require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the hustings or at any polling place, to aid him in so doing, and may also swear in so many Special Constables as he deems necessary. Provided, that no Special Constable so sworn in as aforesaid shall be debarred from voting at such Election.

They may require the aid of Justices of the Peace, Constables, &c., and swear in Special Constables.

92. And each such Returning Officer or Deputy Returning Officer respectively may arrest, or cause to be arrested by verbal order, and may place in the custody of one or more Constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until any period not later than the final closing of the Election or of the poll respectively, which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty for any refusal or neglect so to do of Twenty-five Dollars.

May arrest disturbers, or order them to be arrested for a certain time.

93. No such arrest, detention, or imprisonment shall in any manner exempt the person so arrested, detained, confined, or imprisoned from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Such detention not to prevent other punishment.

94. On a requisition in writing made by any Candidate, or by his Agent, or by any two or more Electors, any Returning Officer or Deputy Returning Officer shall swear in such Special Constables.

Special Constables to be sworn in certain cases.

95. Any Returning Officer or Deputy Returning Officer may, during any part of the days whereon any such Election is to be begun, holden, or proceeded with, demand and receive from any person whomsoever any offensive weapon such as firearms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands or personal possession.

Returning Officer or his Deputy may demand the surrender of all arms.

96. Every such person who, upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy Returning Officer any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding Fifty Dollars, or imprisonment not exceeding Six Calendar Months, or by both, in the discretion of the Court whose duty it is to pass the sentence of the law upon such person upon his conviction.

Penalty for refusing to surrender the same.

97. Every person convicted of a battery committed during any part of the days whereon any such Election is to be begun, holden, or proceeded with, or on which any poll for such Election is to be begun, holden, or proceeded with, within the distance of two miles of the place where such Election or such poll is to be begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Certain batteries during Election time to be deemed aggravated assaults.

98. Except the Returning Officer for such Election, the Deputy Returning Officers, or Constables or Special Constables appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in such District for at least Three Months next before the day of such Election shall come, during any part of the day upon which such poll is to remain open, into such District, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in such District arm himself during any part of such day with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such District or Division is held, unless called upon to do so by lawful authority.

With certain exceptions, no stranger shall come armed into any District while the poll is open therein.

99. If any person steals or unlawfully or maliciously, either by violence or stealth, takes from any Returning Officer, Deputy Returning Officer, or Poll Clerk, or from any other

Persons stealing or unlawfully taking or other

Election Regulation Act.

- falsifying documents relating to Elections &c., to be guilty of felony, &c.** other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures, or obliterates, or causes to be wilfully or maliciously destroyed, injured, or obliterated, or makes, or causes to be made, any erasure, addition of names, or interlineation of names in, to, or upon, or aids, counsels, or assists in so stealing, taking, destroying, injuring, or obliterating, or in making any erasure, addition of names, or interlineation of names, in, to, or upon any Register of Voters, or any Writ of Election, or any Return to a Writ of Election, or any Poll Book, Certificate, or Affidavit, or any other document or paper made, prepared, or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them,—every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned with or without hard labour, for any term not exceeding Two Years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award; and it shall not, in any indictment for any such offence, be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value.
- Punishment.**
- Certain averments not to be requisite in indictment.**
- Accessories punishable as principals.** 100. Every person who aids, abets, counsels, or procures the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.
- How penalties shall be recoverable.** 101. All penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's Courts in this Colony having competent jurisdiction, and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol until he has paid the amount which he has been condemned to pay, with the costs, or until he is discharged by the order of the Court.
- How enforced.**
- What it shall be sufficient to state in the declaration.** 102. It shall be sufficient for the Plaintiff in any action or suit given by this Act, to state in the declaration that the Defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the Defendant had acted contrary to this Act, without mentioning the Writ of Election or the return thereof.
- And in any indictment under this Act.** 103. It shall be sufficient, in any indictment or information for any offence committed contrary to this Act, to allege the particular offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Election, or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election.
- On the trial, Writ, &c., need not be produced.** 104. It shall not be necessary, on the trial of any suit or prosecution under this Act, to produce the Writ of Election, or the return thereof, or the authority of the Returning Officer, founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence.
- Limitation of suits under this Act.** 105. Every action, suit, or information given by this Act, shall be commenced within the space of One Year next after the act committed, and not afterwards.
- False swearing perjury. False declaration misdemeanor.** 106. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely shall be guilty of perjury; and every person making a false Declaration, knowing it to be false in any respect, shall be guilty of a misdemeanor.
- Governor to authorize Expenses incurred by Registrars.** 107. It shall be lawful for the Governor in Council, to authorize the payment of all necessary expenses incurred by the Registrars, in arranging, copying, printing, and publishing Registers, and otherwise in and about any Election.
- Any thing directed to be done on Sunday, Good Friday, or Christmas Day, shall be done on the succeeding day.** 108. When any matter or thing shall be directed by this Act, or by any Writ issued in pursuance thereof, to be performed on a certain day, and that day shall happen to be Sunday, Good Friday, or Christmas Day, such matter or thing shall be performed on the next succeeding day, not being Sunday, Good Friday, or Christmas Day.
- Copy of Act to be sent to Returning Officer and Deputies with Writ.** 109. One copy of this Act for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout the Colony.
- Governor to fix fees to be paid to Returning Officer, &c.** 110. The Governor in Council shall fix the amount of fees and allowances from time to time to be paid to the Returning Officers, Election Clerks, Deputy Returning Officers, and Poll Clerks, and the amounts to be paid to any Special Constables whose services may be required under the provisions of this Act.

Election Regulation Act.

111. Each Returning Officer shall immediately after the close of any Election make up an account of all such fees and allowances, and of any necessary disbursements, which he or any of his subordinates may have made in respect of such Election, and the amount of such account, after the same has been approved by the Governor in Council, shall be paid over to the Returning Officer by warrant of the Governor, directed to the proper Officer of the Treasury, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor, and account for the same as the Governor may direct.

Returning Officer to make up account of fees, disbursements, &c., which shall be paid to him.

112. This Act shall come into operation immediately upon its being passed, but shall not apply to any Election of a Member of the Legislative Council until the Register of Voters, under the "Qualification and Registration of Voters' Act, 1871," is completed and delivered to the Returning Officer, as in the said Act is provided in that behalf, and until such Register of Voters is so completed and delivered as aforesaid, the proceedings at Elections of Members of the Legislature shall be the same as if this Act had never been passed.

Act when to come into operation.

113. This Act shall be taken to apply to "The Constitution Act, 1871," passed in the present Session, if and when the same comes into operation in this Colony as fully and effectually to all intents and purposes as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the proceedings at Elections of Members for the Legislative Assembly thereby constituted so far as the provisions contained in this Act are not absolutely repugnant to the provisions of "The Constitution Act, 1871."

Act how to be construed.

114. In this Act, and in "The Qualification and Registration of Voters' Act, 1871," the term "Governor" shall mean the Officer for the time being administering the Government of this Colony.

Interpretation of terms.

115. This Act may be cited as 'The Election Regulation Act, 1871.' Short Title.

Passed the Legislative Council the 10th day of March, A. D. 1871.

CHARLES GOOD,

Clerk of the Council.

PHILIP J. HANKIN,

Speaker.

Assented to, in Her Majesty's name, this 22nd day of March, 1871.

A. MUSGRAVE,

Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 14.

An Act to prevent Bribery, Treating, and undue influence at Elections of Members of the Legislature.

[27th March, 1871.]

WHEREAS it is advisable to prohibit and, as far as possible, to prevent by Legislative Enactment, all Bribery, Treating, and undue influence at Elections of Members of the Legislature;

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

1. The following Persons shall be deemed guilty of Bribery, and shall be punishable accordingly:—

a. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any Election;

b. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure any office, place, or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any Election;

c. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the Legislature, or the vote of any voter at any Election;

d. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in the Legislature, or the vote of any voter at any Election;

e. Every person who shall advance, or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in Bribery at any Election, or who shall knowingly pay or cause to be paid any money to any person, in discharge or repayment of any money wholly or in part expended in Bribery at any Election.

And

Corrupt Practices Prevention Act.

- Misdemeanor, penalty. And any person so offending shall be guilty of a misdemeanor, punishable by fine and imprisonment, and shall also be liable to forfeit the sum of Five Hundred Dollars to any person who shall sue for the same, together with the full costs of suit. Provided always that this Act shall not extend, or be construed to extend, to any money paid, or agreed to be paid, for on account of any legal expenses *bona fide* incurred at or concerning any Election.
- Bribery further defined. 2. The following persons shall also be deemed guilty of Bribery, and shall be punishable accordingly :—
- a.* Every voter who shall, before or during any Election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining, or agreeing to refrain, from voting at any Election;
- b.* Every person who shall after any Election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any Election.
- Misdemeanor, penalty. And any person so offending shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of Fifty Dollars to any person who shall sue for the same, together with full costs of suit.
- Treating defined. 3. Every Candidate at an Election who shall corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before, during, or after any Election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting, at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of Two Hundred and Fifty Dollars to any person who shall sue for the same, with full costs of suit; and every Voter who shall corruptly accept or take any such meat, drink, entertainment, or provision shall be incapable of voting at such Election, and his vote if given shall be utterly void and of none effect.
- Penalty. 3. Every Candidate at an Election who shall corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before, during, or after any Election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting, at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of Two Hundred and Fifty Dollars to any person who shall sue for the same, with full costs of suit; and every Voter who shall corruptly accept or take any such meat, drink, entertainment, or provision shall be incapable of voting at such Election, and his vote if given shall be utterly void and of none effect.
- Undue influence defined. 4. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any Election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any Voter, or shall thereby compel, induce, or prevail upon any Voter either to give or to refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of Two Hundred and Fifty Dollars to any person who shall sue for the same, together with full costs of suit.
- Misdemeanor, penalty. 4. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any Election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any Voter, or shall thereby compel, induce, or prevail upon any Voter either to give or to refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of Two Hundred and Fifty Dollars to any person who shall sue for the same, together with full costs of suit.
- Candidate paying for conveyance of Voters to the Poll illegal. 5. It shall not be lawful for any Candidate, or any one on his behalf, at any Election, to pay any money on account of the conveyance of any Voter to the poll, either to the Voter himself or any person on his behalf, nor to pay any money or give any valuable consideration to any Voter for or in respect of his travelling expenses for such purpose; and if any such Candidate, or any person on his behalf, shall pay any money on account of the conveyance of any Voter to the poll, or in respect of his travelling expenses, such payment shall be deemed to be an illegal payment within the meaning of this Act.
- No cockade, &c., to be given at Elections. 6. No Candidate before, during, or after any Election shall, in regard to such Election by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such Election, or to or for any Inhabitant of the Electoral District, Division, or Place for which such Election is had, any cockade, ribbon, or other mark of distinction, and every person so giving or providing, shall for every such offence forfeit the sum of Ten Dollars to such person as shall sue for the same, together with full costs of suit; and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music, flags, or banners, shall be deemed illegal payments within this Act.
- Penalty. 6. No Candidate before, during, or after any Election shall, in regard to such Election by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such Election, or to or for any Inhabitant of the Electoral District, Division, or Place for which such Election is had, any cockade, ribbon, or other mark of distinction, and every person so giving or providing, shall for every such offence forfeit the sum of Ten Dollars to such person as shall sue for the same, together with full costs of suit; and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music, flags, or banners, shall be deemed illegal payments within this Act.

Corrupt Practices Prevention Act.

7. No Candidate or any other person shall furnish or supply any cockade, ribbon, or other mark of distinction, with intent that the same should be worn or used within such Electoral District on the day of Election, or within eight days before such day, or during the continuance of such Election, by such person or any other, as a party badge to distinguish the wearer as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate; nor shall any person use or wear any cockade, ribbon, or other mark of distinction as such badge, within any Electoral District on the day of any such Election, or within eight days before such day or during the continuance of such Election.

No cockades, &c., to be used at Elections or eight days before.

8. No Candidate or any other person shall furnish or supply any ensign, standard, or set of colours, or any other flag to, or for any person or persons whomsoever, with intent that the same should be carried or used in any Electoral District on the day of Election or within eight days before such day, or during the continuance of such Election, by such person or any other, as a party flag to distinguish the bearer thereof and those who might follow the same as the supporters of such Candidate or of the political or other opinions entertained or supposed to be entertained by such Candidate; nor shall any person for any reason carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such Electoral District on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Party ensigns, flags, &c., not to be carried during any Election or eight days before.

9. Every person offending against any of the provisions of the two next preceding Sections shall be guilty of a misdemeanor.

Misdemeanor.

10. The giving, or causing to be given, to any Voter on the day of nomination, or the day of polling, on account of such Voter having polled, or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of Ten Dollars for each offence, to any person who shall sue for the same, together with full costs of suit.

Refreshments to Voters on nomination or polling days declared illegal.

Penalty.

11. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence respectively, shall be recoverable by action or suit, by any person who shall sue for the same in the Supreme Court, or in any of the County Courts of British Columbia.

Penalties how recoverable.

12. It shall be lawful for any Criminal Court, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said Court shall appear to have been reasonably incurred in and about the conduct of such prosecution.

Costs and Expenses of prosecutions.

13. In case of any indictment, or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information; such costs to be taxed by the proper Officer of the Court in which such judgment shall be given.

Cases in which defendant may recover costs from the prosecutor.

14. It shall not be lawful for any Court to order payment of the costs of a prosecution for any offence against the provisions of this Act, unless the prosecutor shall, before or upon the finding of the indictment or the granting of the information, enter into a recognizance, with two sufficient sureties, in the sum of Two Hundred and Fifty Dollars (to be acknowledged in like manner as would be now required in cases of *Certiorari* awarded at the instance of a defendant in an indictment), with the conditions following, that is to say:—That the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs.

Prosecutor not to be entitled to costs unless he shall have entered into a recognizance to conduct prosecution and pay costs.

15. No person shall be liable to any penalty or forfeiture hereby enacted or imposed, or to be tried for a misdemeanor or other offence under this Act, unless some prosecution, action, or suit for the offence committed, shall be commenced against such person within the space of one year next after such offence against this Act shall be committed, and unless such person shall be summoned or otherwise served with Writ or Process within the same space of time, so as such Summons or service of Writ or Process shall not be prevented by such person absconding or withdrawing out of the jurisdiction of the Court out of which such Writ or other Process shall have issued as aforesaid, the same shall be proceeded with and carried on without any wilful delay.

Limitation of actions.

16. In any indictment or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, or undue influence, it shall be sufficient to allege that the Defendant was at the Election at or in connection with which the offence is intended to be alleged to have been committed

General allegations sufficient in indictments.

Corrupt Practices Prevention Act.

mitted guilty of bribery, treating, or undue influence (as the case may require); and in any criminal or civil proceedings in relation to any such offence, the Certificate of the Returning Officer in this behalf shall be sufficient evidence of the due holding of the Election, and of any person therein named having been a Candidate thereat.

In actions for penalties, parties, &c., to be competent to sit in the Court.

17. On the trial of any action for recovery of any pecuniary penalty under this Act, the parties to such action, and the husbands and wives to such parties respectively, shall be competent and compellable to give evidence, in the same manner as parties and their husbands and wives are competent and compellable to give evidence in actions and suits under the Acts of the Parliament of Great Britain and Ireland, 14th and 15th Victoria, Chapter 99, and "The Evidence Amendment Act, 1853," so far as the same are in force in this Colony, but subject to and with the exceptions contained in such several Acts. Provided, always, that any such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party giving it.

Candidate declared guilty of bribery, &c., incapable of being elected during existing Council.

18. If any Candidate, at an Election for any Electoral District, shall be declared by any competent authority guilty by himself or his agents of bribery, treating, or undue influence at such Election, such Candidate shall be incapable of being elected, or sitting in the Legislative Council for such Electoral District, during the time for which Members are elected for the Legislative Council then in existence.

No payment, &c., shall be made by or on behalf of Candidates, otherwise than through authorized agents.

19. No payment (except in respect of the personal expenses of a Candidate), and no advance, loan, or deposit shall be made by or on behalf of any Candidate at an Election, before, or during, or after such Election, on account of or in respect of such Election, otherwise than through an agent or agents, whose name and address, or names and addresses, have been declared in writing to the Returning Officer on or before the day of nomination, or through an agent or agents to be appointed in his or their place, as herein provided; and any person making any such payment, advance, loan, or deposit otherwise than through such agent or agents, shall be guilty of a misdemeanor.

Returning Officers to publish names and addresses of agents.

It shall be the duty of the Returning Officer of the Electoral District to publish, on or before the day of nomination, the name and address, or the names and addresses of the Agent or Agents appointed in pursuance of this Section.

In the event of death, &c., of agent, another to be appointed.

In the event of the death or legal incapacity of any Agent appointed in pursuance of this Section, the Candidate shall forthwith appoint another Agent in his place, on giving notice to the Returning Officer of the name and address of the person so appointed, which shall be forthwith published, in the manner hereinbefore provided, by the Returning Officer.

Bills, &c., to be sent in within one month to agent, or right to recover barred.

20. All persons who have any bills, charges, or claims upon any Candidate for or in respect of any Election, shall send in such bills, charges, or claims within one month from the day of the declaration of the Election to such Agent or Agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims and every or any part thereof.

Provided, always, that in case of the death, within the said month, of any person claiming the amount of such bill, charge, or claim, the legal representative of such person shall send in such bill, charge, or claim, within one month after obtaining probate, or letters of administration, or confirmation as executor, as the case may be, or the right to recover such claim shall be barred as aforesaid. Provided, also, that such bills, charges, and claims shall and may be sent in and delivered to the Candidate, if and so long as during the said month there shall, owing to death or legal incapacity, be no such agent.

As to publication of statement of Election expenses.

21. A detailed statement of all Election Expenses incurred by or on behalf of any Candidate, including such expected payments as aforesaid, shall, within two months after the Election (or in cases where by reason of the death of the Creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in) be made out and signed by the Agent, or if there be more than one, by every Agent who has paid the same (including the Candidate, in case of payments made by him), and delivered, with the bills and vouchers relative thereto, to the Returning Officer; and the Returning Officer for the time being shall, at the expense of the Candidate, within 14 days, publish, or cause to be published, in the manner to be from time to time provided by the Governor in Council, an abstract of such statement, with the signature of the Agent thereto; and any Agent or Candidate who makes default in delivering to the Returning Officer the statement required by this Section, shall incur a penalty not exceeding Twenty-five Dollars for every day during which he so makes default; and any Agent or Candidate who wilfully furnishes to the said Returning Officer an untrue statement shall be guilty of a misdemeanor; and the said Returning Officer shall preserve all such bills and vouchers, and during six months after they have been delivered to him permit any Voter to inspect the same, on payment of a fee of One Dollar.

22. Throughout

Corrupt Practices Prevention Act.

22. Throughout this Act, in the construction thereof, except there be something in the subject or context repugnant to such construction, the word "Election" shall mean the Election of a Member or Members to serve in the Legislature, and the word "Voter" shall mean any person who has or claims to have a right to vote in the Election of a Member or Members to serve in the Legislature; and the words "Candidate at an Election," "Candidate at any Election," or "Candidate," shall include all persons elected to serve in the Legislature at such Election, and all persons nominated as Candidates at such Election, or who shall have declared themselves Candidates on or after the day of the issuing of the Writ for such Election, or after the dissolution or vacancy in consequence of which such Writ shall have been issued. Provided that nothing herein contained shall be construed to impose any liability on any person nominated without his consent. And the words "personal expenses," as used herein, with respect to the expenditure of any Candidate in relation to any Election, shall include the reasonable travelling expenses of such Candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purposes of and in relation to such Election.

Interpretation of terms.

23. This Act shall be taken to apply to "The Constitution Act, 1871," Act how to be construed. passed in the present Session, if and when the same comes into operation in this Colony, as fully and effectually to all intents and purposes as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the Legislative Assembly, and to the Elections of Members for the Legislative Assembly thereby constituted.

24. This Act may be cited as "The Corrupt Practices Prevention Act, 1871." Short Title.

Passed the Legislative Council the 14th day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 27th day of March, 1871.

A. MUSGRAVE,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 15.

An Act to enable the Governor to grant Charters for Tolls.

[25th March, 1871.

WHEREAS it has been considered doubtful whether the Governor has power to grant Charters for collecting Tolls; Preamble.

And, whereas, it is advisable to remove all doubts upon the subject, and as well to confirm all such Charters as have been already issued as to grant such powers in that respect to the Governor for the time being, as are hereinafter contained;

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. The term "Governor" shall mean the Officer for the time being lawfully Administering the Government of this Colony. Interpretation Clause.

II. All Charters heretofore granted by the Governor for the time being for the Collection of Tolls, or any authority for that purpose heretofore given by Deed, by any Officer employed by the Government, acting on behalf of the Government, shall be valid and effectual to all intents and purposes. Charters, &c., heretofore granted to be valid.

III. The Governor in Council may, from time to time, in Her Majesty's name, and under the Public Seal of this Colony, grant to any person or persons, upon such terms as he may think fit, Charters for the Collection of Tolls on any Road to be hereafter opened or improved by the person or persons obtaining the Charter. Governor in Council may grant Charters under Public Seal;

IV. No such Charter shall be granted until Tenders have been invited for the work required or proposed to be done for or in respect of which such Charter is proposed to be granted. Provided that it shall not be imperative upon the Governor in Council to grant such Charter to any person tendering for the performance of such work as aforesaid, nor to the person whose tender shall apparently be most favourable to the interests of the public generally. but not until Tenders have been called for.

V. This Act may be cited for all purposes as "The Toll Charter Act, 1871." Short Title.

Passed the Legislative Council the 21st day of March, A. D. 1871.

CHARLES GOOD, Clerk of the Council.

PHILIP J. HANKIN, Speaker.

Assented to, in Her Majesty's name, this 25th day of March, 1871.

A. MUSGRAVE, Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 16.

An Act to provide for a permanent Civil List.

[27th March, 1871.

WHEREAS it is desirable that a permanent Civil List should be established by Law; Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. There shall be payable, in every year, to Her Majesty, Her Heirs and Successors, out of the General Revenue of this Colony, a sum not exceeding Seventy-eight thousand three hundred and forty-six Dollars and Twenty-five Cents, for defraying the expense of the several services and purposes named in the Schedule A. hereunto annexed. Appropriation of \$78,346 25 in every year, for Civil List.

II. The sums so set down in the said Schedule A., opposite to each Office or Department, shall be payable for each while the Incumbents at the time this Act comes into operation respectively remain in office. Sums in Schedule payable to present Incumbents of office.

III. The said sums shall be payable by the proper Officer of the Treasury, upon the Warrant of the Governor or Officer Administering the Government for the time being. Officer of the Treasury to pay on Governor's Warrant.

IV. This Act shall not come into operation until it has received Her Majesty's assent, and such assent has been proclaimed in the Colony. Suspending Clause.

V. This Act may be cited as "The Civil List Act, 1871." Short Title.

Passed the Legislative Council the 23rd day of March, A. D. 1871.

CHARLES GOOD, Clerk of the Council.

PHILIP J. HANKIN, Speaker.

Assented to this 27th day of March, 1871.

A. MUSGRAVE, Governor.

SCHEDULE

*Civil List Act.***SCHEDULE A.**

| | |
|---|-----------------|
| HIS EXCELLENCY THE GOVERNOR. | |
| Private Secretary | \$1,452 00 |
| Messenger | 500 00 |
| LEGISLATIVE COUNCIL. | |
| Clerk | 600 00 |
| Messenger | 200 00 |
| COLONIAL SECRETARY'S DEPARTMENT. | |
| Colonial Secretary | 3,880 00 |
| Assistant Colonial Secretary | 1,940 00 |
| 1st Clerk | 1,452 00 |
| 2nd Clerk | 1,452 00 |
| Messenger | 500 00 |
| PRINTING BRANCH. | |
| Superintendent | 1,500 00 |
| Two Printers | 2,000 00 |
| Assistant Printer | 700 00 |
| TREASURY. | |
| Chief Clerk in charge | 2,190 00 |
| Clerk | 1,452 00 |
| Clerk | 1,200 00 |
| AUDIT. | |
| Audit Clerk | 1,940 00 |
| CHIEF COMMISSIONER OF LANDS AND WORKS. | |
| Chief Commissioner | 3,880 00 |
| Surveyor General | 2,425 00 |
| Clerk | 1,224 00 |
| Draughtsman | 1,224 00 |
| Accountant Clerk | 1,200 00 |
| Messenger | 250 00 |
| ATTORNEY GENERAL'S DEPARTMENT. | |
| Attorney General | 3,880 00 |
| Clerk | 1,750 00 |
| SHERIFF. | |
| Salary in addition to Fees | 1,500 00 |
| POLICE, VICTORIA. | |
| Clerk | 1,500 00 |
| Inspector | 1,008 00 |
| Sergeant | 800 00 |
| Two Constables | 1,277 50 |
| GAOL. | |
| Gaoler | 1,008 00 |
| Assistant Gaoler | 912 50 |
| Superintendent of Convicts | 1,008 00 |
| Two Convict Guards | 1,277 50 |
| Two Door Guards | 1,095 00 |
| Cook | 638 75 |
| Medical Officer | 600 00 |
| NEW WESTMINSTER. | |
| Two Constables | 1,400 00 |
| GAOL. | |
| Gaoler | 1,008 00 |
| Turnkey | 708 00 |
| Medical Officer | 500 00 |
| COLUMBIA AND KOOTENAY. | |
| Clerk and Constable | 1,704 00 |
| Constable | 1,404 00 |
| Constable, French Creek | 1,704 00 |
| | CARIBOO, |

Civil List Act.

| | |
|---|----------|
| CARIBOO, INCLUDING QUESNEL, SODA CREEK, AND OMINECA. | |
| Clerk | 1,940 00 |
| Chief Constable..... | 1,940 00 |
| Constable | 1,450 00 |
| Two Constables..... | 2,016 00 |
| Constable at Quesnel..... | 1,224 00 |
| Officer at Omineca | 1,940 00 |
| YALE, INCLUDING HOPE AND LYTTON. | |
| Chief Constable..... | 1,104 00 |
| Constable | 1,008 00 |
| Chief Constable, Lytton | 1,104 00 |
| Toll Collector, Yale | 1,104 00 |
| LILLOOET AND CLINTON. | |
| Chief Constable..... | 1,104 00 |
| Constable and Toll Collector, Clinton | 1,104 00 |
| NANAIMO AND COMOX. | |
| Constable, Nanaimo..... | 732 00 |
| Constable, Comox | 732 00 |

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 17.

An Act to repeal certain Acts, Ordinances, and Proclamations.

[27th March, 1871.

WHEREAS a Commission has been appointed to revise the Statutes in force in the Colony of British Columbia, with a view to the publication of a correct edition thereof, for public use; Preamble.

And, whereas, in furtherance of that object, it is expedient to repeal certain obsolete and unnecessary Acts, Ordinances, and Proclamations;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. All and singular the Acts, Ordinances, and Proclamations specified or referred to in the Schedule hereto shall be and are hereby repealed. Repeal of Acts &c., in Schedule. Provided, always, that no Act, Ordinance, Proclamation, or Order repealed by any of the Acts, Ordinances, or Proclamations, or sections or parts thereof hereby repealed, shall revive, but the same shall remain repealed.

II. The repeal of the Acts, Ordinances, or Proclamations hereby repealed shall not affect, or be construed to affect, any penalty, forfeiture, tax, or liability that shall have accrued or been incurred before this Act comes into force, or the proceedings for enforcing the same, nor any right, title, act, matter, or thing done, acquired, confirmed, established, existing, or pending, nor any privileges, indemnity, or immunity, conferred under any of the said repealed Acts, Ordinances, or Proclamations, but every such penalty, forfeiture, liability, and proceedings, and every such act, right, matter, and thing so done, acquired, conferred, established, existing, or pending, and every such privilege, indemnity, or immunity conferred, shall continue and be considered dealt with, enjoyed, enforced, and adjudged upon respectively as if such repeal had not taken place. Saving existing liabilities and rights.

III. The Schedule hereto shall form part of this Act. Schedule part of Act.

IV. This Act may be cited for all purposes as "The Statute Repeal Act, 1871." Short Title.

Passed the Legislative Council the 23rd day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 27th day of March, 1871.

A. MUSGRAVE,
Governor.

THE

Statute Repeal Act.

THE SCHEDULE.

STATUTES OF THE FORMER COLONY OF VANCOUVER ISLAND
AND ITS DEPENDENCIES.

| Date. | Title. |
|-------------------------------|--|
| 1859. Prior to 1st August. | All Proclamations and Acts of Council purporting to have been passed or issued under or by virtue of the authority of the Officer for the time being Administering the Government of the late Colony of Vancouver Island and its Dependencies, and all Acts of the Legislature thereof, made or purporting to have been made, prior to the 1st day of August, Eighteen hundred and fifty-nine. |
| 23rd August, 1859. | An Act to provide for the Resignation and Vacating of Seats in the House of Assembly in the Colony of Vancouver Island, and for the Election of Members on Vacancies. |
| 7th October, 1859. | The "Representation Act, 1859." |
| 7th October, 1859. | The "Registration of Voters Act, 1859." |
| 29th October, 1859. | An Act to remove Doubts as to the Interest of Money in the Colony of Vancouver Island, and its Dependencies. |
| 3rd November, 1859. | The "Franchise Act, 1859." |
| 9th July, 1860. | An Act to Provide for the Administration of Oaths in the House of Assembly, and the Production of Evidence before Committees of the same. |
| 28th August, 1860. | An Act for the payment of certain Salaries. |
| 28th August, 1860. | An Act to improve the Streets of the Town of Victoria, and to authorize the the Collection of a Tax to be called the Victoria Street Fund. |
| 28th August, 1860. | The "Fireman's Protection Act, 1860." |
| 10th December, 1860 | "The Act to cure imperfect Titles, 1860." |
| 19th December, 1860 | "The Minor Offences Act, 1860." |
| 19th December, 1860 | "The Annual Registration of Voters Act, 1860." |
| 19th December, 1860 | The "Act for Confirming Titles from the Hudson's Bay Company, 1860." |
| 6th February, 1861. | The "Powder Magazine Act, 1860." |
| 29th October, 1861. | "The Supplementary Street Act, 1861." |
| 14th November, 1861 | "An Act for the Confirmation of the Titles of Aliens to Real Estate, 1861." |
| 28th November, 1861 | The "Pawnbroker's Act, 1861." |
| 28th November, 1861 | "The Summary Procedure on Bills of Exchange Act, 1861." |
| 29th May, 1862. | The "Vancouver Island Temporary Loan Act, 1862." |
| 12th June, 1862. | The "Revisor's Confirmation Act, 1862." |
| 9th July, 1862. | "The Provisional Appointments Act, 1862." |
| 19th July, 1862. | "The Provisional Sanatory Commission Act, 1862." |
| 5th August, 1862. | "The Burnside Road Act, 1862." |
| 12th December, 1862 | "The Gunpowder Act, 1862." |
| 12th December, 1862 | "The City of Victoria Representation Act, 1862." |
| 27th February, 1863. | The "Victoria Incorporation Debenture Act, 1863." |

Statute Repeal Act.

| Date. | Title. |
|----------------------|---|
| 27th February, 1863. | The "Stamp Act, 1863." |
| 27th February, 1863. | An Act to apply the sum of Two hundred and forty-seven thousand two hundred and twenty-five dollars out of the General Revenue of the Colony of Vancouver's Island and its Dependencies to the service of the year One thousand eight hundred and sixty-three. |
| 27th February, 1863. | An Act to apply the sum of Twenty-five thousand seven hundred and five dollars out of the General Revenue of the Colony of Vancouver's Island and its Dependencies for the payment of certain salaries and expenses for the service of the year One thousand eight hundred and sixty-three. |
| 27th February, 1863. | An Act to grant a Supplemental Supply of Twenty-four thousand one hundred and twenty-nine dollars and fifty-three cents for the service of the year One thousand eight hundred and sixty-three. |
| 30th October, 1863. | "The Provisional Act for the Election of Mayor and Councillors, 1863." |
| 28th December, 1863 | "The Mayor and Council of Victoria Indemnity Act, 1863." |
| 11th March, 1864. | The "Governor's Indemnity Act, 1864." |
| 12th March, 1864. | An Act to apply the sum of Two hundred and fifty-seven thousand two hundred and seventy-nine dollars and fifty cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the service of the year One thousand eight hundred and sixty-four. |
| 8th June, 1864. | "The Governor's Victoria City Aid Act, 1864." |
| 7th July, 1864. | An Act to repeal "The Vancouver Island Stamp Act, 1862." |
| 7th July, 1864. | An Act to apply the Sum of Twenty Six Thousand Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the Year 1864. |
| 7th July, 1864. | An Act to grant a Supplemental Supply of Nineteen Thousand Eight Hundred and Four Dollars and Twenty Eight Cents for the service of the Year One Thousand Eight Hundred and Sixty Three. |
| 7th July, 1864. | The "Harewood Railway Company Act, 1864." |
| 7th July, 1864. | "The Victoria City Half per Cent. Tax Act, 1864." |
| 7th July, 1864. | The Supplemental Supply Act No. 4, 1864. |
| 5th November, 1864. | "The Provisional Act for the Election of Mayor and Councillors, 1864." |
| 5th December, 1864. | "The Chief Justice's Salary Act, 1864." |
| 30th March, 1865. | An Act to apply the Sum of Two Hundred and Ninety-eight Thousand Six Hundred and Eighteen Dollars and Twenty-five Cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the Service of the Year One Thousand Eight Hundred and Sixty-five. |
| 9th June, 1865. | "The Declaration of Title Act, 1865." |
| 16th June, 1865. | "The First Telegraph Act Amendment Act, 1865." |
| 16th June, 1865. | "The Vancouver Island Jury Act, 1865." |
| 21st June, 1865. | An Act to grant a Supplemental Supply of Thirty-seven Thousand Six Hundred and Eight Dollars and Thirty-nine Cents for the Service of the Year One Thousand Eight Hundred and Sixty-four. |
| 21st June, 1865. | An Act to apply the Sum of Fourteen Thousand Nine Hundred and Forty Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the Year One Thousand Eight Hundred and Sixty-five. |

Statute Repeal Act.

| Date. | Title. |
|----------------------|---|
| 24th June, 1865. | "The Victoria City Half Per Cent Tax Act, 1865." |
| 4th July, 1865. | An Act to explain "The Chief Justice's Salary Act, 1864." |
| 15th February, 1866. | "The Harewood Railway Company Extension Act, 1866." |

STATUTES RELATING TO THE FORMER COLONY OF BRITISH COLUMBIA
AND ITS DEPENDENCIES.

| | |
|----------------------|--|
| 19th November, 1858 | Proclamation to indemnify the Governor for acts done. |
| 2nd December, 1858 | Proclamation to enable the Governor to convey Crown Lands sold within the Colony. |
| 3rd December, 1858 | Proclamation relating to Customs Dues, &c. |
| 5th March, 1859. | Proclamation relating to entrance of Miners' Boats into Fraser River, and certain exemptions from Customs Duties. |
| 8th May, 1860. | "The Town Lot Leases Relief Act, 1860." |
| 10th August, 1860. | The "Spuzzem Road Bonds Act, 1860." |
| 20th August, 1860. | "The Shimilkomeen Roads' Bonds Act, 1860." |
| 29th October, 1861. | The "Harrison Lillooet Portage No. 2 Roads Bonds Act, 1861." |
| 22nd August, 1862. | "The Sunday Observance Act, 1862." |
| 21st September, 1863 | "The Alexandra Bridge Toll Act, 1863." |
| 2nd February, 1864. | "The Confirmatory Ordinance, 1864." |
| 18th February, 1864. | An Ordinance to apply the sum of One hundred and thirty-five thousand, six hundred and thirty-nine pounds, sixteen shillings and seven pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty-four. |
| 10th March, 1864. | The "British Columbia Steam Traction Engine Act, 1864." |
| 4th May, 1864. | The "Naval and Military Settlers' Relief Ordinance, 1864." |
| 7th February, 1865. | "The Traction Engine extension Ordinance, 1865." |
| 22nd February, 1865 | "The Lytton Bridge Toll Ordinance, 1865." |
| 22nd February, 1865 | The "Telegraph Amendment Ordinance, 1865." |
| 17th March, 1865. | An Ordinance to apply the sum of Two hundred and twenty-five thousand, nine hundred and forty-six pounds, twelve shillings and eight pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty-five. |
| 24th January, 1866. | The "Confirmatory Ordinance, 1866." |
| 3th March, 1866. | An Ordinance to apply the sum of Seven Hundred and Twenty-Two Thousand One Hundred and Fourteen Dollars and Five Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One Thousand Eight Hundred and Sixty-Six. |
| 29th March, 1866. | An Ordinance granting a Supplemental Supply of Thirty-two Thousand Four Hundred and Fifty-six Pounds, Seven Shillings, and Five Pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the years One Thousand Eight Hundred and Sixty-four and five respectively. |
| 20th March, 1866. | "The Gold Export Repeal Ordinance, 1866." |

Statute Repeal Act.

STATUTES RELATING TO BRITISH COLUMBIA SINCE THE UNION OF THE TWO FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND AND BRITISH COLUMBIA.

| Date. | Title. |
|----------------------|--|
| 12th February, 1867. | The "Imports Indemnity Ordinance, 1867." |
| 12th February, 1867. | The "Victoria City Aid Ordinance, 1867." |
| 19th March, 1867. | An Ordinance to appropriate the sum of Five Hundred and Sixty-Six Thousand Six Hundred and Fifty Eight Dollars and Thirty Cents out of the General Revenue of the Colony for the Contingent Service of the year 1867. |
| 2nd April, 1867. | "The Real Estate Tax Repeal Ordinance, 1867." |
| 2nd April, 1867. | "The Harewood Colliery Company's Railway Extension Ordinance, 1867." |
| 2nd April, 1867. | An Ordinance to confirm the expenditure of the sum of One Hundred and Forty-One Thousand Two Hundred and Ninety-five Dollars and Fifteen Cents, for the Service of the Colony of Vancouver Island, for the Year One Thousand Eight Hundred and Sixty-Six. |
| 2nd April, 1867. | An Ordinance to confirm the Expenditure for the services of the the year Eighteen Hundred and Sixty-Six not authorised in the grant for that year. |
| 1st May, 1868. | "The Hudson Bay Titles Confirmatory Ordinance, 1868." |
| 1st May, 1868. | An Ordinance to appropriate the sum of Three Hundred and Fifty-eight Thousand Nine Hundred and Twenty-three Dollars and Five Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1868. |
| 23rd February, 1869. | An Ordinance to appropriate the sum of Four Hundred and Nineteen Thousand Three Hundred and Thirty-five Dollars and Fifty Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1869. |
| 1st March, 1869. | "The Harewood Colliery Company's Railway Extension Ordinance, 1869." |
| 16th March, 1869. | An Ordinance granting a Supplemental Supply of One Hundred and Thirty-Four Thousand Four Hundred and Sixty-Five Dollars and Ninety-Eight Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1866-7, respectively. |
| 24th March, 1870. | An Ordinance to appropriate the sum of Three hundred and forty thousand one hundred and five Dollars seventy-five Cents, out of the General Revenue of the Colony, for the Contingent Service of the year 1870. |
| 24th March, 1870. | An Ordinance granting a Supplemental Supply of Two hundred and one thousand five hundred and eighty-five Dollars and four Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1868-9 respectively. |



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 18.

An Act to Incorporate Charitable, Philanthropic, and Provident Associations.

[28th March, 1871.

WHEREAS it is expedient that the establishment and maintenance of Charitable, Philanthropic, and Provident Associations should be encouraged in this Community; Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. Any number of persons may unite themselves into a Society for making provision, by means of contributions, subscriptions, donations, or otherwise, against sickness, unavoidable misfortune, or death, and for relieving the Widows and Orphan Children of Members deceased. Any number of persons may unite and form Charitable Associations;

II. The Members and Officers of such Society may from time to time establish and maintain any number of branches thereof, to promote the objects herein set forth. and establish branches.

III. Each Society shall have a Common Seal, and may change and alter the same at their will and pleasure, and by whatever name, designation, number, or description the Society is known, shall have continued succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places, and in all actions, suits, complaints, matters, and causes whatsoever. To have a Seal, &c. Maysue and be sued, &c.

IV. The Members of such Societies respectively may nominate, choose, and appoint proper persons as Trustees, Treasurers, Secretaries, or other Officers, for conducting the business, discipline, and management of the Society, and may meet together from time to time to make, alter, rescind, or frame By-Laws, Rules, or Regulations, for the necessary government of and for conducting the business of the Society or any branches thereof, to be approved and certified by the Registrar General of Titles as hereinafter mentioned. May elect Officers, and make By-Laws; to be approved by Registrar General.

V. Such By-Laws, Rules, and Regulations, shall not contain anything in violation of the Laws, Statutes, or Customs of this Colony, or be directed to the furtherance of any political or seditious object whatsoever. By-Laws, &c., not to be in violation of existing Laws, &c.

Two transcripts of the By-Laws, Rules, and Regulations so to be from time to time framed as aforesaid, shall be lodged in the Office of the Registrar General of Titles. Two transcripts of By-Laws, &c., to be lodged in Registrar General's Office.

If the Registrar General shall approve of such By-Laws, Rules, and Regulations, one transcript shall be filed in the Office of the Registrar General, and the other transcript shall be certified by the Registrar General as having been approved by him, and returned to the Secretary or other Officer of the Association having charge of the documents belonging to the Association. A fee If approved, one copy to be filed, and the other certified and returned to Secretary of Association.

Charitable Associations Act.

- Fee to Registrar General. fee of Fifteen Dollars shall be paid to the Registrar General, for his own use, for revising such Rules and granting such Certificate as aforesaid.
- Societies may require security from their Officers. VI. Such Societies may require the Officers, Secretaries, Treasurers, and Trustees thereof, to give security for all such sums of money or other property of the Society, as may from time to time be placed in their hands or under their control, in trust for and on behalf of the objects of the Society; and all such securities, being in writing, shall be deemed good security, and admissible as evidence in any of Her Majesty's Courts of Civil and Criminal Jurisdiction.
- May acquire personal and real property to a certain extent, and alienate same. VII. The Members of each of such Societies or Bodies in its locality, in the name of the Society, or in the name of the Presiding or other Officer or Officers thereof, may acquire and take by purchase, donation, devise, or otherwise, and hold for the use of the Members of the Society, and according to the Rules and Regulations thereof, all kinds of personal and also real property in this Colony, not exceeding Five Acres; and may sell and alienate the same, and may purchase and acquire in the stead and place thereof, any other real estate not exceeding the quantity above mentioned.
- A larger quantity of land may be held on Licence from the Governor in Council. It shall be lawful for each such Society to hold a larger quantity of land for any special purpose, provided a Licence from the Governor in Council is obtained; but such land shall be held upon such terms, and for such purpose only, as shall be expressed in such Licence.
- May invest money on security of real estate. VIII. Nothing in this Act contained shall prevent any such Societies from investing any moneys in their hands upon the security of Mortgages upon Real Estate. Provided, that in cases of foreclosures, the Real Estate of such Mortgages so foreclosed shall be immediately thereafter sold, and the proceeds thereof shall be applied to the general purposes of such Society.
- On foreclosure of Mortgage, real estate to be sold. IX. If any Officer, Secretary, Treasurer, Trustee, or Member of any such Society, obtains undue possession of, misappropriates, embezzles, or withholds from the other Members, Officers, or other Persons entitled to demand and receive the same, the whole or any portion of the funds, moneys, or other property of the Society, and continues to withhold such property after due demand has been made for the restoration and payment of the same, by some one or more of the Members or Officers duly appointed by and on behalf of the Body or Society, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned for any term not exceeding Three Years, with or without hard labour, or suffer such other punishment by fine or imprisonment, or by both, as the Court may award.
- Punishment of Members and Officers embezzling funds.
- What to be evidence. X. The printed or written Rules of such Society in force for the time being so certified as aforesaid, and the appointment of any Officer, Secretary, Treasurer, Trustee, or enrolment of any Member, certified under the hand of the Presiding Officer for the time being, and the seal of the Society, and the Books, Minutes, and other Documents of the Society, relative to any portion of the matter then in question, may be received in evidence in any proceedings in any Court of Civil or Criminal Jurisdiction, against any of the parties mentioned in the last preceding Section charged with the offence therein stated.
- Non-liability of Members. XI. No Member of any such Society shall, in his individual capacity, be liable for any debt or liability of the Society.
- Short Title. XII. This Act may be cited as "The Charitable Associations Act, 1871."

Passed the Legislative Council the 24th day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.
1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 19.

An Act for Compiling and Printing a New Edition of the Laws of the Colony of British Columbia.

[28th March, 1871.

WHEREAS it is expedient that measures should be adopted for Preamble.
Compiling a New Edition of the Laws of the Colony of British Columbia, and for Printing the same, and for omitting in the republication of such Edition all such Acts, Ordinances, and Proclamations, and parts of Acts, Ordinances, and Proclamations as have expired, been repealed, or had their effect;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. It shall be lawful for the Governor to issue a Commission, Authorizing the appointment of Commissioners to compile and print Laws. under the Great Seal, to three persons, constituting them Commissioners for compiling and printing a new edition of the Laws of the Colony of British Columbia, and from time to time, in case of the death, or refusal, or incapacity to act of any or either of the said Commissioners, to appoint some other person or persons to be a Commissioner or Commissioners, as aforesaid, to accomplish the purposes of this Act.

II. The said Commissioners shall be and they are hereby fully Commissioners to prepare and arrange Laws, and omit all repealed Laws, &c. authorized and empowered to prepare and arrange for publication the said new edition of the Acts, Ordinances, and Proclamations in force in the Colony of British Columbia, or any part thereof, at the time of the compilation thereof,—to omit all such Acts, Ordinances, and Proclamations, and parts of Acts, Ordinances, and Proclamations which have expired, been repealed, or had their effect, and all Acts, Ordinances, and Proclamations repealing any or any parts of any Acts, Ordinances, and Proclamations, as well as the Acts, Ordinances, and Proclamations, and parts of Acts, Ordinances, and Proclamations repealed, and the Schedules of all such repealed or repealing Acts, Ordinances, and Proclamations.

III. The Commissioners may procure from competent parties, Commissioners may procure estimates of expenses for printing 500 copies of Laws, and submit same for approval of Governor. if it is considered advisable by the Governor, estimates of the expenses of printing and publishing Five Hundred Copies of the new edition of the Laws, and shall submit the same for the consideration and approval of the Governor; and the said new edition of the Acts, Ordinances, and Proclamations of British Columbia, when arranged and prepared for publication, shall be transmitted by the said Commissioners to such parties as may be appointed by the Governor to print the same; and the said Commissioners shall make such arrangements for correcting the proof, and

Revised Statutes Act.

and any misprints, and clerical errors in the said Acts, Ordinances, and Proclamations, and otherwise insuring the correctness and accuracy of the publication, as to them may appear desirable.

One copy of same to be sealed with Great Seal, and deposited in Supreme Court, such copy to be the original.

IV. One printed copy of the said corrected edition of the Acts, Ordinances, and Proclamations shall be sealed with the Great Seal of the said Colony, and attested by the signatures of the said Commissioners, and deposited in the Office of the Registrar of the Supreme Court, and shall be deemed and held to be the original of such corrected edition of the Acts, Ordinances, and Proclamations of British Columbia; and every copy of the said edition of the said Acts, Ordinances, and Proclamations, purporting to be printed under the authority of the said Commissioners, after the said original shall be so deposited as aforesaid, shall be received as evidence of such Laws, Acts, Ordinances, and Proclamations in all Courts and places whatsoever in Judicature and thereout, without further proof of any kind whatsoever.

Copies to be evidence

Copies to be delivered to Members of the Legislature, Magistrates, &c.

V. The said Commissioners shall, upon the publication in British Columbia of Five Hundred Copies of the said Edition of the said Acts, Ordinances, and Proclamations, and as soon as such original shall have been so sealed, attested, and deposited as aforesaid, cause copies of such revised edition of the said Acts, Ordinances, and Proclamations to be delivered to the Members of the Legislature, Magistrates, and to such of the Public Functionaries or persons as the Governor may direct, and the remainder of such copies shall be placed in the hands of the Registrar of the Supreme Court of British Columbia, or some other person, to be disposed of at such price as shall be fixed by the Commissioners, and the proceeds thereof paid into the Public Treasury, and accounted for as part of the Public Revenue.

Remuneration to Commissioners, Clerk, &c.

VI. It shall be lawful for the Governor to issue his Warrant to the proper Officer of the Treasury for any sum or sums that he may think fit, as a remuneration for the said Commissioners, and for the Clerk employed by the said Commissioners, and also for such further charges and expenses as shall have been necessarily incurred, laid out, and expended (in conformity with the provisions of this Act) in the printing of the said revised edition of the said Acts, Ordinances, and Proclamations, or incident thereto.

Deposit of original to be notified in Government Gazette.

VII. Immediately upon such original being so deposited in the Office of the Registrar of the Supreme Court as aforesaid, the Commissioners shall issue a public notification thereof in the *Government Gazette*.

Commission to be printed with Statutes.

VIII. Any Commission or Commissions which shall be issued under this Act, shall be printed with the said Statutes of British Columbia.

Interpretation clause

IX. The word "Governor" shall be construed to mean the Officer for the time being administering the Government of British Columbia.

Short Title.

X. This Act may be cited for all purposes as "The Revised Statutes Act, 1871."

Passed the Legislative Council the 24th day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, B. C. :

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 20.

An Act to abolish Road Tolls on all Articles coming from the Interior of the Colony, in the direction of the Seaboard.

[28th March, 1871.

WHEREAS it is desirable to encourage the transmission of Preamble. Articles of Export from the Interior of this Colony;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. From and after the passing of this Act, all Cattle and all Articles and things coming in the direction of the Seaboard, from the Interior of this Colony, whether intended for Export or Home consumption, for the purposes of manufacture in the Colony, or any other purpose whatsoever, shall be exempt from liability to any Road or Ferry Tolls in this Colony, payable to the use of Her Majesty, Her Heirs and Successors. Frees Cattle and articles coming from Interior from Road and Ferry Tolls.

II. In the construction of this Act, the word "Cattle" shall extend to and include Horses, Mares, Fillies, Foals, Geldings, Colts, Bulls, Bullocks, Cows, Heifers, Steers, Calves, Sheep, Pigs, Mules, and Asses. Interpretation Clause.

III. This Act may be cited for all purposes as "The Tolls Exemption Act, 1871." Short Title.

Passed the Legislative Council the 24th day of March, A. D. 1871.

CHARLES GOOD, Clerk of the Council.

PHILIP J. HANKIN, Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE, Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 21.

An Act to amend the "Investment and Loan Societies Ordinance, 1869."

[28th March, 1871.

WHEREAS it is expedient to amend the "Investment and Loan Societies Ordinance, 1869;" Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. Section XXIII. of the "Investment and Loan Societies Ordinance, 1869," is hereby repealed. Repeals Sect. XXIII of Ordinance of 1869.

II. No Society shall be Incorporated under the provisions of the said Ordinance, under a name identical with that by which a subsisting Society is already Incorporated, or so nearly resembling the same as to be calculated to deceive. Societies to have different names.

III. Every person who shall have signed the Rules of any Society Incorporated under the provisions of the said Ordinance, shall be deemed to be a Member of the Society. Who shall be a Member of any Society.

IV. Any transfer of the share or other interest of a deceased Member of any Society, under the said Ordinance, made by his personal representative shall, notwithstanding such personal representative may not himself be a Member, be of the same validity as if he had been a Member at the time of the execution of the Instrument of Transfer. Transfer of share of deceased Member valid.

V. Such Society may advance to Members, other than any or either of the Directors thereof, on the security of unadvanced shares in permanent stock of the said Society, or of real property, any portion of the funds of such Society, not exceeding the amount in value of such unadvanced shares or of such real property, and may receive and take from any person or persons, or bodies corporate, any collateral, further, or additional security for any advances made as aforesaid. Provided that if it is agreed that any building or other permanent improvement shall be placed on any such real property as aforesaid, with the moneys or other portion thereof, to be advanced by such Society, the value of such building or permanent improvement may be estimated in appraising the value of such real property, if a bond is given to such Society for the purpose of securing the erection of such building or the making of such permanent improvement. To whom funds of Society may be advanced. Value of building placed on property with money advanced by Society, may be estimated in appraising its value, if a bond is given securing its erection.

VI. Section XXV. of the said Ordinance shall be and is hereby amended by striking out the word "Shareholder," and inserting the word "Member" in lieu thereof. Amends Sec. XXV. of Ordinance of 1869.

VII. Section

Investment and Loan Societies Act.

Amends Section
XXXVII. of Ordinance of 1869.

VII. Section XXXVII. of the said Ordinance shall be amended by striking out the whole of the remaining portion of the Section after the word "until" in the sixth line thereof, and by inserting the following words: "the principle upon which such profits have been computed, and are so found and declared, or are intended to be so found and declared, shall have been sanctioned or approved of by such Officer as the Governor or Officer Administering the Government may from time to time appoint, who shall be entitled to a fee of Fifteen Dollars for granting a Certificate of approval; and if any dividend shall be paid on or in respect of any share in the capital of such Society, before such principle as aforesaid shall have been sanctioned or approved as aforesaid, each of the Directors who shall not have objected thereto, and shall not have filed his objection in writing with the Secretary or Clerk of the Society before any such payment, shall incur a penalty of Five Hundred Dollars."

Who may draw
Notes, Bills of Exchange, or Receipts, for a Society.

VIII. A Promissory Note, or Bill of Exchange, or a Receipt, or other Acknowledgment for money deposited with the Society at Interest, shall be deemed to have been made, drawn, endorsed, or given on behalf of the Society, if made, drawn, accepted, endorsed, or given in the name of the Society, by the President, or Vice-President, and the Treasurer of the Society.

Method of appointing Attorney

IX. Any such Society may, by Instrument in writing under its Common Seal, empower any person, in respect of any specified matter, as its Attorney to execute Deeds on its behalf, and every Deed signed by such Attorney on behalf of the Society, and under his Seal, shall be binding on the Society and have the same effect as if it were under the Common Seal of the Society.

Differences may be referred to arbitration.

X. Any such Society may from time to time by writing under its Common Seal, agree to refer, and may refer to arbitration, any existing or future difference, question, or other matter whatsoever in dispute between itself and any other Society, Company, or Person in like manner as if it were Incorporated under the "Companies Ordinance, 1869;" and the Societies, parties to the arbitration, may delegate to the person or persons to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Societies themselves, or by the Directors or other Managing Body of such Societies.

Notices, &c., how served

XI. Any Summons, Notice, Order, or other document required to be served upon any such Society, may be served on the President, Vice-President, or Secretary, or by leaving the same, and sending a copy thereof through the post in a pre-paid letter, addressed to the Society at their Registered Office.

Documents how to be served by post on Society.

XII. Any document to be served by post on any such Society, shall be posted in such time as to admit of its being delivered, in due course of delivery, within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was sent as a pre-paid letter into the Post Office.

Interpretation.

XIII. The term "Real Property," shall include Chattels Real as well as Real Estate.

Short Title.

XIV. The "Investment and Loan Societies Ordinance, 1869," and this Act shall be construed and read together as one Act, and be cited as the "Investment and Loan Societies Act, 1869-1871."

Passed the Legislative Council the 27th day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE,
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 22.

An Act to prevent Desertion from Merchant Ships.

[28th March, 1871.

WHEREAS it is expedient to repeal the "Merchant Ship Desertion Ordinance, 1870," and to make the following provisions in lieu thereof;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. In the construction of this Act, whenever in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction. The word "Ship" shall mean any Ship or Vessel other than those belonging to Her Majesty's Navy.

II. The "Merchant Ship Desertion Ordinance, 1870," is hereby repealed; provided, however, that such repeal shall not affect any liabilities incurred or existing before such repeal, but such remedies and punishments thereunder shall, notwithstanding such repeal, be capable of enforcement and imposition as if this Act had not been passed, but not further or otherwise.

III. Every person who by any means whatever, persuades or attempts to persuade, or incites or attempts to incite, any Seaman or Apprentice to neglect or refuse to join, or to Desert from his Ship, or otherwise to absent himself from his duty, and every person who harbors or secretes any Seaman or Apprentice who has deserted from his Ship, shall for each such offence in respect of each such Seaman or Apprentice incur a penalty not exceeding Two Hundred and Fifty Dollars, unless such person is able to prove to the satisfaction of the Stipendiary Magistrate or Justices of the Peace before whom he is summoned for an infraction of this Act, as hereinafter mentioned, that he had no means of knowing, and did not know, that the person in respect of whom the offence is charged was a Seaman or Apprentice.

IV. Every infraction of this Act shall be punishable, upon summary conviction before any Stipendiary Magistrate or any two Justices of the Peace of British Columbia, by a penalty not exceeding Two Hundred and Fifty Dollars, or in default of payment, by imprisonment for any period not exceeding Six Calendar Months, with

Merchant Ship Desertion Act.

with or without hard labour, at the discretion of the Magistrate or Justices convicting.

or by indictment as
a misdemeanor.

Provided, that nothing herein contained shall be construed to prevent the Magistrate or Justices, before whom any offender against any of the provisions of this Act shall be brought, from committing such offender for trial before any Court of Assize, or Court of Oyer and Terminer which may be held in the said Colony of British Columbia; and every such Court and every Chief Justice and Judge thereof, or presiding thereat, shall be and is hereby fully authorized and empowered to enquire into, hear, and determine any and every such offence, and upon the conviction before any such Court of any such offender so committed for trial, the offender so convicted shall be deemed guilty of a misdemeanor, and shall be sentenced to and punished by any fine not exceeding Five Hundred Dollars, or to imprisonment in one of Her Majesty's Gaols for any term not exceeding Two Years, and with or without hard labour, as in the discretion of the Court or Judge so convicting the justice of the case shall seem to require.

Penalty, fine or im-
prisonment.

Not triable twice for
same offence.

Provided, that nothing herein contained shall be construed to prevent any person committing an offence under this Act, from being arrested, tried, and convicted, under any Law or Statute, Imperial or Local, before any Court having jurisdiction over such offences, but so only that the same person shall not be punished twice for the same offence.

No *certiorari*;

V. No conviction under this Act shall be removable by *certiorari*, or otherwise, into a Superior Court; nor shall any Warrant of Commitment upon a conviction under this Act be held to be invalid by reason of any informality or defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Informality, not to
invalidate conviction.

Short Title.

VI. This Act may be cited for all purposes as the "Merchant Ship Desertion Act, 1871."

Passed the Legislative Council the 27th day of March, A. D. 1871.

CHARLES GOOD,

PHILIP J. HANKIN,

Clerk of the Council.

Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE,

Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

1871.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 23.

An Act to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature.

[30th March, 1871.

WHEREAS it is expedient to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature; Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:

1. No Election, or Return to a Writ of Election, shall be questioned except in accordance with the provisions of this Act. Questions to be determined in accordance with Act.

2. The expression the "Court," shall, for the purposes of this Act, mean the Supreme Court of British Columbia, and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority, with reference to an Election Petition and the proceedings thereon, as it would have if such Petition were an ordinary cause within its jurisdiction. Definition and jurisdiction of Court.

3. The following terms shall, in this Act, have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say:— Interpretation of terms.

"Governor" shall mean the Officer for the time being administering the Government of this Colony. "Governor."

"Election" shall mean an Election of a Member or Members to serve in the Legislature. "Election."

"Candidate" shall mean any person Elected to serve in the Legislature at an Election, and any person who has been Nominated as or declared himself a Candidate at an Election. "Candidate."

"Corrupt Practices" or "Corrupt Practice," shall mean bribery, treating, and undue influence, or any of such offences as defined by "The Corrupt Practices Prevention Act, 1871," or any other Law in force in this Colony. "Corrupt practices"

"Rules of Court" shall mean rules to be made as hereinafter mentioned. "Rules of Court."

"Prescribed" shall mean "prescribed by the Rules of Court." "Prescribed."

4. For the purposes of this Act "Speaker" shall be deemed to include the person for the time being lawfully acting as Speaker; and when the office of Speaker is vacant, the Clerk of the Legislative Council or any other Officer for the time being performing the duties of the Clerk of the Legislative Council, shall be deemed to be substituted and to be included in the expression "the Speaker." Provision as to Speaker.

Trial of Controverted Elections Act.

To whom and by whom an Election Petition may be presented.

5. A Petition complaining of an undue Return or undue Election of a Member to serve in the Legislature for any Electoral District, may be presented to the Supreme Court of British Columbia by any one or more of the following persons:

1. Some person who voted or who had a right to vote at the Election to which the Petition relates, or
2. Some person claiming to have had a right to be Returned or Elected at such Election, or
3. Some person alleging himself to have been a Candidate at such Election;

And such Petition is hereinafter referred to as an Election Petition.

Regulations as to presentation of Election Petition.

6. The following Enactments shall be made with respect to the presentation of an Election Petition under this Act:

1. The Petition shall be signed by the Petitioner or all the Petitioners if more than one.
2. The Petition shall be presented within Twenty-one Days after the Return has been made, to the Registrar of the Supreme Court, of the Member to whose Election the Petition relates, unless it questions the Return or Election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the Petition may be presented at any time within Three Months after the date of such payment.
3. Presentation of a Petition shall be made by delivering it to the prescribed Officer, or otherwise dealing with the same in manner prescribed.
4. At the time of the presentation of the Petition, or within Three Days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the Petitioner to the Member whose Election or Return is complained of (who is hereinafter referred to as the Respondent), or to any other person who may be made a Respondent under this Act, shall be given on behalf of the Petitioner.
5. The Security shall be to an amount of Two Thousand Dollars. It shall be given either by recognizance to be entered into by any number of sureties not exceeding Four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

Copy of Petition, after presentation, to be sent to Returning Officer.

7. On presentation of the Petition the prescribed Officer shall send a copy thereof to the Returning Officer of the Electoral District to which the Petition relates, who shall forthwith publish the same in the Electoral District, in such manner as may be prescribed, or if not prescribed, in such manner as he may think fit.

Recognizance may be objected to.

8. Notice of the presentation of a Petition under this Act, and of the nature of the proposed security accompanied with a copy of the Petition shall, within the prescribed time after the presentation of the Petition, be served by the Petitioner on the Respondent; and it shall be lawful for the Respondent, where the security is given wholly or partially by recognizance, within a further prescribed time from the date of the service on him of the notice, to object in writing to such recognizance, on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained, from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Determination of objection to Recognizance.

9. Any objection made to the security given shall be heard and decided on in the prescribed manner.

If an objection to the security is allowed, it shall be lawful for the Petitioner within a further prescribed time to remove such objection, by a deposit in the prescribed manner, of such sum of money as may be deemed by the Court, or Officer having cognizance of the matter, to make the security sufficient.

If on objection made, the Security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the Petition; otherwise on the

Trial of Controverted Elections Act.

the expiration of the time limited for making objections, or after objection made on the sufficiency of the security being established, the Petition shall be deemed to be at issue.

10. The prescribed Officer shall, as soon as may be, make out a list of all Petitions under this Act presented to the Court of which he is such Officer and which are at issue, placing them in the order in which they were presented; and shall keep at his office a copy of such list, hereinafter referred to as the Election List, open to the inspection, in the prescribed manner, of any person making application.

List of Petitions at issue to be made.

Such Petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

11. The following Enactments shall be made with respect to the trial of Elections Petitions under this Act:

Mode of trial of Election Petitions.

1. Except where some question of Law is raised for the determination of the Court, as hereinafter mentioned, the Judges of the Supreme Court for the time being shall try alternately, without a Jury, the Election Petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each Election Petition shall be taken in manner provided by such agreement; and every Election Petition shall, except where it raises a question of law for the determination of the Court, as hereinafter mentioned, be tried by such Judge as aforesaid, hereinafter referred to as the Judge sitting in open Court, without a Jury.

2. Notice of the time and place at which an Election Petition shall be tried, shall be given not less than Fourteen Days before the day on which the trial is held in the prescribed manner.

3. The trial of an Election Petition shall take place before such Judge as aforesaid in Victoria. Provided, always, that if it shall appear to the Court that special circumstances exist which render it desirable that the Petition shall be tried in the Electoral District to which such Petition relates or elsewhere, it shall be lawful for the Court to appoint such place for the trial as shall appear most convenient.

4. The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place as to him may seem expedient.

5. At the conclusion of the trial, the Judge who tried the Petition shall determine whether the Member whose Return or Election is complained of, or any and what other person was duly Returned or Elected, or whether the Election was void; and shall forthwith certify in writing such determination to the Speaker, and upon such Certificate being given, such determination shall be final to all intents and purposes.

Where any charge is made in an Election Petition of any corrupt practice having been committed at the Election to which the Petition refers, the Judge shall in addition to such Certificate, and at the same time report in writing to the Speaker as follows:

(a.) Whether any corrupt practice has or has not been proved to have been committed, by or with the knowledge and consent of any Candidate at such Election, and the nature of such corrupt practice.

(b.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice.

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the Election to which the Petition relates.

6. The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which in his judgment ought to be submitted to the Legislative Council.

7. Where upon the application of any party to a Petition, made in the prescribed manner to the Court, it appears to the Court that the case raised by the Petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case.

12. Provided,

Trial of Controverted Elections Act.

- Applications to the Court respecting trials. 12. Provided, always, that if it shall appear to the Judge, on the trial of the said Petition, that any question or questions of law as to the admissibility of evidence or otherwise, require further consideration by the Supreme Court, then it shall be lawful for the said Judge to postpone the granting of the said Certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at *Nisi Prius* in England.
- Council to carry out Report. 13. The Legislative Council on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered in their Journals, and shall give the necessary directions for confirming or altering the Return, or for issuing a Writ for a new Election, or for carrying the determination into execution, as circumstances may require.
- Council may make order on Special Report. 14. Where the Judge makes a Special Report, the Legislative Council may make such order in respect to such Special Report as they think proper.
- Report of Judge, with evidence, to be laid before Attorney General, for prosecution. 15. Where the Judge has reported to the Legislative Council that certain persons named by him have been guilty of corrupt practices, and have not been furnished by him with Certificates of Indemnity, such Report, with the evidence taken by the Judge, shall be laid before the Attorney General with a view to his instituting a prosecution against such persons, if the evidence should in his opinion be sufficient to support a prosecution.
- Evidence of corrupt practice, how received. 16. On the trial of an Election Petition under this Act, unless the Judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any Candidate, in respect of such corrupt practice.
- Acceptance of office not to stop Petition. 17. The trial of an Election Petition under this Act, shall be proceeded with notwithstanding the acceptance by the Respondent of an office of profit under the Crown.
- Prorogation of Council. 18. The trial of an Election Petition under this Act, shall be proceeded with notwithstanding the Prorogation of the Legislative Council.
- Form of Petition. 19. An Election Petition under this Act, shall be in such form and state such matters as may be prescribed.
- Service of Petition. 20. An Election Petition under this Act, shall be served as nearly as may be in the manner in which a Writ or Summons is served, or in such other manner as may be prescribed.
- Joint Respondents to Petition. 21. Two or more Candidates may be made Respondents to the same Petition, and their case may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act such Petition shall be deemed to be a separate Petition against each Respondent.
- Provision in cases where more than one Petition is presented. 22. Where under this Act more Petitions than one are presented relating to the same Election or Return, all such Petitions shall in the Election List be bracketed together and shall be dealt with as one Petition; but such Petitions shall stand in the Election List in the place where the last of such Petitions would have stood if it had been the only Petition presented, unless the Court shall otherwise direct.
- Shorthand writer to attend trial of Election Petition, on order of Governor. 23. On the trial of an Election Petition under this Act, a Shorthand Writer shall, on an order of the Governor in Council being made for such purpose, attend, and shall be sworn by the Judge faithfully and truly to take down the evidence given at the trial, and from time to time, as occasion requires, to write or cause the same to be written in words at length; and it shall be the duty of such Shorthand Writer to take down such evidence, and from time to time to write or cause the same to be written at length, but if no such Shorthand Writer be employed, then the evidence

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evidence shall be taken down in such manner as the Court shall direct; and a copy of the evidence taken shall accompany the Certificate made by the Judge to the Speaker; and the expenses incurred under this Section shall be deemed to be part of the expenses incurred in carrying out this Act.

24. The Judges of the Supreme Court may from time to time make, and may from time to time revoke, and alter General Rules and Orders (in this Act referred to as the Rules of the Court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of Election Petitions, and the trial thereof, and the certifying and reporting thereon.

Rules to be made by Court.

Any General Rules and Orders made as aforesaid, shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any General Rules and Orders made in pursuance of this Section, shall be laid before the Legislative Council within Three Weeks after they are made if the Council be then sitting, and if the Council be not then sitting, within Three Weeks after the beginning of the then next Session of the Council.

25. Until Rules of Court have been made in pursuance of this Act, and so far as such Rules do not extend, the Rules framed in England under "The Parliamentary Election Act, 1868," and so far as such last mentioned Rules do not extend, the principles, practice, and rules on which Committees of the House of Commons in England had theretofore acted in dealing with Election Petitions, shall be observed so far as may be by the Court and Judge in the case of Election Petitions under this Act.

Provisions until such Rules are made.

26. The duties to be performed by the prescribed Officer under this Act, shall be performed by the Registrar or Deputy Registrar of the Supreme Court as may be determined by the Chief Justice of the said Court; and there shall be awarded to such Registrar or Deputy Registrar, in addition to his existing Salary, such remuneration for the performance of the duties imposed on him in pursuance of this Act, as the Chief Justice of the said Court may, with the consent of the Governor in Council, determine; and the amount so awarded shall be deemed to be part of the expenses incurred in carrying out this Act.

Performance of duties by prescribed Officer.

Remuneration.

27. On the trial of an Election Petition under this Act, the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority, as when sitting for the trial of civil or criminal cases, and the Court held by him shall be a Court of Record.

Power of Judge.

28. The Judge shall be attended on the trial of an Election Petition under this Act, in the same manner, and shall have the same allowance for travelling and other expenses, from time to time, as if he were sitting for the trial of civil or criminal cases, and the expenses of such attendance, and the travelling and other expenses and allowances of the Judge shall be deemed to be part of the expenses incurred under this Act.

Attendance on Judge.

Expenses, &c.

29. Witnesses shall subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in a trial of a civil case, and shall be subject to the same penalties for perjury.

Summons of witnesses.

30. On the trial of an Election Petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the Election to which the Petition refers; and any person refusing to obey such order shall be guilty of contempt of Court.

Judge may summon and examine witnesses.

The Judge may examine any witness so compelled to attend, or any person in Court, although such witness is not called and examined by any party to the Petition. After the examination of a witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the Petitioner and Respondent, or either of them.

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Indemnity to witnesses.

31. No person who is called as a witness before any Judge on the trial of an Election Petition under this Act, shall be excused from answering any question relating to any corrupt practice at or connected with any Election forming the subject of such enquiry by such Judge, on the ground that the answer thereto may criminate or tend to criminate himself. Provided, always, that where any witness shall answer every question relating to the matters aforesaid, which he shall be required by such Judge to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the Judge a Certificate under the hand of such Judge, stating that such witness was, upon his examination, required by the said Judge to answer questions or a question relating to the matters aforesaid, the answers or answer to which criminated or tended to criminate him, and had answered all such questions or such question; and if any information, indictment, or action, be at any time thereafter pending in any Court against such witness, for any offence under "The Corrupt Practices Prevention Act, 1871," or any other Law in force in this Colony, or for which he might have been prosecuted under the said Act, or under any other Law as aforesaid, committed by him previously to the time of his giving his evidence, and at or in relation to the Election concerning, or in relation to which the witness may have been so examined, the Court shall, on production and proof of such Certificate, stay the proceedings in such last mentioned information, indictment, or action, and may at its discretion award to such witness such costs as he may have been put to in such information, indictment, or action. Provided that no statement made by any person in answer to any question put by such Judge shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

Expenses of witnesses.

32. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election Petition under this Act, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to such person by a Certificate under the hand of the Judge or of the prescribed Officer, and such expenses, if the witness was called and examined by the Judge, shall be deemed part of the expenses incurred under this Act, and in other cases shall be deemed to be costs of the Petition.

Judge may appoint a Commissioner to examine witnesses.

33. Upon its appearing to any such Judge, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the Election Petition, that the same cannot be effectually inquired into before such Judge without great inconvenience and expense to the parties or either of them, the said Judge may, upon application of any of the parties before the said Judge at any period during the course of his proceedings upon such Petition, make an order for the nomination and appointment of a Commission to examine witnesses in the manner prescribed. The Commission shall be directed to such person as the said Judge shall appoint for the purpose, and the powers and authorities of the Commissioner, the proceedings before such Commissioner, and the return of the Commissioner, shall all be as prescribed; and the expenses attending the execution of such Commission, shall be considered as expenses incurred under this Act.

Withdrawal of Petition, and substitution of new Petitioners.

34. An Election Petition under this Act, shall not be withdrawn without leave of the Court or Judge, upon special application to be made in, and at the prescribed manner, time, and place.

No such application shall be made for the withdrawal of a Petition until the prescribed notice has been given in the Electoral District to which the Petition relates, of the intention of the Petitioner to make an application for the withdrawal of his Petition.

On the hearing of the application for withdrawal, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be substituted as a Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court or Judge may, if it or he think fit, substitute as a Petitioner

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Petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is in the opinion of the Court or Judge induced by corrupt bargain or consideration, by order direct that the security given on behalf of the original Petitioner, shall remain as security for any costs that may be incurred by the substituted Petitioner, and that to the extent of the sum named in such security, the original Petitioner shall be liable to pay the costs of the substituted Petitioner.

If no such order is made with respect to the security given on behalf of the original Petitioner, security to the same amount as would be required in the case of a new Petition, and subject to the like conditions, shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within the prescribed time after the order of substitution.

Subject as aforesaid, a substituted Petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original Petitioner.

If a Petition is withdrawn, the Petitioner shall be liable to pay the costs of the Respondent.

Where there are more Petitioners than one, no application to withdraw a Petition shall be made, except with the consent of all the Petitioners.

35. In every case of the withdrawal of an Election Petition under this Act, the Court or Judge shall report to the Speaker whether, in its or his opinion, the withdrawal of such Petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition, and if so, the circumstances attending the withdrawal.

Court to report to Speaker circumstances of withdrawal.

36. An Election Petition under this Act shall be abated by the death of a sole Petitioner or of the survivor of several Petitioners.

Abatement of Petition.

The abatement of a Petition shall not affect the liability of the Petitioner to the payment of costs previously incurred.

On the abatement of a Petition, the prescribed notice of such abatement having taken place shall be given in the Electoral District to which the Petition relates; and within the prescribed time after the notice is given any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge in, and at the prescribed manner, time, and place to be substituted as a Petitioner.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new Petition.

37. If, before the trial of any Election Petition under this Act, any of the following events happen in the case of any Member whose Election or Return is complained of (that is to say):

Admission, in certain cases, of Voters to be Respondents.

1. If he dies.
2. If the Legislative Council have resolved that his seat is vacant.
3. If he gives in, and at the prescribed manner and time, notice to the Court that he does not intend to oppose the Petition:

Notice of such event having taken place shall be given in the Electoral District to which the Petition relates, and within the prescribed time after the notice is given, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be admitted as a Respondent to oppose the Petition, and such person shall on such application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of the Respondent and any number of persons not exceeding Three may be so admitted.

38. A Respondent who has given the prescribed notice that he does not intend to oppose the Petition, shall not be allowed to appear or act as a party against such Petition in any proceedings thereon, and shall not sit or vote in the Legislative Council until the Certificate and Report or Reports (if any) of the Court or Judge have been entered on the Journals of the Legislative Council as aforesaid, and the Council have given a decision therein in favour

Respondent not opposing not to appear as party, or to sit. Exceptions.

Trial of Controverted Elections Act.

of such Respondent; and the Court or Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker of the Legislative Council.

General costs of
Petition.

39. All costs, charges, and expenses of and incidental to the presentation of a Petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses, as are by this Act otherwise provided for, shall be defrayed by the parties to the Petition, in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges, and expenses, which may in the opinion of the Court or Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the Petitioner or the Respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

The costs may be taxed in the prescribed manner, but according to the same principles as costs between Attorney and Client are taxed in a suit in the Court of Chancery; and such costs may be recovered in the same manner as the costs of an action at Law, or in such other manner as may be prescribed.

Recognizance when
to be estreated, &c.

40. If any Petitioner in an Election Petition presented under this Act, neglects or refuses for the space of Six Months after demand, to pay to any person summoned as a witness on his behalf or to the Respondent, any sum certified to be due to him for his costs, charges, and expenses; and if such neglect or refusal be within One Year after such demand, proved to the satisfaction of the Supreme Court, in every such case every person who has entered into a recognizance relating to such Petition under the provisions of this Act, shall be held to have made default in his said recognizance, and the prescribed Officer shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in manner provided by the Act of the United Kingdom of Great Britain and Ireland, of the Third year of the Reign of King George the Fourth, Chapter Forty-six, or as near thereto as local circumstances will permit.

Punishment of Can-
didate guilty of
bribery.

41. Where it is found by the report of the Judge upon an Election Petition under this Act, that bribery has been committed by or with the knowledge and consent of any Candidate at an Election, such Candidate shall be deemed to have been personally guilty of bribery at such Election, and his Election if he has been Elected shall be void, and he shall be incapable of being Elected to, and of sitting in the Legislature, during the Seven Years next after the date of his being found guilty, and he shall further be incapable during the said period of Seven Years,

1. Of being Registered as a Voter, and Voting at any Election in British Columbia; and
2. Of holding any Municipal Office; and
3. Of holding any Judicial Office; and of being appointed, and of acting as a Justice of the Peace.

Penalty for employ-
ing corrupt Agent.

42. If on the trial of any Election Petition under this Act, any Candidate is proved to have personally engaged at the Election to which such Petition relates, as a Canvasser or Agent for the management of the Election, any person knowing that such person has within Seven Years previous to such engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by the report of the Judge upon an Election Petition under this Act, the Election of such Candidate shall be void.

Disqualification of
bribery.

43. Any person, other than a Candidate, found guilty of bribery in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the Seven Years next after the time at which he is so found guilty, be incapable of being Elected

Trial of Controverted Elections Act.

Elected to and sitting in the Legislative Council, and also be incapable

1. Of being Registered as a Voter, and Voting at any Election in British Columbia; and
2. Of holding any Municipal Office; and
3. Of holding any Judicial Office; and of being appointed, and of acting as a Justice of the Peace.

44. For the purpose of disqualifying, in pursuance of the 18th Section of "The Corrupt Practices Prevention Act, 1871," a Member guilty of corrupt practices, other than personal bribery within the 41st Section of this Act, the Report of the Judge on the Trial of an Election Petition shall be deemed to be competent authority within the meaning of the said Act, and the said Section shall be construed as if the words "reported by a Judge on the Trial of an Election Petition" were inserted therein, in place of the words "declared by any competent authority."

As to disqualification of Members for corrupt practices.

45. If at any time after any person has become disqualified by virtue of this Act, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

Removal of disqualification on proof that disqualification was procured by perjury.

46. If any Returning Officer wilfully delays, neglects, or refuses duly to return any person who ought to be returned to serve in the Council for any Electoral District, such person may, in case it has been determined on the hearing of an Election Petition under this Act that such person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such return at his Election, in the Supreme Court, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit; provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such Election.

Returning Officer may be sued for neglecting to return any person duly elected.

47. In reckoning time for the purposes of this Act, Sunday, Christmas Day, and Good Friday, and any day set apart for a Public Holiday shall be excluded.

Calculation of time.

48. Where an Election Petition under this Act complains of the conduct of a Returning Officer, such Returning Officer shall for all the purposes of this Act, except the admission of Respondents in his place, be deemed to be a Respondent.

Returning Officer, if complained of, to be Respondent.

49. A Petition under this Act complaining of no return, may be presented to the Court, and shall be deemed to be an Election Petition within the meaning of this Act, and the Court may make such order thereon as they think expedient for compelling a return to be made, or may allow such Petition to be heard by the Judge in manner hereinbefore provided with respect to ordinary Election Petitions.

Petition complaining of no Return.

50. On the trial of a Petition under this Act, complaining of an undue return, and claiming the seat for some person, the Respondent may give evidence to prove that the Election of such person was undue, in the same manner as if he had presented a Petition complaining of such Election.

Recrimination when Petition for undue Return.

51. If upon a Petition to the Council, presented within twenty-one days after the return, to the Registrar of the Supreme Court, of a Member to serve in the Council for any Electoral District, or within fourteen days after the Meeting of the Council, and signed by two or more Electors of such District, and alleging that corrupt practices have extensively prevailed at the then last Election for such District, or that there is reason to believe that corrupt practices have there so prevailed, or if upon the Judge making a Report to

Commissioners into inquiry into corrupt practices.

Trial of Controverted Elections Act.

to that effect to the Council, as hereinbefore provided, an Address be presented by the Council to the Governor, praying that such allegation may be inquired into, the Governor may appoint Commissioners to enquire into the same, and if such Commissioners in such case be appointed, they shall inquire in the same manner, and with the same powers, and subject to all the provisions of the Statute of the Parliament of Great Britain and Ireland, of the 15th and 16th of Victoria, Chapter 57, or as near thereto as circumstances will permit, until the Legislature of this Colony shall see fit to make provision for the regulation of such enquiries.

- Governor authorized to defray expenses of Act. 52. The Governor in Council is hereby authorized to defray all expenses incurred under this Act, and also the expenses attending the execution of any such Commission as last aforesaid, by his warrant to the proper officer of the Treasury.
- No Petition to be presented until first Election after Register of Voters completed. 53. No Election Petition shall be presented under this Act until the first Election shall be held after the Register of Voters, under "The Qualification and Registration of Voters Act, 1871," is completed and delivered to the Returning Officer as in the said Act is provided in that behalf, and until such first Election takes place as aforesaid the Return of the Returning Officer to any Writ of Election shall be final and conclusive to all intents and purposes.
- Act to be taken to apply to "Constitution Act, 1871." 54. This Act shall be taken to apply to the "The Constitution Act, 1871," passed in the present Session, if and when the same comes into operation in this Colony, as fully and effectually, to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if the words "Legislative Assembly" had been substituted for the words "Legislative Council" throughout this Act.
- Short Title. 55. This Act may be cited for all purposes as "The Trial of Controverted Elections Act, 1871."

Passed the Legislative Council the 27th day of March, A. D. 1871:

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 30th day of March, 1871.

A. MUSGRAVE,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 24.

An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws.

[30th March, 1871.

WHEREAS it is expedient that encouragement should be given Preamble.
to the keeping and raising of Cattle in British Columbia;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. In all cases where any person shall entrust another with Cattle to be kept and farmed on shares by such other, and where the agreement between the said parties, or a true copy thereof, together with an affidavit by the parties to the agreement, of the residence and also of the occupation (if any) of the parties to the agreement, and of the *bona fide* nature thereof, and of the number of each description of animal so to be entrusted, and of the brand or other distinctive mark on each of the animals for the time being so entrusted, and also of what the owners brand or mark consists, is registered by being left in the Office of the Registrar General of Titles in Victoria, if the Cattle referred to in the agreement is to be kept and farmed in Vancouver Island, or if the Cattle referred to in the agreement is to be kept and farmed in any other part of British Columbia, then by being left in the Office of the Stipendiary Magistrate of the District in which the land on which the said Cattle are intended to be farmed and kept is situated, or in the Office of some other person appointed in that behalf, within Thirty Days after the delivery of the Cattle to the farmer, or within Thirty Days after the signing of the said agreement by either of the parties thereto which-ever shall first happen. And where notice of the agreement shall within the Thirty Days aforesaid be given in manner hereinafter provided, the Cattle and all substituted Cattle, and the share or interest of the owner of the Cattle and substituted Cattle, in the increase thereof respectively, shall be deemed to be in possession of such owner, and shall not be affected by any law now or hereafter to be in force in British Columbia relating to Bankruptcy or Insolvency, in consequence of the farmer or other person in whose actual possession the same may be, being the reputed owner thereof. Provided that no substituted Cattle shall be protected from the operation of any such law, unless such Cattle shall have been branded or marked before the time at which any such law would otherwise affect the same.

Agreement to farm Cattle to be registered.

After notice, Cattle to be deemed to be in possession of owner.

II. Substituted

Cattle Exemption Act.

- Substituted Cattle to be branded as described in affidavit
- II. Substituted Cattle shall not be deemed to have been branded or marked, until branded or marked with the brand or mark mentioned in the affidavit to be registered as aforesaid, as being the brand or mark of the owner of the Cattle described in the affidavit.
- Form of affidavit to accompany agreement
- III. The affidavit aforesaid may be in the Form marked A. in the Schedule hereto, and may be taken by and be made before the Registrar General or Stipendiary Magistrate, or other person as aforesaid, or by and before any Judge, Justice of the Peace, Registrar, Deputy Registrar, or Clerk of a Court having a seal, or by and before any Notary Public practising within the Colony; and any person making a false affidavit shall be deemed guilty of perjury, and may be punished accordingly.
- False oath perjury
- IV. Every notice required by this Act shall, before the expiration of the time prescribed for the giving of such notice, be advertised for one week, at least, in one or more of the daily or other newspapers published in Vancouver Island or other part of the Colony as aforesaid, and the notice shall be headed "Cattle farmed on Shares," and may be in the Form B. in the Schedule hereto; but there shall be set forth therein the date of the agreement, the names and places of abode of the parties thereto, and also the name of the farmer, and the number of each description of Cattle to be farmed.
- Notice to be advertised
- Registrar General to publish list of agreements in *Government Gazette*.
- V. A List of all such agreements as are in force, shall be published in the *Government Gazette*, during the month of January in each year, by the Registrar General.
- Provision as to Cattle not handed over at time of registration.
- VI. In cases where by any agreement, or a copy whereof, is registered under this Act, a certain number of Cattle is agreed to be entrusted as aforesaid, and such Cattle shall not have been entrusted to the farmer at the time of the registering of the agreement, or copy thereof, and described in the affidavit registered therewith, the Cattle aforesaid, which shall at any time or times thereafter be entrusted in pursuance of the agreement, and shall be described by the parties thereto in an affidavit registered in the Office aforesaid, shall not be affected by any Law aforesaid relative to Bankruptcy or Insolvency, in consequence of the farmer or other person, in whose actual possession the same may be, being the reputed owner thereof, if the affidavit (which may be in the Form C. in the Schedule hereto) is registered in the Office aforesaid within Thirty Days after the entrusting of any of the Cattle which shall have been subsequently entrusted, and the number of each description of Cattle intended to be thereby protected, and the date of the entrusting of the same respectively, and also the brand or other distinctive mark on each animal is set forth in the affidavit.
- Registrar General to enter particulars of agreement in Register.
- Form.
- VII. The said Registrar General and every Stipendiary Magistrate and other person as aforesaid, immediately on receiving any such agreement (or copy thereof) and affidavit for registration, shall enter particulars thereof in a Register to be kept by him for that purpose, and such entry shall be made in Form B. in the Schedule hereto.
- Agreement and copy to be kept with Magistrate, and a copy to be sent to Registrar General.
- VIII. When such agreement, or copy thereof, with affidavit as aforesaid, is left in the Office of the Stipendiary Magistrate or other person as aforesaid, the agreement shall not be deemed to have been registered until a copy of the documents intended to be registered shall also have been left in the same Office, and such copy shall, when received, be forwarded by the first opportunity, free of charge, by the Magistrate or other person as aforesaid, to the Registrar General, to be deposited in his Office.
- Fees for Registration.
- IX. The said Registrar General and every Stipendiary Magistrate and other person as aforesaid, shall be entitled to receive for registering every agreement, or a copy thereof, and affidavit as aforesaid (including the taking of any affidavit) the sum of Two Dollars and no more, and any person shall be entitled to search the Register on payment of the sum of Twenty-five Cents for each search.
- Search.

Cattle Exemption Act.

X. The Registrar General and Stipendiary Magistrate and other person appointed as aforesaid, shall keep an Index Book showing, in alphabetical order, the names of all farmers holding Cattle under agreements registered in his Office, and the Registrar General shall also keep an Index Book in manner aforesaid, of all duplicates of agreements or copies as aforesaid, transmitted to him as hereinbefore provided.

Index Books to be kept, showing names of persons holding Cattle under agreements.

XI. Any agreement may be cancelled on application of the parties thereto, or on an order to be obtained for that purpose from a Judge of the Supreme or County Court, who is hereby authorized to make such order, in such manner, and on such terms as he shall think fit.

Provision as to cancellation of agreement.

The production of an office copy of such order, shall be sufficient authority for the proper Officer to enter a memorandum of cancellation on any agreement, or copy thereof, as aforesaid.

Every such order shall be filed by the Officer aforesaid, and a Fee of Fifty Cents charged therefor.

XII. In the construction of this Act the word "Cattle" shall extend to and include Horses, Mares, Fillies, Foals, Geldings, Colts, Bulls, Bullocks, Cows, Heifers, Steers, Calves, Sheep, Pigs, Mules, and Asses.

Interpretation clause.

The word "Farmer" shall mean and include any person to whom Cattle shall be entrusted to be kept and farmed on shares.

The words "Substituted Cattle" shall mean and include any Cattle substituted for any of the Cattle which shall have been entrusted to a farmer for the purposes aforesaid.

The word "Increase" shall mean and include the issue of "Cattle" and of "Substituted Cattle," or of either.

XIII. This Act may be cited as the "Cattle Exemption Act, 1871."

Passed the Legislative Council the 27th day of March, A. D. 1871.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Speaker.

Assented to, in Her Majesty's name, this 30th day of March, 1871.

A. MUSGRAVE,
Governor.

Cattle Exemption Act.

SCHEDULE.

FORM A.

I, _____ of _____ make oath and say as follows:—
 1. The agreement (or a copy whereof is) hereto annexed, and marked A., was signed by us (A. B.) on the _____ day of _____ 18____ and (C. D.) on the _____ day of _____ 18____; and I, the said A. B., then resided at _____, and was* _____, and the said C. D., then resided at _____, and was† _____ as I

2. The Cattle to be farmed by _____, of _____, on the terms in the agreement mentioned are _____ cows, _____ bulls, and _____; of this Cattle _____ cows only had up to and inclusive of the day of _____, been entrusted to the said _____.

3. And we the said _____ further make oath and say that the Cattle aforesaid was, at the date of the execution of the said agreement, the absolute property of me the said _____ and was and is *bona fide* intended to be farmed according to the true meaning of the said agreement.

4. The animals which have been so entrusted, are respectively branded or marked as follows: [*set forth the brand or descriptive mark on each animal.*]

The brand of _____ the said _____ is _____ and (his) mark is _____

*If not in any business or employment state so.

† City, District, or Island, or otherwise, as the case may be.

FORM B.

CATTLE FARMED ON SHARES.

NOTICE OF AGREEMENT.

| PARTIES. | | | | CATTLE. | FARMER. |
|----------|------------|-------------|-------|--------------------------|---------|
| Name. | Residence. | Occupation. | Date. | No. of each description. | Name of |
| | | | | | |

(Signed) A. B.,
C. D.

FORM C.

I, _____ of _____ make oath and say as follows :
 1. The Cattle entrusted to the keeping of (C. D.) on the _____ day of _____ 18____, and on the _____ day of _____ 18____, to be farmed by him on the terms of the agreement (dated the _____ day of _____, and made between A. B. and C. D.) Registered in the Office of _____ on the _____ day of _____, are _____ Cows, _____ Bulls, and _____ Sheep.

2. The animals which have been so entrusted are respectively branded or marked as follows: [*set forth the brand or descriptive mark on each animal.*]

3. The brand of _____ the said (A. B.) is _____ and (his) mark is _____

Sworn before me this _____ day of _____ 18____.