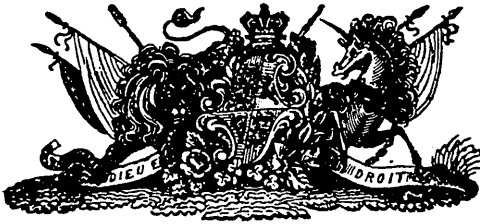




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## AN ACT

To provide for the Election of a Mayor and Councillors for the City of Victoria, at the expiration of the period for which the present Mayor and Councillors are elected.

WHEREAS by the Victoria Incorporation Act, 1862, it was (amongst other things) enacted that the said City should be divided into three wards, and that the candidate for the Mayorship (being duly qualified therefor,) who should obtain the greatest collective number of votes should be Mayor: That there should be two Councillors elected in manner thereinafter mentioned in each of the said wards:

That the two candidates in each ward (duly qualified) who should obtain the greatest number of votes in the ward for which they might stand should be Councillors:

That every person possessed of the qualifications and under none of the disqualifications hereinafter mentioned concerning electors of the said corporation should have only one vote in the election of a Mayor, and in addition to his vote in the election of a Mayor, should have two votes in the election of Councillors for each ward wherein he has property qualifications, but in voting for Councillors he should only vote once in the same ward, and might either split his vote between the candidates or vote for one only, and if he should vote for one only his vote should only count one :

That the voting for Mayor and Councillors should be open, and no person should vote by proxy :

That the qualification of voters should be as follows :

Being a male British subject of full age ;

Having resided in Vancouver Island and its dependencies for a space of three calendar months preceding the election at which he tenders his vote ;

Being, at the time of tendering his vote, rated on the Municipal Assessment Roll of the said City for Freehold or for Leasehold Estate to the amount of £20.

And it was by the said Act provided that at the first election of a Mayor and Councillors the voters should be the persons at that time registered on the list of voters for the election of representatives for the Town of Victoria, and at such election each voter on such list should have a vote for each Councillor and one for the Mayor, such votes to be given at one time and place :

AND WHEREAS, in consequence of the delays which have arisen in the revision of the Assessment Roll made in pursuance of the One Per Cent. Tax Act, it has become impossible to complete a Municipal Assessment Roll pursuant to the provisions of the said Act for the Incorporation of the City of Victoria :

AND WHEREAS it is expedient to declare the qualifications of the Mayor and Councillors at the said next election, and that the electors at the next election of Mayor and Councillors should be the persons whose names are duly registered on the list of voters for the election of representatives of Victoria City for the year 1863, and that each voter shall have one vote for Mayor and a vote for each Councillor in each ward in which he has a property qualification, and that the

election of such Mayor and Councillors shall be held in other respects as in and by the said Act is provided; and that the said Mayor and Councillors and said electors shall (save as herein otherwise provided) be subject to the same disqualifications and possess the same qualifications as in the said Act provided, and that in addition to the oaths prescribed by the said Act the voters shall take an additional oath as hereinafter provided if called on to do so as hereinafter provided:

Be it therefore enacted by the Governor on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its dependencies:

1. That the election of a Mayor and Councillors shall be held on the sixth day of November next, in conformity with the provisions of the said Act, at such place as the Mayor and Council shall, by due notice, as in the said Act mentioned, appoint.

Next election to be held at the place appointed by the Mayor and Council.

2. That so much of the said Act as provides that at the said election the qualification of voters shall be, being rated on the Municipal Assessment Roll of the said City for Freehold or for Leasehold Estate to the amount of £20 or upwards, is hereby repealed.

Repeal of so much of the Corporation Act as provides that the electors shall be taken from the Assessment Roll at the next election.

3. That so much of the said Act as provides that at the said election the qualification of the Mayor and Councillors shall be:

Repeal of so much of the Act as provides for the qualification of Mayor and Councillors at the next election.

“Being a male British subject of full age.”

“Having resided within the Island of Vancouver and its dependencies for a space of six calendar months previous to election.”

“Being at and having been for three calendar months next preceding the time of election rated on the Municipal Assessment Roll of the same city in respect of Freehold to at least the value of £50, or in respect of Leasehold to at least the value of £150,” is hereby repealed.

4. That the voters entitled to vote at the said election shall be the persons whose names are registered on the list of voters for the election of representatives for the Town of Victoria.

Qualification of Voters at the next election.

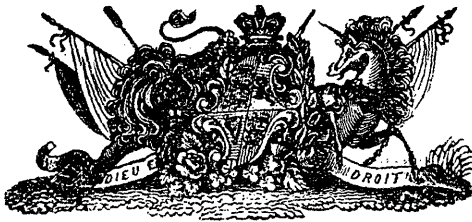
5. That each voter shall have one vote for Mayor and a vote for each Councillor to be elected in and for every ward in which such voter has a property qualification.

Number of Votes for Mayor and Councillors.

6. That the qualification of a Mayor and Councillor at the said next election shall be the same as at the first.

Qualification of Mayor and Councillors.





# AN ACT

## To provide an Indemnity for the Mayor and Councillors of the City of Vic- toria.

WHEREAS doubts have been expressed as to the validity of certain acts of the Mayor and Council of the City of Victoria, with regard to the levying of certain moneys and licenses, and the receipt and collection of the same, by the said Mayor and Councillors and their Officers ;

Preamble.

*Be it therefore enacted* by the Governor on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly of Vancouver Island and its Dependencés, as follows :

Enacting Clause.

I. That no person or body politic shall at any time hereafter commence, institute, or prosecute any action or suit, or take any legal proceedings against the said Mayor, Councillors, or any of the Officers of the Municipality of the City of Victoria, in respect of any act, matter or thing heretofore done, in anywise connected with any

Indemnity to Mayor and Council.

demand, receipt or payment of any money or moneys whatsoever demanded, received or paid, under or by virtue of any By-Law heretofore passed by the said Mayor and Councillors.

Short Title.

II. This Act may be cited as "The Mayor and Council of Victoria Indemnity Act, 1863."

Passed the Legislative Assembly, the twenty-first day of December, A.D., 1863.

R. W. HORNE,  
Clerk of the Legislative Assembly.

Passed the Legislative Council, the twenty-second day of December, A.D., 1863.

EDWIN JAMES NESBITT,  
Clerk of the Council.

Received my assent this twenty-eighth day of December, A.D., 1863.

JAMES DOUGLAS,  
Governor.





## AN ACT

To provide for the retirement of David Cameron, Chief Justice of the Colony of Vancouver Island and its Dependencies.

WHEREAS, it is expedient to make provision for a certain annual sum to be paid, in case of the resignation by David Cameron of the office of Chief Justice of the Colony of Vancouver Island and its Dependencies;

BE IT THEREFORE ENACTED, by His Excellency the Governor, and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

1. Whensoever the said David Cameron shall present in writing to the Governor for the time being of the said Colony, the resignation of the office of Chief Justice of the said Colony, now held and enjoyed by the said David Cameron, under Letters Patent issued by virtue of a warrant under the Royal Sign Manual and Signet, and dated at Buckingham Palace the twenty-fifth day of April, one thousand eight hundred and fifty-six, and the resignation of the said office has been duly accepted, and the said office finally vacated by the said David Cameron; there shall be paid to the said David Cameron, in consideration of his past services in the said office, an annual Pension at and after the rate of five hundred pounds sterling during his life. Such Pension shall be paid

Pension of £500 granted to David Cameron, Esq., from the time he shall cease to receive salary as Chief Justice of Vancouver Island.

out of and charged upon the General Revenue of the said Colony, and shall commence on and from the day when the said David Cameron shall cease to receive salary as Chief Justice as aforesaid. Provided that the Pension, as aforesaid, shall not be paid to the said David Cameron so long as he shall fill within the said Colony any office the profits or emoluments of which shall equal or exceed the amount of the Pension as aforesaid.

**Proviso.** 2. PROVIDED FURTHER, that the said Pension shall not be paid to Chief Justice Cameron until his successor arrives.

**Short title.** 3. This Act may be cited for all purposes as "The Chief Justice's Pension Act, 1864."

Passed the Legislative Assembly the 7th day of March, A. D., 1864.

W. R. TORRENS,  
*Clerk.*

Passed the Legislative Council 10th March, 1864.

EDWIN JAMES NESBITT.

Received my assent this 11th day of March, A. D., 1864.

JAMES DOUGLAS,  
*Governor.*



## AN ACT

### To Indemnify the Governor for applying certain moneys to the redemption of Municipal Debentures.

WHEREAS, the Municipal Council of the City of Victoria have, <sup>Preamble</sup> under the sanction and authority of the "Victoria Incorporation Debenture Act, 1863," borrowed the sum of five thousand pounds sterling upon Debentures issued by the Mayor and Council of the said City.

AND WHEREAS, certain of such Debentures, together with interest thereon, became payable, according to the provisions of the Act aforesaid, on the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-three.

AND WHEREAS, in consequence of unavoidable delays in the collection of the Municipal Revenue, the Mayor and Councillors, as aforesaid, were not in possession of the requisite funds to redeem such Debentures, falling due as aforesaid, together with the interest thereon.

AND WHEREAS, it therefore became necessary for Sir James Douglas, K. C. B., the Governor of the Colony of Vancouver Island and its Dependencies, to apply out of the General Revenue of the said Colony, the sum of ten thousand seven hundred and twenty-four dollars to the redemption of the Municipal Debentures so falling due as aforesaid.

AND WHEREAS, it is desirable that the said Governor should be indemnified for such application of the General Revenue;

Governor, Sir James Douglas, indemnified for certain payment out of the General Revenue of the Colony in discharge of Municipal Debentures.

1. BE IT THEREFORE ENACTED, by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows: That Sir James Douglas, K. C. B., Governor of Vancouver Island and its Dependencies, is hereby indemnified and held harmless of and from all accounts, reckonings and demands of and arising from the said payment of the said money, and such payment of the said Sir James Douglas is hereby ratified and confirmed.

Short title.

2. This Act may be cited for all purposes as the "Governor's Indemnity Act, 1864."

Passed the Legislative Assembly seventh March, 1864.

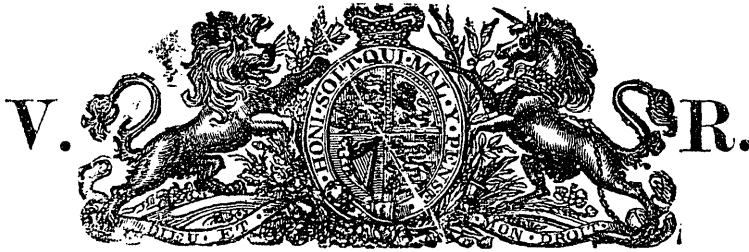
R. W. TORRENS,  
*Clerk.*

Passed the Legislative Council tenth March, 1864.

EDWIN JAMES NESBITT.

Received my assent the eleventh day of March, 1864.

JAMES DOUGLAS,  
*Governor.*



## AN ACT

To Establish Pilots for the Port of Victoria, and for other purposes relating thereto.

WHEREAS, it is expedient to provide efficient Pilots for vessels preamble. entering or leaving the Port of Victoria.

AND WHEREAS, it is expedient to make Regulations relating thereto ;

BE IT THEREFORE ENACTED, by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and House of Assembly of Vancouver Island and its Dependencies, as follows:

1. The Governor and Council shall appoint not less than three, Governor to appoint Commissioner of Pilots. nor more than five, Commissioners of Pilots for the Port of Victoria.

2. Every Commissioner shall take the following oath before a Oath to be taken by Commissioners. Justice of the Peace:

I (name Commissioner) do swear that I will act diligently, faithfully, and impartially, in the examination and selection of Pilots for the Port of Victoria.

3. If there be only three Commissioners appointed, two What shall constitute a quorum. Commissioners shall be a quorum, and if more than three Commissioners be appointed three shall be a quorum.

4. The Commissioners shall examine and select as many Pilots Commissioners shall examine Pilots and grant certificates. as they may think necessary for the Port of Victoria, and shall

Certificates revocable at pleasure. grant certificates to such Pilots in the following form, and which shall be revocable at pleasure :

No. — Colony of Vancouver Island, }  
 Port of Victoria. }

Form of certificates. We (names of Commissioners) appointed by Law to examine and select Pilots for the Port of Victoria, certify that (name and residence of Pilot) having been examined by us, was deemed a fit person to undertake the Pilotage of vessels into and out of the said Port, and on the — day of — A. D., 18—, was licensed by us to act in that capacity.

(Signed,) (Names of Commissioners.)

Entered in the Register of Pilots' Licenses.

This License cannot be lent or transferred.

Description of—name and residence of Pilot, No.—

Age.	Height.	Complexion.	Color of eyes and hair.	Remarks.
------	---------	-------------	-------------------------	----------

Certificates to be numbered and registered and renewed annually. 5. Every such certificate shall be numbered and registered by such Commissioners in a book kept for the purpose, and shall be annually renewed.

Pilots to pay for certificates and for renewal thereof. 6. The Pilots for the Port of Victoria shall pay twenty dollars for the certificate, and for every renewal thereof five dollars.

Certificates not transferable. 7. No Pilot shall lend or transfer his certificate under a penalty of one hundred dollars and forfeiture of certificate.

Commissioners may establish Bye laws, and may annex penalties for enforcing same. Bye-laws to be approved by Governor. 8. The Commissioners may from time to time establish Bye-laws for the further regulation of Pilots, and for extra remuneration in cases of any extraordinary nature, and for the adjustment and decision of questions arising between Masters of vessels, Pilots, and others, respecting Pilotage, and may annex penalties for enforcing the same; but no Bye-law shall be enforced until approved by the Governor in Council.

Pilots required to provide a suitable boat, &c. 9. The Commissioners shall require the Pilots to provide a suitable boat and to keep it constantly cruising, weather permitting, between Victoria and the entrance of Sooke Harbor, ready at all times to place a Pilot aboard vessels bound for the Port of Victoria.

Pilot to carry such flag as Commissioners shall direct, &c. Penalty for non-compliance. 10. Every licensed Pilot shall carry such flag, and have such boat marked and rigged in such manner as the Commissioners shall direct, under a penalty not exceeding one hundred dollars, nor less than twenty-five dollars; and every unlicensed person carrying such flag shall forfeit two hundred dollars.

Pilot to carry with him, 11. Every licensed Pilot shall carry with him, when on active

duty, his Pilot's certificate, a copy of this Act, a copy of the Bye-laws of the Board of Commissioners of Pilots, and a copy of the "Harbour Regulations Act, 1863," and shall produce the same to any Master of a vessel when such vessel is boarded, if requested so to do by the Master of such vessel, under a penalty of fifty dollars.

and produce when required, his certificate, copy of Bye-laws, &c.

Penalty for non-compliance.

12. No Pilot shall be taken to sea against his will, under a penalty of two hundred and fifty dollars on the Master of the vessel; except when through stress of weather the same is unavoidable, in which case he shall be entitled to receive from the Master, or owner of the vessel, at the rate of one hundred and fifty dollars a month for the time lost, and shall be provided with a passage home at the expense of such Master, or owner, from the first Port which the vessel shall enter, where the same can be obtained.

Pilot not to be taken to sea against his will.

13. If any licensed Pilot shall be detained, at the request of the Master, on board any vessel after the day of arrival and anchoring thereof, he shall be paid five dollars a day in addition to his food during such detention.

If Pilot be detained by Master to be paid in addition to food.

14. Any unlicensed person, other than the Master, taking charge of any vessel inward bound as Pilot shall surrender the guidance thereof, under a penalty of fifty dollars, to the first licensed Pilot who shall hail her whilst sailing east of a line drawn due south from the entrance of Sooke Harbor to the mainland of Washington Territory, and west of a line drawn due south from Trial Island to the said mainland.

Unlicensed person to surrender charge to licensed Pilot.

15. If the services of the licensed Pilot so hailing such inward bound vessel shall not be accepted, and there appear no reasonable cause for the Master so declining to accept such services, the licensed Pilot so first hailing shall be paid half the amount which under the rates hereinafter specified he would have been entitled to be paid had he been employed in Piloting such inward bound vessel.

Pilot first offering to receive half pilotage if other Pilot be taken.

16. The Master of any vessel, other than vessels exempted under section 18 of this Act, bound inwards, when hailed within a reasonable distance by a licensed Pilot, with his flag flying, shall shorten sail, haul to, or use other means, as circumstances will permit, to facilitate the Pilots boarding, under a penalty of twenty-five dollars.

Master of vessel not exempted by Sect 18 on approaching Port of Victoria to facilitate Pilots getting on board, &c.

17. If a Master require a licensed Pilot to take his vessel out of the Port of Victoria, he shall, if a British vessel, hoist the Pilot Jack, or if a foreign vessel such flag as is usually worn thereby, at the fore, and there continue the same for twelve hours during daylight before the time of sailing; and if in the meantime no

Master requiring Pilot to take his vessel out of Port of Victoria to hoist Pilot Jack, &c.

If no licensed Pilot offer Master in any employ any person. licensed Pilot shall offer himself, the Master may employ any person he may think fit to Pilot the vessel outwards.

What vessels exempted from Pilotage. 18. The following vessels shall be exempted from Pilotage: Vessels owned in the Colony and employed in the coasting trade, or in the trade between Vancouver Island and British Columbia, or in fishery, and all vessels under one hundred tons burthen coming from any part of Her Majesty's dominions or Washington Territory, and all Her Majesty's or foreign ships of war, and all steamers; but no vessel voluntarily taking a Pilot on board shall be exempted from Pilotage; nor shall any vessel not spoken by a licensed Pilot, as prescribed by the 19th section of this Act, be subject to the rates therein mentioned.

Rates of Pilotage.

19. The following, and no other, shall be rates of Pilotage to which licensed Pilots shall be entitled in conformity with the provisions of this Act:

Five dollars per foot on vessels bound inwards, if spoken inside of a straight line drawn from Sooke Harbor south to Washington Territory, and outside of a line drawn due south from Race Rocks to Washington Territory; and four dollars per foot within the said line from Race Rocks due south as aforesaid; and if bound outwards four dollars per foot, in which case the Pilot shall take charge of the vessel until she arrives at a safe anchorage in Royal Bay; Provided always, that in the event of any vessel requiring a licensed Pilot to move any such vessel from either of the Harbors of Victoria or Esquimalt to the other of the said Harbors, the amount to be paid for such service to such licensed Pilot, employed by such Master, shall be one dollar and fifty cents per cent per foot.

Rate of pay for moving vessels from Victoria Harbor to Esquimalt Harbor.

Pilots' fees, how recoverable.

20. The Pilot fees and dues and fines recoverable under this Act may be recovered in a summary way before any Justice of the Peace or Magistrate of the Colony, and no clearance of any vessel bound outwards shall be issued by the Harbor Master until the production to his satisfaction of a receipt in full in respect of all Pilotage inwards, for the vessel so sought to be cleared, under the provisions of this Act.

Fines, &c., recovered under this Act, how to be applied.

21. The fines recovered under this Act, and the fees for Pilots certificates, shall be paid to the Treasurer by the person receiving the same, for the use of Her Majesty, her heirs and successors.

Port of Victoria defined.

22. For the purposes of this Act, the Port of Victoria shall be taken to be the Harbors of Victoria and Esquimalt; Provided always, that nothing contained in this section shall be taken or

Payment of half Pilotage by vessels anchoring off the Port through stress of weather, &c., not compulsory under this Act.

deemed to render the payment of half pilotage compulsory by vessels anchoring off the Port through stress of weather, or passing from or to seaward to or from other Ports than Victoria.



23. Every Pilot shall furnish the Commissioners of Pilots with quarterly returns of all Pilotage taken by him, or on his behalf, setting forth the name of each vessel from which Pilotage was taken, with the number of feet of water drawn by such vessel inwards or outwards, and also the tonnage of every such vessel, and every such Pilot shall make a declaration before one of the Commissioners of Pilots of the truth of his return to the best of his knowledge and belief.

Pilots to furnish Commissioners with quarterly returns.

24. The Pilot shall be entitled to the various fees mentioned in this Act from and after obtaining from the Commissioners of Pilots a certificate that such Pilots have ready for immediate use a boat capable of cruising as in the act provided, marked with the matters in this Act prescribed, and not until then.

Fees; Pilots when entitled to.

25. This Act may be cited as "The Victoria Pilot Act, 1864."

Short title.

Passed the Legislative Assembly November the 30th, 1863.

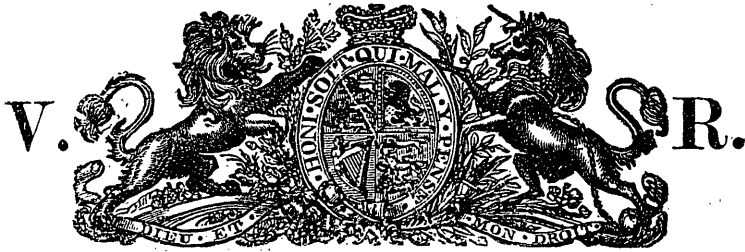
R. W. TORRENS,  
*Clerk.*

Passed the Legislative Council the twenty-ninth day of January, 1864.

EDWIN JAMES NESBITT.

Received my assent this twelfth day of March, A. D., 1864.

JAMES DOUGLAS,  
*Governor.*



## 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.

**MOST GRACIOUS SOVEREIGN:** We your Majesty's most dutiful and loyal subjects the Commoners of the Colony of Vancouver Island, in Parliament assembled, towards making good the supply which we have cheerfully granted to your Majesty in this Session of Parliament, have resolved to grant unto your Majesty the sum hereinafter mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council and Assembly, in the present Parliament assembled, and by the authority of the same, as follows:

1. That there shall be issued and applied for or towards making good the supply granted to Her Majesty, for the year one thousand eight hundred and sixty-four, the sum of two hundred and fifty seven thousand two hundred and seventy-nine dollars and fifty

Preamble  
257,279 50 granted to Her Majesty for the service of the year 1864

cents, out of the General Revenue of the Colony of Vancouver Island and its Dependencies, for the purposes specified in the Schedule hereto, and the Governor of the Colony is hereby authorised to empower the Treasurer thereof to issue and apply the same accordingly.

Passed the Legislative Assembly this third day of March, 1864.

R. W. TORRENS,  
*Clerk of the Legislative Assembly.*

Passed the Legislative Council the tenth day of March, A. D., 1864.

EDWIN JAMES NESBITT.

Received my assent this twelfth day of March, A. D., 1864.

JAMES DOUGLAS,  
*Governor.*

# SCHEDULE.

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1864. DEPARTMENT OF COLONIAL SECRETARY.		
Clerk,	\$1500	
Messenger,	480	
Occasional Assistance in Copying, &c.,	500	
Office Contingencies,	500	
	-----	\$2980
TREASURER.		
Clerk,	\$1200	
Office Contingencies,	720	
	-----	\$1920
AUDITOR.		
Auditor,	\$725	
Clerk,	370	
Contingencies,	80	
	-----	\$1175
SURVEYOR GENERAL.		
Assitant Surveyor General,	\$1700	
Occasional do	500	
Contingencies,	580	
	-----	\$2780
ASSESSOR.		
Assessor,	\$2425	
Assistance for Copying,	200	
Contingencies,	206	
	-----	\$2831
HARBOR MASTER.		
Harbor Master,	\$1200	
Clerk,	750	
Boatmen,	500	
Office Contingencies,	250	
	-----	\$2700
POST OFFICE.		
Postmaster,	\$500	
Clerk,	500	
Occasional Assistance,	650	
Contingencies,	175	
	-----	\$1825
JUDICIAL.		
Registrar,	\$1500	
Clerk of Writs,	1000	
Contingencies,	250	
	-----	\$2750
ATTORNEY GENERAL.		
Clerk,	\$1000	
Contingencies,	250	
	-----	\$1250

SHERIFF.			
Sheriff,		\$1000	
Occasional Assistance,		250	
Contingencies,		100	
		<u>          </u>	\$1350
REGISTRAR GENERAL.			
Registrar General,		\$1940	
Advance on Registrar General's Salary,		485	
Contingencies,		250	
		<u>          </u>	\$2675
COMMISSIONER OF POLICE.			
Commissioner,		\$1750	
Superintendent, including allowance for horse hire,		1500	
Clerk and Storekeeper,		800	
Two Sergeants at \$1 75 per diem,		1277 50	
Eight Constables, at \$1 50 per diem,		4380	
Cook, at \$1 50 per diem,		547 50	
One Sergeant for the town of Esquimalt, at \$2 per diem,		730	
Contingencies,		100	
Extra Constables on emergencies,		500	
		<u>          </u>	\$11,585
GOVERNOR OF GAOL.			
Governor of Gaol,		\$500	
One Gaoler,		750	
One Assistant Gaoler,		600	
One Superintendent of Convicts,		800	
Two Convict Guards, at \$1 50 per diem,		1095	
Two door Guards, at \$1 50 do		1095	
Contingencies,		25	
		<u>          </u>	\$4865
MAGISTRATE, &C., NANAIMO.			
Magistrate and Harbor Master,		\$1700	
Constable,		500	
Contingencies,		50	
		<u>          </u>	\$2250
LEGISLATIVE COUNCIL.			
Clerk,		\$500	
Contingencies,		100	
		<u>          </u>	\$600
HOUSE OF ASSEMBLY.			
Clerk,		\$1700	
Contingencies,		750	
Occasional Assistance, Expenses of Committees, &c.,		1000	
		<u>          </u>	\$3450
ADMINISTRATION OF JUSTICE EXCLUSIVE OF ESTABLISHMENTS.			
Attorney General—			
Expenses of Prosecutions,			\$1250
Sheriff—			
Criminal Punishments,			500
Quarter Sessions—			
Fees,			250
Coroner—			
Fees to Coroner,		\$300	
Fees to Witnesses and others,		500	
Removal and burial of bodies,		576	
Contingencies,		230—	1606
			<u>          </u>
			\$3606

## CHARITABLE ALLOWANCES.

Victoria Hospital,	\$2500	
Female Hospital,	250	
	<hr/>	\$2750

## POLICE AND GAOLS EXCLUSIVE OF ESTABLISHMENTS.

Police—		
Clothing for Superintendent and 11 men,	\$900	
Fuel, Water and Light,	772	
Bedding,	75	
Transport,	350	
Amunition and repair of Arms,	50	
Buildings and Repairs,	300	
Incidental Expenses,	350	
	<hr/>	\$2797

Gaols—		
Expense of keeping 50 Prisoners,	\$3650	
Clothing for Superintendent of Convicts & 4 Guards,	375	
Clothing for Prisoners,	300	
Fuel and Light,	315	
Medicine and Medical attendance,	650	
Tools and Implements,	800	
Bedding and other necessaries,	300	
Amunition and Arms,	50	
Incidental Expenses,	250	
	<hr/>	6690
		<hr/>
		\$9487

## RENT.

Rent of Harbor Master's Office,	\$330	
Rent of Post Office,	330	
Rent of Gaol, &c., Nanaimo,	100	
	<hr/>	\$760

## EDUCATION EXCLUSIVE OF ESTABLISHMENTS.

Victoria District,	\$1000	
Craigflower,	1000	
Nanaimo,	1000	
Esquimalt,	500	
Cedar Hill,	500	
Saanich,	500	
Lake,	500	
	<hr/>	\$5000

## CONVEYANCE OF MAILS.

To New Westminster, British Columbia,	\$1000	
To and from Esquimalt,	300	
To and from Nanaimo, Cowichan, &c.,	1500	
To and from San Francisco,	9000	
	<hr/>	\$11,800

## WORKS AND BUILDINGS.

Surveyor General,		
Improvement of Victoria Harbor, Salaries (including premiums)—		
Two Engineers, nine months, at \$120 each,	\$2160	
Four Stokers, nine months, at \$75 each,	2700	
Master of Screw Tug, nine months, at \$120,	900	
Crew 2 men, nine months, at \$50 each,	1080	
Cost of Steam Dredge and Steam Machinery,	29,100	
Hull of Dredging Machine and Tug boat, Scows,		
Barges, Coal and working expenses,	30,000	
	<hr/>	\$65,940

Painting exterior of all the Government Buildings, except the New Court House,	1500	
Erection of Powder Magazine, unexpended 1863,	3638	
Fencing part of Government Square to keep carts on the road,	500	
	<hr/>	5638
Repairs to Government Buildings,		2000
Harbor Master—		
Painting and Repairing Buoys,	500	
Speaker House of Assembly.		
Furniture and Fittings for House of Assembly,	1000	
	<hr/>	\$75,078

## ROADS, STREETS AND BRIDGES.

Burnside Road deviation and Burnside Road round head of Inlet,	\$4000	
West Saanich Road from Victoria to Thompson's,	10,000	
West Saanich Road from Thompson's, running north from Mount Newton,	5000	
West Saanich Road, cross Road at Thompson's and two Bridges.	700	
East Saanich Road, north of Mount Newton,	2000	
Shawnigan to Cowichan,	3000	
Quamichan Road deviation and building three Bridges,	1500	
Comox Road—Cowichan to Comox—amount necessary to complete existing Contract,	5000	
Esquimalt Road,	2500	
Metchosin Road,	8000	
Metchosin Road, branch to Gold Stream,	1000	
Cedar Hill Road via Cook Street,	6000	
	<hr/>	\$48,700
To connect Beacon Hill Park with Foul Bay Road by way of Clover point,	1000	
To connect Beacon Hill Park with City of Victoria by way of Point Ogden,	1500	
	<hr/>	\$51,200

## MISCELLANEOUS.

Sheriff Copying List of Voters,	150	
House of Assembly, formation of Library, re-vote unex- pended in 1863,	1000	
Colonial Secretary—Printing, including Acts of Legis- lature,	4000	
Cowichan Re-survey of 75 miles, at \$5 50 per mile, by present Land Recorder,	412 50	
Occasional employment of a Surveyor to assist Settlers in taking up land,	250	
Explorations and Surveys and assisting Explorers,	2500	
Land Recorder at Cowichan, at \$50 per month,	600	
Indian Claims—payment for Lands at Chemainis, Cow- ichan, &c., unexpended in 1863,	9700	
Immigration, to aid Immigration, and to assist in the maintenance of an office to give information to Immigrants,	3000	
	<hr/>	\$21,612 50
Indian Services,	500	
Revising List of Voters and expenses connected therewith,	400	
For cleaning and preservation of small arms, the pro- perty of the Colony,	100	
	<hr/>	\$22,612 50

## ANNUAL INTEREST ON ROAD AND HARBOR LOAN, 1862.

Interest at the rate of 6 per centum per annum on £40,- 000,—£2400,		\$11,640
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## SINKING FUND ROAD AND HARBOR LOAN, 1862.

Five per cent. of Loan (half yearly) less interest at the  
rate of £6 per centum per annum on £40,000—  
£1600, or \$7760

## LIGHT HOUSE DETAILED.

Salaries—			
Two Commissioners,		\$970	
Keeper and Assistants of Race Rocks Light,		1794 50	
Keeper and Assistant Keeper of Fisguard Light,		727 50	
		<hr/>	\$3492
Office contingencies,		50	
Stores,		1000	
Works and Buildings,		1458	
Provisions,		1000	
		<hr/>	\$7000

## REVENUE SERVICE DETAILED.

Expenses connected with the Assessment of Real Estate, Printing, &c.,		\$1000	
Expenses connected with the Assessment of Trades and Professions,		600	
		<hr/>	\$1600





## AN ACT

To grant the right to construct a Telegraph Line connecting Victoria with the Telegraph System of the United States, and for other purposes.

**W**HEREAS the California State Telegraph Company—a company duly incorporated pursuant to the laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco—has constructed lines of telegraph extending through said State and the adjoining States and Territories, and connecting with the Telegraph systems of the Atlantic States and of the British Provinces of North America ;

And whereas the President of the said California State Telegraph Company has been authorized by a resolution of the Board of Directors of said company to represent the said company, and to bind the same in all matters and things connected with the extension and construction of its telegraph lines from California northward ;

And whereas it is expedient to enable the said company to extend its telegraph lines to the City of Victoria, with a view of increasing the facilities of said City for communication with the Pacific and Atlantic States of the United States, and with the British Provinces of North America ;

Be it therefore enacted by His Excellency the Governor, on behalf of Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows :

Privilege granted to the President of the California State Telegraph Co. to construct a line of telegraph over public lands, streets, &c., for transmission of Messages for 25 years.

1st. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office or assigns, to construct and place a line or lines of telegraph over any public or tidal land and along or across any public street or highway (not obstructing such street or highway,) and to lay down a telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water or water-course, within the Colony of Vancouver Island and its Dependencies, and to own, use, enjoy, and employ the same for the purpose of transmitting telegraphic dispatches for the period of twenty-five years from the final passage of this Act.

Privilege granted to place telegraph line over private land upon consent of the owner.

2nd. The President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of telegraph over any private land situate between or adjacent to any public land or highway over or along which they are by the first section of this Act authorized to construct such line or lines of telegraph, and to lay down a telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water or water-course, and to own, use, enjoy and employ the same for the purpose of transmitting telegraphic messages for such period as they may deem advisable, upon obtaining the consent in writing of the owners of such private land, so as to enable such line of telegraph to be completed.

The Company may purchase or lease the right of way over any private land.

3rd. Notwithstanding any law or statute to the contrary, the California State Telegraph Company, or the President thereof for the time being, may purchase or lease the right of way over any private lands and may purchase or lease any land or property in Vancouver Island necessary or convenient for the working of the Telegraph lines herein provided for; or for effectually carrying on the business of said company and the grants or leases therefor may be made directly to said company or to said President and his successors or assigns and shall be deemed valid and binding.

Conditions under which the rights are granted in this Act.

4th. This Act is passed and the rights and privileges herein mentioned are granted upon the express condition; that the said grantee his successor or assigns shall within five months from the date of the passage of this Act commence the work; and within the further period of thirteen months shall cause to be completed and put in operation a line of telegraph from the city of Victoria in said Colony so as to connect directly or indirectly with the existing telegraph lines of the California State Telegraph Company, placing the City of Victoria in telegraphic communication with the United States and British Provinces of North America; and on failure to complete said line within the time in this section specified, the privileges herein granted shall cease and determine, and this Act shall become absolutely void.

Exclusive right granted of sending and receiving messages for a period of 20 years.

5th. Upon the completion of the said line of telegraph herein before in the last preceding section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, and to his successors and assigns, the exclusive right of sending and receiving messages by telegraph between any place within said Colony, and any other place beyond the limits thereof

and within the territory of the United States of America lying westerly of the Rocky Mountains for the period of twenty years from and after the completion of the said telegraph line; but this Act shall not be construed to prevent or in any manner interfere with any line of telegraph across the continent through British Territory, nor to limit the right of any other person, corporation, or company, to establish and operate other telegraph lines anywhere within said Colony. Provided, however, that other lines shall not be constructed nor offices established within the limits of said Colony so as to do business by telegraph either directly or indirectly between or through any place within said Colony, and any other place outside thereof, and within that portion of the territory of the United States hereinbefore described, nor so as to impair the rights hereinbefore mentioned.

6th. At the expiration of the period of twelve years from and after the completion of the said telegraph line, the Governor of the Colony of Vancouver Island or the person administering the government of the said Colony for the time being, may, if he deem it expedient, terminate the exclusive privilege in the preceding section mentioned upon giving to the owners of said telegraph line six months notice of his intention so to do, and therefrom the said exclusive privilege shall absolutely cease and determine.

Proviso.

Governor may at the expiration of 12 years terminate the exclusive privilege upon giving 6 months notice.

7th. The said telegraph line shall be constructed and run from the City of Victoria to the limits of the Colony of Vancouver Island at some point between Nanaimo and the mouth of Sooke Inlet, by such route as the said grantee, his successors or assigns, may find most advantageous and shall select.

Telegraph line to run from the City of Victoria to limits of the Colony, at some point between Nanaimo and mouth of Sooke Inlet.

8th. That after the completion of the said line of Telegraph the said Company, their Successors or assigns, shall continuously keep the same or some other line in its stead in working order between Victoria and the said State of California, and upon failure thereof the exclusive privilege herein granted may be declared forfeited, Provided, always, that no such forfeiture shall be incurred owing to the interruption of the communication as aforesaid by unavoidable accident, Public War, or other event beyond the control of the said company, and provided that in case of accident the company shall have used all due diligence in restoring the communication.

Line of Telegraph to be kept continuously in working order, upon pain of forfeiture of exclusive privileges.

Proviso.

9th. The prices charged for the transmission of messages to and from Victoria over the lines herein provided for to the first stations in Washington Territory shall not exceed one dollar for each ten words; and messages to and from this Colony passing over any lines of the California State Telegraph Company, or lines of their successors or assigns beyond Vancouver Island, shall not be charged higher rates therefor than the lowest uniform rates of charge on said lines for local business.

Charges for the transmission of messages.

10th. The rights and privileges herein granted may be assigned to the said California State Telegraph Company, and said company may sue and be sued in the Courts of this Colony, in like manner as domestic corporations.

The Company may sue and be sued.

Penalty not exceeding \$500 on any person injuring or interfering with telegraph line.

11th. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any line of telegraph herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a telegraph line; or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any such telegraph line; or shall by the attachment of a ground wire or any other contrivance wilfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully destroy, injure or molest any property or materials appertaining to any such telegraph line, or shall wilfully interfere with the use of any such telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference or obstruction; the person so offending shall be deemed guilty of a misdemeanor, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by fine not to exceed five hundred dollars (\$500), or imprisonment not to exceed six months, or by both such fine and imprisonment in the discretion of the said Justice or Justices of the Peace; and shall moreover be liable to the owners of the said telegraph line for the amount of all loss and damage sustained by reason of such wrongful act.

Officers of Company entrusted with collection of moneys to enter in Bond.

12th. That the Treasurer, Collector or Receiver and every other officer of the said company, within the said Colony entrusted with the collection or custody of tolls and charges under this Act shall enter into a Bond to the Superintendent for the time being of the company with two sureties in the sum of \$500 for the faithful execution of his duty.

Accurate accounts to be kept and balanced once a year.

13th. That full and accurate accounts shall be kept of all monies received and expended under the provisions of this Act, and such accounts shall be balanced once in each year at the least.

Accounts to be audited.

14th. Such accounts shall be duly audited once in each year at the least, and for such purpose an auditor or auditors shall be appointed by the Colonial Secretary for the time being.

Books and vouchers to be produced.

15th. For the purpose of auditing such accounts, the Superintendent for the time being of the said company shall cause the accounts together with all the Books and Vouchers pertaining to the Victoria office of the said company to be produced to the auditors.

Remuneration to Auditor.

16th. The remuneration of the Auditor and his expenses shall be defrayed out of the funds levied under the Bill.

Annual account in abstract of receipts and expenditure to be prepared.

17. An Annual Account in abstract shall be prepared of the total receipts and expenditure of all funds levied under such Bill for the past year under the several distinct heads of Receipts and Expenditure, with a statement of the balance of the said account duly audited and certified by the said Superintendent, and also by the Auditors thereof; and a copy of such annual account shall be transmitted to the Colonial Secretary on or before the 31st day of January in each year, under a penalty of \$250 for not preparing and sending in the said account, to be levied by summary process, pro-

Copy to be sent to the Colonial Secretary under penalty.

vided that the said account shall be open at all reasonable hours to the inspection of the public, upon payment of a fee of Twenty-five cents.

18th. The penalty for any breach of requirements of the 12th, 13th, and 15th sections of this Act shall be recoverable before any Justice of the Peace, and shall not exceed the sum of \$250. Penalty under 12, 13, and 15 sections shall be recovered before Justice of the Peace.

19th. The Principal office of the California State Telegraph Company within the Colony of Vancouver Island shall be situated in the City of Victoria, and the service of any writ or paper upon the person in charge of the said office shall be deemed as sufficient service upon the said Company. Principal office of Company to be at Victoria. Service of any writ to the officer in charge to be deemed as upon the Company.

20th. Government despatches over the said lines between any points within the said Colony shall have precedence over all other business, and the California State Telegraph Company shall be subject within the said Colony to the provisions of any general law that may be passed by the Legislature thereof for the regulation of the telegraph; provided that the rights and privileges hereinbefore granted shall not be limited or impaired thereby. Precedence to Government Despatches. Company to be subject to provision of any general Law that may be passed. Proviso.

21st. This Act may be cited as "The First Telegraph Act, 1864." Short Title.

Passed the Legislative Assembly 10th March, 1864.

R. W. TORRENS,

*Clerk of the Legislative Assembly.*

Passed the Legislative Council 12th March, A. D. 1864.

EDWIN JAMES NESBITT.

Received my assent this twelfth day of March, A. D., 1864.

JAMES DOUGLAS,

*Governor.*



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. VIII.

An Act to enable the Governor to pay out of the General Revenue Six Thousand Dollars for Civic Purposes. [8th June, 1864.]

WHEREAS, it is expedient that the Governor shall be empowered to order that the Sum of Six Thousand Dollars shall be paid out of the General Revenue of the Colony to the Mayor and Council of the City of Victoria for Civic Purposes: Be it therefore enacted by the Governor on Her Majesty's Behalf by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows:

1. That after the Passing of this Act it shall be lawful for the Governor to order that the Sum of Six Thousand Dollars shall be paid out of the General Revenue of the Colony to the Mayor and Council of the City of Victoria, to be applied by the said Mayor and Council to Civic Purposes of the City aforesaid.
2. That this Act may be cited for all Purposes as "The Governor's Victoria City Aid Act, 1864".

After Passing of this Act Governor may order \$ 6000, to be paid to the Mayor and Council for Civic Purposes.  
Short Title.

Passed

*City Aid Act.*

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Passed the Legislative Assembly 20th May, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 1st June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 8th day of June, 1864.

A. E. KENNEDY,  
GOVERNOR.

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1864.



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. IX.

An Act to amend an Act entitled "An Act for the protection of the Wooden Bridges in Vancouver Island and its Dependencies."

[7th July, 1864.

WHEREAS it is necessary to protect the wooden and other Bridges in Vancouver Island and its Dependencies from Destruction : Be it enacted by the Governor on Her Majesty's Behalf by and with the Consent of the Legislative Council and Assembly as follows :

I. That any Person who shall after the Passage of this Act moor, make fast, or in any other Way attach any Raft, Vessel, Boat, Barge or other floating Body to any Wooden or other Bridge or to any Pier, Pile, Trestle or Abutment of the same shall be liable to a Fine not exceeding Fifty Dollars or its equivalent Value in Sterling Coin, or to Imprisonment for a Term not exceeding Fourteen Days which Fine may be recovered in a summary Manner before any One of Her Majesty's Justices of the Peace.

Penalty for attaching any Raft, Vessel, Boat, &c. to Wooden Bridges.

II. That this Act and the said Act for the protection of the wooden Bridges in Vancouver Island and its Dependencies shall be construed as One Act and intituled "The Bridges Protection Act 1864."

Citation of Act.

Passed



*Protection of wooden Bridges.*

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Passed the Legislative Council 17th December, 1863.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly 22d January, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIÆ REGINÆ.

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No. X.

An Act to repeal the “ Vancouver Island Stamp Act, 1862.”  
[7th July, 1864.]

**W**HEREAS it is expedient to repeal “ The Vancouver Island Stamp Act, 1862 ” be it therefore enacted by the Governor on Her Majesty’s Behalf by and with the Advice and Consent of the Legislative Council and House of Assembly of Vancouver Island and its Dependencies.

I. That from and after the Passing of this Act “ The Vancouver Island stamp Act, 1862 ” shall be and the same is hereby repealed.

Repeal of  
Stamp Act  
1862.

Passed the Legislative Assembly 2nd November 1863.

R. W. HORNE,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 9th March, 1864.

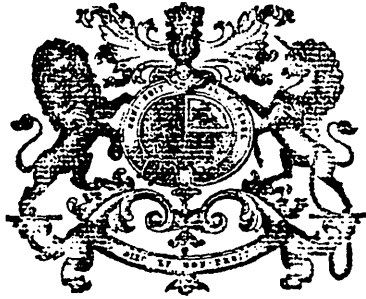
E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XI.

An Act to prevent the unauthorized Issue of Bank Notes and paper Currency.

[7th July, 1864.

**W**HEREAS it is expedient to prevent the Issuing of Bank Notes within the Colony of Vancouver Island, by any Person or Association of Persons, unauthorised by Royal Charter, or by An Act of the Legislature of the said Colony, or by this Act: Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the Advice and Consent of the Legislative Council and Assembly, as follows :

I. That from and after the Passing of this Act, no Person or Association of Persons, Body Corporate or Politic, except Banks incorporated by Royal Charter, or authorized by an Act of the Legislature of Vancouver Island and its Dependencies, or actually issuing on or before the first of January, One Thousand Eight Hundred and Sixty-Four, promissory Notes payable to Bearer on demand, shall make or issue any Bank Note or bill in the Form or Nature of a Bank Note payable to Bearer on demand, and purporting to be intended to pass as Money.

What Banks may issue Notes.

II. All such Notes as aforesaid, which may be issued by any Bank duly authorized thereto, under the Provisions of this Act, shall bear Date at the City, Town, or Place, at and from which the same respectively shall be made and issued, and the same respectively shall, in all Cases, be payable in specie on demand, at the Place of Date, and also at the principal Office in the Colony of the Bank so issuing such Notes, and the total Amount of such Notes in circulation, shall not, at any One Time, exceed the Amount of the paid-up Capital of the Bank, so issuing such Notes, and such Bank shall, at all Times, hold within the Colony a Reserve in legal Tender Coin, not less in Amount than one-third Part of the total Amount of Notes so issued as aforesaid.

Where Notes are to bear Date.

III. That

*Bank Notes, &c.*

Inspection  
of Books by  
Colonial  
Treasurer, and  
Colonial Audi-  
tor, or other  
authorised  
Persons.

III. That it shall be lawful for the Governor of the said Colony at any Time to authorize the Colonial Treasurer and Colonial Auditor, or such other Two or more Persons as he may think proper, to proceed to any Banking Establishment within the said Colony, issuing Promissory Notes payable to Bearer on demand, and to call for and examine the Books of such Establishment, necessary to ascertain the total Amount of Notes issued and in Circulation, and that the Reserve so required to be held as aforesaid, is in accordance with this Act ; and every Managing Director, Manager, Chief Cashier, or Clerk, as the Case may be, of such Banking Establishment, who shall refuse to produce and exhibit such Books of such Establishment, or the Coin so required to be held in Reserve as aforesaid, when required so to do by the Officers or Persons duly authorized as aforesaid, shall, for every such Offence, forfeit to Her Majesty, Her Heirs and Successors, a penal Sum not exceeding Five Hundred Dollars, to be recovered as hereinafter provided.

Registration  
within Four-  
teen days after  
passing of this  
Act.

IV. That every Managing Director, Manager, Chief Cashier, or Clerk, as the case may be, of any Bank issuing Notes as aforesaid, shall, within Fourteen Days after the Passage of this Act, declare and record in the Office of the Registrar of the Supreme Court of Vancouver Island, the Amount of the paid-up Capital of the Bank or Establishment which he may represent, and every Manager, Managing Director, Chief Cashier, or Clerk as aforesaid, neglecting or refusing to make such Declaration, shall, for every such Offence, forfeit to Her Majesty, Her Heirs and Successors, a penal Sum of Five Hundred Dollars, to be recovered as hereinafter provided.

Unauthorized  
or excessive  
Issue of Notes.

V. That any Person, or Association of Persons, not duly authorized under the Provisions of this Act, who shall, after the Passage of this Act, issue or re-issue any Promissory Note payable to Bearer on demand, or any Person or Association of Persons duly authorized to issue such Promissory Notes, under the Provisions of this Act, who shall exceed the Amount of Issue of such Notes, to which he or they is or are restricted by this Act, shall, for every such Offence, forfeit to Her Majesty, Her Heirs and Successors, the penal Sum of Five Hundred Dollars, to be recovered as hereinafter provided.

Non-chartered  
Bank not to  
issue Notes  
after first  
March, 1865.

VI. Provided, nevertheless, that no Issue of Bank Notes as aforesaid, by any Bank not having a Royal Charter, or Act of the Legislature of Vancouver Island, shall continue under the Provisions of this Act after the first day of March, 1865.

Denomination  
of Notes.

VII. That on and after the Passage of this Act, Notes of a lower Denomination than Five Dollars, or of a Denomination other than a Multiple of Five Dollars, shall not be issued by any Bank, authorized to issue Bank Notes under this Act.

Penalties, how  
recoverable.

VIII. All Penalties under this Act shall be recovered in the Supreme Court of Vancouver Island, in the name of the Attorney General, or other Officer duly authorized in that Behalf.

Short Title.

IX. This Act may be cited for all purposes as "The Bank Note Act, 1864."

*Bank Notes, &c.*

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Passed the Legislative Assembly 9th February, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 6th April, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIA, VANCOUVER ISLAND :

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1864.



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XII.

**An Act to provide for the Periodical Publication of the Liabilities and Assets of Banks in Vancouver Island and its Dependencies, and for the Registration of the Names of the Proprietors thereof. [7th July, 1864.]**

**W**HEREAS it is expedient that all Banking Companies and Individual Bankers engaged or hereafter to be engaged in the Colony of Vancouver Island and its Dependencies in issuing of Bills and Notes payable to Bearer on demand and intended to pass as Money, should for the Information and better Security of the Public, furnish periodically in Manner hereinafter mentioned, Statements of their Liabilities and Assets within the said Colony to be published and recorded as hereinafter is described: Be it therefore Enacted by His Excellency the Governor on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly as follows:

I. That from and after the first Day of April, in the Year of our Lord One Thousand Eight Hundred and Sixty Four, every Banking Company or Individual Banker engaged, or hereafter to be engaged in the Colony of Vancouver Island and its Dependencies in issuing of Bills and Notes payable to Bearer on demand, and intended to pass as Money, shall every Week prepare, and make up a full and correct Account and Statement in Writing exhibiting the Assets, Property, Credits, and Securities, respectively, belonging to every such Banking Company or Individual Banker as aforesaid, and also the respective Debts, Engagements and Liabilities of the same in the Manner and Form and under the several Heads particularly set forth in the Schedule to this Act annexed marked "A."

Weekly Statement of Liabilities and Assets to be kept.

*Banking.*

Quarterly  
Statements to  
be published.

II. That from such Weekly Accounts and Statements so directed to be made up as aforesaid there shall be prepared on the last Day of each Quarter ending on the 31st Day of March, the 30th Day of June, the 30th Day of September, and the 31st day of December in every Year by every such Banking Company or Individual Banker as aforesaid, respectively, a general Abstract in Writing of the Average Amount during such Quarter of the respective Assets, Property, Credits, and Securities of every such Banking Company or Individual Banker, and of their respective Debts, Engagements, and Liabilities in the Manner and Form and under the several Heads or Titles specified and set forth in the Schedule to this Act annexed marked "B," to which respective Quarterly Abstracts shall be subjoined a Statement exhibiting the Amount of Capital Stock of every such Banking Company, or Individual Banker as aforesaid, paid up at the Close of the Period to which such Abstracts respectively shall be so made up, or as near thereto as may be practicable, the Rate and Amount of the last Dividend that may have been declared to the Shareholders or Proprietors and the Amount of the reserved Profit at the Time of declaring such Dividend; and such respective Quarterly Abstracts and Statements shall be verified by the Declaration of the Managing Director, Manager, Chief Cashier, or Clerk of every such Banking Company, or Individual Banker, as aforesaid, making the same and shall within One Month after the Close of every such Quarter, or as soon thereafter as may be practicable be delivered to the Colonial Secretary of Vancouver Island for the Time being, and shall also be published in One or more of the Newspapers published within the Colony.

Penalty for  
neglecting to  
keep Weekly  
Accounts, &c.

III. That if any such Banking Company, or Individual Banker as aforesaid, shall neglect to keep such Weekly Accounts, or to make out, or to return, or deliver such Quarterly Abstracts to the Colonial Secretary as aforesaid, or if any Managing Director, Manager, Chief Cashier or Clerk verifying any such Abstract shall deliver or return to the Colonial Secretary any false Account or Abstract of such Averages, every such Banking Company, or Individual Banker as aforesaid, so neglecting, or making such false Account or Abstract, shall forfeit for every such Offence the Sum of Two Thousand Dollars, and the Managing Director, Manager, Chief Clerk or Cashier so offending shall also forfeit for every such Offence the Sum of Five Hundred Dollars; such Penalties to be recovered respectively by Action of Debt in the Supreme Court or any other Court of competent Jurisdiction in the said Colony or its Dependencies.

Copy of  
Charter or  
Deed of  
Settlement to  
be recorded in  
the Supreme  
Court.

IV. That a Copy of the Charter or of the Deed of Copartnership and Settlement of every such Banking Company as aforesaid attested by the Managing Director, Manager, Chief Cashier or Clerk for the time being of such Banking Companies respectively to be a true Transcript of the original Charter, or of the Deed of Copartnership and Settlement respectively, of such Banking Company shall be registered in the Office of the Registrar of the Supreme Court of the said Colony by the Managing Director, Manager, Chief Cashier or Clerk of such Banking Companies respectively within Thirty Days from and after the Day on which this Act shall commence and take Effect, or as soon thereafter as may be practicable, and the same shall be open for Inspection at all reasonable Times by any Person requiring to inspect the same on Payment of a Fee of Half a Dollar for each such Inspection;

*Banking.*

Inspection; and if any such Managing Director, Manager, Chief Cashier or Clerk shall omit or neglect so to register such attested Copy of the original Charter or Deed of Copartnership and Settlement of any such Banking Company as aforesaid within the Time hereinbefore directed for registering the same, he shall be subject and liable to a Penalty of Five Hundred Dollars to be recovered by an Action of Debt in the Supreme Court, or any other Court of competent Jurisdiction of the said Colony or its Dependencies by any Person who shall sue for the same. Penalty.

V. That as often as any new Charter, or Deed of Copartnership and Settlement of any such Banking Company as aforesaid, may issue or be entered into, or any New Banking Company be established, a Copy of the Charter or of the Deed of Copartnership and Settlement, attested as aforesaid, shall in like Manner be registered in the Supreme Court of the said Colony for the Purposes and subject to the Penalty hereinbefore imposed on the Party neglecting or omitting duly to make such Registry as aforesaid. Copy of new Charter or Deed to be in like Manner recorded.

VI. That the Managing Director, Manager, Chief Cashier or Clerk of every such Banking Company, as aforesaid, shall within Thirty Days after the Passage of this Act, or as soon thereafter as may be practicable, and also within Thirty Days after the first Day of January in each and every Year, or as soon thereafter as may be practicable, cause a true and correct List of the Names of all Persons who shall be then existing Proprietors, or Members of such Companies, respectively, with their respective Places of Abode and Descriptions, together with the Amount of Capital or Shares individually held to be recorded on Declaration in the Office of the Registrar of the Supreme Court of the said Colony, and the same shall be open for Inspection at all reasonable Times by any Person requiring the same on Payment of a Fee of Half a Dollar for each such Inspection, and if any such Managing Director, Manager, Chief Cashier or Clerk shall omit or neglect to cause such List to be recorded in Manner aforesaid, or shall wilfully falsify any such List, he shall be subject and liable to a Penalty of Five Hundred Dollars to be recovered by an Action of Debt in the Supreme Court, or any other Court of competent Jurisdiction of the said Colony or its Dependencies, by any Person who shall sue for the same. Description Lists of Shareholders to be recorded.

VII. That every person whose Name shall be so recorded as aforesaid shall be considered, taken and held to be a Member or Proprietor of the Banking Company in which his or her Name shall be so recorded as aforesaid, or until he or she shall have given Notice in the *Government Gazette* of the said Colony, or if no such publication exists, then in One or more of the Newspapers published within the said Colony of his or her retirement from such Banking Company: Provided, however, that nothing herein contained shall be deemed or construed to absolve any Person from Liability on account of any Debts incurred by any such Banking Company during the Time such Person remained a Proprietor or Member thereof, or to render any Individual Proprietor or Member of any Banking Company established by Royal Charter liable for any Debts incurred by the same except so far as he or she may be liable under the Provisions of such Charter. Liability of such Proprietors to be small. Proviso.

VIII. That every Declaration required to be made under the Provisions of this Act may be made before any Justice of the Peace, or before the Registrar of the Manner in which Declaration may be made.



*Banking.*

the Supreme Court of the said Colony, who are hereby authorised and empowered to receive the same, and any Managing Director, Manager, Chief Cashier, or Clerk who shall make any false Declaration as to any Matter or Thing under the Provisions of this Act shall be subject to such Pains and Penalties as are by Law in force at the Time as to Persons convicted of wilful and corrupt Perjury.

Penalty for  
false Declara-  
tion.

Limitation of  
Action.

IX. That no Action shall lie against any Person for any Offence committed against the Provisions of this Act unless the same shall be commenced within One Year from the Time the Offence shall be alleged to have been committed.

Proof of  
Inability to  
comply with  
Requirements  
of this Act.

X. Provided always that if in any case any Matter or Thing required to be done or performed under the Provisions of this Act within any given Period shall not have been so done or performed, the proof that it was not practicable to do so shall be upon the Party required to do or perform the same: Provided also that no Excuse shall be allowed for any such Failure or Neglect unless it be clearly shown that the Matter or Thing required to be done or performed was done or performed as soon as was practicable.

Defining  
Banks to  
which Act  
shall apply.

XI. That this Act shall apply to every Banking Company or Individual Banker engaged in issuing Bills or Notes payable to the Bearer at Sight or on Demand and intended to pass as Money.

Short Title.

XII. That this Act may be cited for all purposes as "The Banking Act, 1864."

*Banking.*

**SCHEDULE A.**

WEEKLY STATEMENT showing the Amount and Nature of the Debts, Engagements and Liabilities, and of the Assets and Property or Securities within the Colony of Vancouver Island and its Dependencies of the Bank of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ 18\_\_

LIABILITIES.		AMOUNT.	TOTAL.	ASSETS.		AMOUNT.	TOTAL.
Notes in Circulation. }	Not bearing Interest.....			Legal Tender Coin in Gold and Silver,.....			
	Bearing Interest.....				Gold and Silver in Bullion,.....		
Bills in Circulation. }	Not bearing Interest.....			Landed Property,.....			
	Bearing Interest.....			Notes and Bills of other Banks,.....			
Balances Due to other Banks,.....	Not bearing Interest.....			Balances Due from other Banks,.....			
	Bearing Interest.....			Amount of all Debts due to the Bank, including Notes, Bills of Exchange, and all Stock and funded Debts of every description, excepting Notes, Bills and Balances due to the said Bank from other Banks.			
Deposits, }	Not bearing Interest.....						
	Bearing Interest.....						
Total amount of Liabilities,.....				Total amount of Assets,.....			

We hereby certify the foregoing to be a true and correct Account to the best of our knowledge and belief.

(Place and Date.)

Managing Director, Chief Cashier or Clerk, (as the case may be.)



*Banking.*

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Passed the Legislative Assembly 26th February, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 20th May, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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1864.



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XIII.

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.]

**M**OST Gracious Sovereign We your Majesty's most dutiful and loyal Subjects the Commons of the Colony of Vancouver Island in Parliament assembled towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament have resolved to grant unto Your Majesty the Sum hereinafter mentioned and do therefore most humbly beseech your Majesty that it may be enacted ; and be it enacted by His Excellency the Governor by and with the Advice and Consent of the Legislative Council and Assembly in the present Parliament Assembled and by the Authority of the same as follows :

I. That there shall and may be issued and applied for or towards making good the Supply granted to Her Majesty for the Year One Thousand Eight Hundred and Sixty-four The Sum of Twenty Six Thousand Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies for the Purposes specified in the Schedule hereto and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to issue and apply the same accordingly.

\$26,000 granted for the Service of the Year 1864.

Passed

*Appropriation (Supplemental).*

Passed the Legislative Assembly 24th March, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 6th April, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

## SCHEDULE

Supplemental Estimates to provide for Works, &amp;c., proposed to be undertaken during the Year, 1864.

For Roads.....		\$14,000
To be applied as follows :		
Saanich Road.....	\$ 5,000	
Sooke Road.....	2,000	
Metchosen Road.....	3,000	
From Metchosen to Albert Head.....	500	
To open Waggon Road to Gold-Stream.....	1,000	
McKenzie's to Naval Hospital.....	1,000	
McKenzie's to join Burnside crossing Colquitz River near its mouth.....	500	
Mount Tolmie Cross Road.....	600	
Casual Repairs.....	400	
	\$ 14,000	
Education ...		5,000
Royal Hospital.....		2,500
Fire Department.....		2,000
Mail Communication along the Coast.....		2,000
Miscellaneous Services—Re-fund of Taxes overpaid, &c.....		500
Total.....		\$26,000

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VICTORIÆ REGINÆ.

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No. XIV.

**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.**

**W**HEREAS certain further Supplies are required for the use of Her Majesty and whereas the Commoners of the Colony of Vancouver Island in Parliament assembled do cheerfully grant the same and do therefore most humbly beseech Your Majesty that it may be enacted and Be it enacted by His Excellency The Governor by and with the Advice and Consent of the Legislative Council and Assembly, in this present Parliament and by the Authority of the same as follows :

I. That the sum of Nineteen Thousand Eight Hundred and Four Dollars and Twenty Eight 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 Vancouver Island and its Dependencies for the Service of the Year One Thousand Eight Hundred and Sixty Three and the Governor is hereby authorised to empower the Treasurer to pay and apply the same accordingly.

\* 19,804 28.  
Granted for the  
service of Year  
1863.

Passed

*Supply, (Supplemental.)*

Passed the Legislative Assembly 17th May, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 23rd May, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

SCHEDULE.

Establishments (Contingencies)	-	-	-	-	\$ 493,30
Revenue Services,	-	-	-	-	387,25
Administration of Justice	-	-	-	-	1867,06
Charitable allowances	-	-	-	-	
Education	-	-	-	-	
Police and Gaols	-	-	-	-	931,32
Rent	-	-	-	-	97,00
Conveyance of Mail	-	-	-	-	3606,35
Works and Buildings	-	-	-	-	2538,27
Roads Streets and Bridges	-	-	-	-	3717,18½
Miscellaneous	-	-	-	-	1158,88
Interest	-	-	-	-	
Drawbacks and Refunds	-	-	-	-	233,83
Lighthouses	-	-	-	-	4526,10
Deposits	-	-	-	-	247,83
					<u>\$ 19,804,28</u>

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VICTORIÆ REGINÆ.

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No. XV.

An Act to provide for the Closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies. [7th July, 1864.]

WHEREAS it is expedient to provide Means whereby the Wells upon unenclosed Property may be prevented from emperilling the Lives and Property of Her Majesty's Subjects: Be it therefore enacted by the Governor on behalf of Her Majesty by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:

I. That within Thirty Days after the Passage of this Act all Persons being Owners or Lessees of unenclosed Property in the Colony of Vancouver Island upon which any open Well is situate shall either enclose the same Property with a durable Fence or cover in such open Well in a thoroughly safe and permanent Manner and so that the same shall no longer continue dangerous to Life and Limb. Open Wells shall be covered in

II. An open Well shall for the Purposes of this Act be deemed to be an artificial sinking into the Ground not being a Ditch or Drain or Pond of a depth of more than Three feet and not protected by a safe and substantial Fence. Definition of term "open Well"

III. That any Person omitting to enclose such Property or to cover in such Well in such a Manner as aforesaid shall be liable to a Penalty not exceeding Twenty Dollars to be recovered before any Justice of the Peace in a Summary Manner and that the said Penalty may be recovered by Distress and in Default of a sufficient Distress by Imprisonment for a Period of not more than One Week. Penalty for non-compliance with Act.

IV. That the Mayor and Council may employ such Persons as they may select In cases of default

*Enclosure of Wells.*

Mayor and Council may cause the work in the City of Victoria cover in Wells and recover costs thereof.

select to cover in any unclosed Well situated within the Municipal Limits of the City of Victoria and on the Property of any Person absent from the Colony or neglecting to enclose such Property or close in such open Well and may recover the reasonable Amount of the Expenses in that behalf from the Person on whose Property the same is situated by an Order of a Justice of the Peace.

Surveyor General may cause the work to be performed in certain cases and recover costs thereof.

V. That the Surveyor General of Vancouver Island and its Dependencies may employ such Person as he may select to cover in any unclosed Well situated beyond the Municipal Limits of the City of Victoria and on the Property of any Person absent from the Colony or neglecting to enclose such Property or close in such open Well and may recover the reasonable Amount of the Expenditure in that behalf from the Person on whose Property the same is situate on a like Order.

Penalty how recoverable.

VI. That in the Event of the said penalty remaining unrecovered for the space of Twenty Four Hours after the Order of the Justice the amount of the Penalty shall be deemed to be a Charge within the meaning of an Act entitled "The Land Registry Act, 1860" upon the Real Estate on which such Well is situate and the Surveyor General is hereby authorised and required to Register the Order in that behalf as a Charge against such Real Estate on the Books of the Registrar General of Titles of Real Estate in Vancouver Island and its Dependencies.

Order for Penalty to be registered.

VII. Every Justice of the Peace shall within Twelve hours from the Time in which such Order is made transmit the same Order to the Surveyor General or Mayor and Council as the Case may require and the said Surveyor General and Mayor and Council are hereby required to Register the same within the space of Twelve Hours from the receipt of same.

Fees for registering Order to be added to Penalty.

VIII. No fees shall be taken by the Registrar General on the Registration of an Order on behalf of the said Mayor and Council but the same shall be added to the Amount of the Charge so registered in addition to the Amount mentioned in the Order.

Cancellation of Registered charge.

IX. The Registrar is hereby authorised to cancel any such Registered Charge upon satisfactory Evidence that the same has been satisfied duly verified by a Justice of the Peace for the particular District in Manner directed by the Fortieth Section of "The Land Registry Act, 1860." The Amount so paid in in satisfaction of such Registered Charge shall be paid over by the Justice of the Peace so recovering the same to the Treasurer of Vancouver Island and its Dependencies if the same has been paid in respect of an open Well in the rural Districts of Vancouver Island for the use of Her Majesty Her Heirs and Successors and in the Event of the same being paid in in respect of an open Well within the Municipal Limits the same Amount shall be paid over to the Mayor and Council.

Disposition of Penalty when recovered.

*Enclosure of Wells.*

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Passed the Legislative Assembly 17th May, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 30th May, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIÆ REGINÆ.

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No. XVI.

An Act for the Regulation of Electric Telegraphs within the Colony of Vancouver Island, and to secure Secrecy and Fidelity in the Transmission of Telegraphic Messages. [7th July, 1864.]

WHEREAS Telegraph Lines are about to be constructed, and Telegraph Offices established within the Colony of Vancouver Island, and whereas it is expedient that the Business of sending Despatches by Telegraph should be regulated by Law: Be it therefore enacted by His Excellency the Governor by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:

I. If any Officer, Agent, Operator, Clerk or Employe of any Telegraph Company, or any other Person shall wilfully divulge to any other Person than the Party from whom the same was received or to whom the same is addressed, or his Agent or Attorney, any Message received or sent or intended to be sent over any Telegraph Line, or the Contents, Substance, Purport, Effect or Meaning of any such Message or any Part thereof, or shall wilfully alter any such Message by adding thereto or omitting therefrom any Word or Words, Figure or Figures, so as to materially change the Sense, Purport or Meaning of such Message to the Injury of the Person sending or desiring to send the same, or to whom the same was directed, the Person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment, in the Discretion of the Court or Magistrate having Jurisdiction in the Matter; Provided that when Numerals or Words of Numbers occur in any Message the Operator or Clerk sending or receiving, may

Employes not to divulge contents of Messages.

May not alter meaning of same.

Penalty.

express

*Telegraph Regulations.*

express the same in Words or Figures, or in both Words and Figures, and such Fact shall not be deemed an Alteration of the Message nor in any Manner affect its Genuineness, Force or Validity,

May not send  
forged  
Messages.

II. If any Agent, Operator or Employe in any Telegraph Office, or any other Person shall knowingly and wilfully send by Telegraph to any Person or Persons any false or forged Message purporting to be from such Telegraph Office, or from any other Person, or shall wilfully deliver or cause to be delivered to any Person any such Message falsely purporting to have been received by Telegraph or if any Person or Persons shall furnish or conspire to furnish, or cause to be furnished, to any such Agent, Operator or Employe, to be sent by Telegraph, or to be delivered, any such Message, knowing the same to be false or forged with the intent to deceive, injure or defraud any Individual, Partnership, or Corporation, or the Public, the Person or Persons so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment in the Discretion of the Court or Magistrate having Jurisdiction in the Case.

Penalty.

May not  
appropriate  
information.

III. If any Agent, Operator or Employe in any Telegraph Office shall in any way use or appropriate any Information derived by him from any private Message or Messages passing through his Hands, and addressed to any other Person or Persons or in any other Manner acquired by him by reason of his Trust as such Agent, Operator or Employe, or shall trade or speculate upon any such Information so obtained, or in any Manner turn or attempt to turn the same to his own Account, Profit or Advantage, the Person so offending shall be deemed guilty of a Misdemeanour and shall be punished by Fine not to exceed One Thousand Dollars or by Imprisonment not to exceed One Year or by both such Fine and Imprisonment, in the Discretion of the Court or Magistrate having Jurisdiction in the case, and shall also be liable in treble Damages to the Party aggrieved for all loss or Injury sustained by reason of such wrongful Act.

Penalty.

May not  
neglect to send  
Messages.

IV. If any Agent, Operator or Employe in any Telegraph Office shall unreasonably and wilfully refuse or neglect to send any Message received at such Office for Transmission, or shall unreasonably and wilfully postpone the same out of its Order, or shall unreasonably and wilfully refuse or neglect to deliver any Message received by Telegraph, the Person so offending shall be deemed guilty of a Misdemeanour, and may be punished by Fine not to exceed Five Hundred Dollars or Imprisonment not to exceed Six Months, or by both such Fine and Imprisonment in the Discretion of the Court or Magistrate having Jurisdiction : Provided that Nothing herein contained shall be construed to require any Message to be received, transmitted or delivered, unless the Charges thereon shall have been paid or tendered, nor to require the Sending, Receiving or Delivery of any Message counselling, aiding, abetting or encouraging Treason against the Government, or other Resistance to lawful Authority, or any Message calculated to instigate or further any fraudulent Plan or Purpose, or to instigate or encourage the Perpetration of any unlawful Act, or to facilitate the escape of any Criminal or Person accused of Crime.

Penalty.

Proviso.

*Telegraph Regulations.*

V. If any Person not connected with any Telegraph Office shall, without the Authority or Consent of the Person or Persons to whom the same may be directed, wilfully and unlawfully open any sealed Envelope, enclosing a Telegraphic Message, and addressed to any other Person or Persons, with the Purpose of learning the contents of such Message, or shall fraudulently represent any other Person or Persons and thereby procure to be delivered to himself any Telegraphic Message addressed to such other Person or Persons, with the intent to use, destroy, or detain the same from the Person or Persons entitled to receive such Message, the Person so offending shall be deemed guilty of a Misdemeanour and shall be punished by Fine not to exceed One Thousand Dollars or Imprisonment not to exceed One Year or by both such Fine and Imprisonment, in the discretion of the Court or Magistrate having Jurisdiction.

Unauthorized  
Persons may  
not violate  
Sealed  
Messages.

Penalty.

VI. If any Person not connected with any Telegraph Company shall, by means of any Machine, Instrument or Contrivance, or in any other Manner wilfully and fraudulently read, or attempt to read any Message, or to learn the contents thereof, whilst the same is being sent over any Telegraph line or shall wilfully and fraudulently or clandestinely learn, or attempt to learn the contents or meaning of any Message while the same is in any Telegraph Office, or is being received thereat or sent therefrom, or shall use or attempt to use or communicate to others, any Information so obtained by any Person, the Person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not exceeding One Thousand Dollars or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment, in the discretion of the Court or Magistrate having Jurisdiction.

Persons not  
Employes may  
not fraudulently  
obtain  
Telegraphic  
Information.

Penalty.

VII. If any Person shall, by the Payment or Promise of any Bribe, Inducement or Reward procure or attempt to procure any Telegraph Agent, Operator, or Employe, to disclose any private Message, or the Contents, Purport, Substance or Meaning thereof, or shall offer to any such Agent, Operator, or Employe, any Bribe, Compensation or Reward, for the disclosure of any private Information received by him by reason of his trust as such Agent, Operator, or Employe, or shall use or attempt to use any such Information so obtained, the person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed one year, or by both such Fine and Imprisonment in the discretion of the Court or Magistrate having Jurisdiction.

May not  
attempt to  
procure Infor-  
mation by  
Bribery.

Penalty.

VIII. If any person shall wilfully or maliciously cut, break, or throw down any Telegraph Pole, or any Tree or other Material used in any Telegraph line or shall wilfully or maliciously break, displace, or injure any Insulator in use in any Telegraph line or shall wilfully or maliciously cut, break or remove from its Insulators any Wire used as a Telegraph line, or shall wilfully or maliciously break, molest, or injure any Submarine Cable used or intended to be used in any Telegraph line, or shall by the attachment of a Ground Wire, or by any other contrivance, wilfully destroy the Insulation of such Telegraph line, or interrupt the transmission of the Electric Current through the same, or shall in any other Manner wilfully destroy, injure, or molest any Property or Materials appertaining to any Telegraphic line, or shall wilfully interfere with the use of any Telegraph line, or obstruct

May not  
obstructor  
injure Tele-  
graph Lines.

obstruct.

*Telegraph Regulations.*

**Penalty.** obstruct or postpone the transmission of any Message over the same. or procure or advise any such Injury, Interference, or, Obstruction, the Person so offending shall be deemed guilty of a Misdemeanour, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by Fine not to exceed Five Hundred Dollars, or Imprisonment not to exceed Six Months, or by both such Fine and Imprisonment, in the discretion of the said Justice or Justices ; and shall moreover be liable to the Telegraphic Company whose Property is injured, in the Amount of all Loss and Damage sustained by reason of such wrongful Act.

**Civil Action for Damages provided for.** IX. Any Person offending against the provisions of Sections 1, 2, 4, 6, or 7, of this Act shall, in addition to the Penalties therein prescribed, be liable in a civil action to the Party injured for all Damages occasioned thereby.

**Employes exempt from Military Service or Jury duty.** X. All Operators of any Telegraph Company, whilst employed in the Offices of said company or along the route of its Telegraph lines, shall be exempt from Militia Duty and from serving on Juries, and from any Fine or Penalty for the neglect thereof.

**Contracts by telegraph deemed contracts in Writing.** XI. Contracts made by Telegraph shall be deemed to be Contracts in Writing and all Communications sent by Telegraph and signed by the Person or Persons sending the same or by his or their Authority shall be held and deemed to be Communications in Writing.

**Notice by Telegraph Actual notice.** XII. Whenever any Notice, Information or Intelligence Written or otherwise is required to be given, the same may be given by Telegraph provided that the Dispatch containing the same be delivered to the Person entitled thereto, or to his Agent or Attorney, such notice by Telegraph shall be deemed Actual Notice.

**Telegraphic Messages shall be sent in order as received.**  
**Proviso.** XIII: It shall be the duty of any Telegraph Company doing Buisness in this Colony to transmit all Despatches in the Order in which they are received under the Penalty of Five Hundred Dollars to be recovered with Costs of Suit by the Person or Persons whose Despatch is postponed out of its order: Provided that Communications to and from Public Offices on official Business shall have precedence over all other Communications ; and provided also, that Intelligence of General and Public Interest may be transmitted for Publication out of its Order.

**Jurisdiction conferred upon Justices of the Peace, or Stipendiary Magistrate.** XIV. Any Act declared to be a Misdemeanour under the provisions of this Act may be tried before two or more Justices of the peace or a Stipendiary Magistrate in said Colony, and said Justices or Stipendiary Magistrate are hereby authorised to deal with each Case summarily or to commit the offender for Trial.

**Short Title.** XX. This Act may be cited as " The Telegraph Regulation Act, 1864."

*Telegraph Regulations.*

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Passed the Legislative Assembly 24th March, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 15th June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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1864.





ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XVII.

An Act to alter and amend "The Fireman's Protection Act, 1861." [7th July, 1864.]

WHEREAS it is expedient to alter and amend "The Fireman's Protection Act, 1861": Be it therefore enacted by the Governor on Her Majesty's Behalf by and with the Advice and Consent of the Legislative Council and House of Assembly of Vancouver Island and its Dependencies, as follows :

I. That from and after the Passing of this Act the whole of the Apparatus whether Engine, Hose, Hooks, Ladders, or, other Articles used with or belonging to or in any Way appertaining to the Fire Department of the City of Victoria, organized under and by virtue of any Act of the Legislature of the Colony of Vancouver Island shall be deemed for the Purposes of this Act to be the Property of the Victoria Fire Department subject to the Order and Control of the Mayor and Corporation of the City of Victoria.

After passing of this Act whole of the Apparatus & to belong to Fire Department subject to order and control of the Mayor and Corporation.

II. That from and after the Passing of this Act the active Members of any Fire Company regularly attached to the Fire Department of the City of Victoria as herein after defined shall be exempt from all Jury duty other than that of Coroner's Inquests: Provided however that nothing contained in this Section shall be taken or deemed to apply to other Fire Companies than those now existing and commonly known as "The Union Hook and Ladder Company No 1" "The Deluge Engine Company No. 1," and "The Tiger Engine Company No. 2," and such Exemptions from Jury Duty shall not extend to more than Sixty Five Active Members in each Company as aforesaid.

Active members of Fire Companies to be exempt from duties as Jurymen other than those of Coroners Inquests.

Proviso

III. That it shall be the Duty of each Person claiming Exemption from Jury Duty under this Act to produce to the Sheriff or Officer serving a Jury Summons a

Persons claiming exemption under this Act to

*Exemption of Firemen from Jury Duty.*

produce a certificate of active membership to proper Office.

Certificate of his active Membership in the Fire Department and Company to which he is attached, signed by the Chief Engineer and the Secretary of the Fire Department.

Foremen of every Company to deliver written List to Sheriff or other Officer of all active Members entitled to benefit of Act.

IV. That it shall be the duty of the Foreman of every Company on the Third Monday of January, April, July and October in each and every Year to deliver a written List to the Sheriff or Person discharging the Duties of Sheriff for the Time being of all active Members entitled to the Benefit of this Act and in default thereof he shall be liable to a Fine not exceeding One Hundred Dollars to be recovered in a summary Manner before any Magistrate or Justice of the Peace in and for the City of Victoria.

Persons giving or using false Certificate &c. on conviction liable to fine In default liable to imprisonment with or without hard labour.

V. Any Person giving or using a false Certificate, or Certificate which has expired, or making a fraudulent Return under this Act shall upon conviction thereof before any Justice of the Peace be liable to a Fine not exceeding One Hundred Dollars to be recovered in a summary Way before any Magistrate or Justice of the Peace in and for the City of Victoria or in default be imprisoned with or without hard labour for a Period not exceeding One Month.

Firemen not to be excluded from Juries.

VI. Provided always that no Person liable by Law to serve as a Juror shall be excluded from serving as such Juror by Reason of being a Fireman entitled to exemption under this Act.

Short Title.

VII. This Act may be cited for all purposes as "The Firemen's Act, 1864."

Passed the Legislative Assembly 4th December, 1863.

R. W. HORNE,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 9th June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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1864.



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XVIII.

**An Act to authorise the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island. [7th July, 1864.]**

**W**HEREAS the Harewood Railroad Company (Limited) was duly Registered on the Ninth Day of April, 1864, and the object for which the said Company was established was by their Memorandum of Association declared to be "The construction, laying down and working a Line or Lines of Railway from Harewood in Mountain District, Vancouver Island, to Departure Bay, in Nanaimo District, Vancouver Island, for the Purpose of conveying and carrying over and along the said Line Coal and other Minerals and Passengers and Merchandise, and for such other Purposes connected with Railway Business as the Company may from Time to Time determine : " And whereas it is expedient to authorise the said Company to make the said Line and to purchase and take Land for the Purpose of the Undertaking mentioned in the said Memorandum of Association : Be it therefore enacted by the Governor on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly, as follows :

I. That the said Company may construct a Railway between the Points marked respectively A and B on the map marked No. one, deposited in the Land Office and there Recorded by the Surveyor-General, and may take, purchase and occupy such Lands as may be necessary for the Construction thereof, and for the Establishment of fitting and suitable Stations at both Ends and along the Course of the Line, and for the Establishment of all proper and necessary Works, Sidings, Embankments, Bridges, Culverts, Drains, and other Works usually required for the

Power to construct Railway

*Harewood Railway.*

the accommodation of the Public and the Reception of Coal, Minerals, Goods, and Passengers, on Lines of a like character.

The line to be made within two years.

II. The Company shall, within Two Years from the Passage of this Act, unless hindered by the Dangers of the Seas or other unavoidable Casualty, make and complete the permanent Way of the said Line from the said point, A to B with a single Line of Rails at the least, of a Gauge not exceeding Six Feet Two Inches, with all necessary Sidings and other Works convenient for the Public Traffic of the Line. The gradients of the said Line shall be made according to the Plans marked from No. 1 to 8 inclusive, deposited in the Land Office and recorded with the Surveyor-General, with power to increase or diminish the Cuttings or Embankments Six Feet above or below the gradient Line, provided that no increase or diminution shall exceed One in a Hundred.

Gradients according to Plans.

Company to acquire land for additional line of rail.

III The Company shall, previously to making such single Line of Mail, acquire a sufficient Breadth of Land to enable them, whenever the public Requirements render it expedient, to lay down an additional Line of Rail, with all necessary Sidings and other Works convenient for the commodious Traffic of the Line.

Limits of Deviation.

IV. The Limits of Deviation shall be One Hundred Yards on either Side of the Line described on the Plan as centre Line.

Lands for Station &c.,

V. The quantity of Land taken for a Station Depot and Work-shops at the Departure Bay Terminus of the Line shall not exceed Ten Acres, or at any Station along the Line One Acre.

Short Title.

VI. This Act may be cited as the "Harewood Railway Company Act, 1864."

Passed the Legislative Assembly 2nd June, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 16th June, 1864.

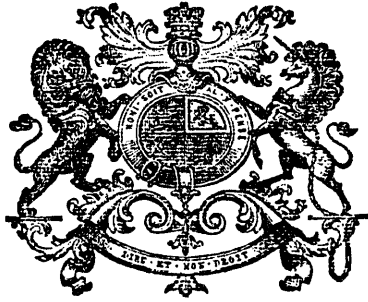
E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XIX.

An Act to incorporate the Israelite Congregation named "The Emanuel of Victoria, Vancouver Island."

WHEREAS a Congregation of Israelites of the City of Victoria being desirous of fulfilling the Ordinances of their Religion, have formed themselves into a Congregation under the Style of "The Emanuel of Victoria, Vancouver Island," and have established certain Rules and Articles embodied in Articles of Constitution for their Government: Be it therefore enacted by the Governor, on Her Majesty's Behalf, by and with the Consent and Advice of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

I. That the existing Members of the said Congregation, and all such Persons as from Time to Time hereafter may become the Members of the same according to the Articles of Constitution aforesaid, or any Articles of Constitution for the Time being in Force under the said Constitution, shall be a Body politic and corporate in Deed and in Law, by the Name of "The Emanuel of Victoria, Vancouver Island," for carrying into Effect the Fulfillment of the Ordinances of the Israelitish Persuasion according to the orthodox Order, and shall for all legal Purposes be known by such Appellation, and shall have a corporate Seal, with the Name of the said Corporation imprinted thereon, in the Words following : "The Emanuel of Victoria, Vancouver Island," and shall be governed by such Articles of Constitution as may be for the Time-subsisting by virtue of the said Constitution.

*Incorporation of the Congregation Emanuel.*

II. That a Copy of the Articles of Constitution aforesaid, shall be deposited with the Colonial Secretary, verified by the President and Secretary of the said Congregation, within fourteen days from the passage of this Act, and that a copy of any

*Articles of Constitution, &c., to be deposited.*

*Israelites Incorporation.*

any resolution in anywise altering or repealing any of the provisions of the said Constitution, and verified in manner aforesaid, shall be likewise deposited with the said Colonial Secretary, within the Time aforesaid.

**Powers of the Corporation.**

III. That the said Body corporate shall have and enjoy all such Rights, Powers, and Privileges, as by common or statute law, or in Equity, appertain and relate to a corporation aggregate.

**Right of holding and recovering securities in the Corporate Name.**

IV. "The Emanuel of Victoria, Vancouver Island," from and after the passage of this Act, shall be capable of holding, taking and receiving in its corporate name, all Monies, Bonds, Notes, Mortgages, and other Securities in which any portion of the Funds of the Congregation may be from Time to Time invested, and shall sue and be sued in its corporate name.

**Contracts of the Corporation.**

V. The Contracts or Deeds of the Corporation may be made as follows : Any Contract, Agreement, or Deed, which, if made between private Persons, would be by law required to be in Writing, and if made according to English law, to be under Seal, may be made on behalf of the Corporation in Writing, under the corporate Seal of the Congregation, and such Contract may be in the same manner varied and discharged : Any Contract, which if made by private Persons, would be by law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the said Corporation in writing, signed by the President, and countersigned by the Secretary, and such Contract may in such manner be varied or discharged : Any Contract, which if made between private Parties, would by law be valid, and although by parol only and not reduced into Writing, may be made on parol on behalf of the said Corporation, by any Person acting under the expressed, or implied authority of the said Congregation, and such Contract may be in the same way varied or discharged.

**Contracts under Seal.**

**Contracts required by law to be in writing**

**Parol Contracts.**

**Seal to be used on passage of a resolution of the Board of Officers.**

VI. The Seal of the said Corporation shall be attached to all Instruments requiring the attachment of the said Seal, by the Secretary of the said Corporation, upon the production of a resolution of the Board of Officers directing the same.

**Receipts of the Board of Officers.**

VII. The Board of Officers of the said Corporation shall give full and effectual Receipts and Discharges on behalf of the said Corporation, and shall sign all Contracts required to be in Writing as aforesaid, upon the passage of a resolution of the said Board approving the same. Any Person may be authorized by a resolution of the said Board of Officers to enter into, and accept by parol, any Contract which by law would be valid without Writing, upon the passage of a resolution of the said Board of Officers in that behalf.

**Power to hold real estate.**

VIII. That it shall be lawful for the said Body corporate, in its corporate name, at all Times hereafter, notwithstanding the statutes of Mortmain, or any other statutes or laws to the contrary, to purchase, acquire, have, take, hold, receive and enjoy, to them and their successors in perpetuity, or for any lives or Terms of years, or other Estate, any Messuages, Buildings, Lands, Tenements, Privileges, Easements, and other Hereditaments, of whatever nature or kind soever, which may be necessary and proper for carrying out the Objects and Purposes of the said Body corporate

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*Israelites Incorporation.*

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or which may be granted to the said Corporation in manner by law prescribed.

IX. That the said "Emanuel of Victoria, Vancouver Island," may, in its corporate capacity, sell, mortgage, lease, or otherwise dispose of the Synagogue used for their religious Purposes, and the Site thereof, and any other Land or Hereditaments which they may hereafter acquire in the corporate name, and under the corporate Seal may raise such sum or sums of Money as may be found necessary and convenient for discharging the liabilities of the said Corporation, or for the improvement of the Property of the said Corporation, or for any other Purpose which may be approved by a general meeting, provided for by the said Articles of Constitution.

Power to raise money on mortgage or otherwise,

X. That this Act may be cited as "The Congregation of Emanuel of Victoria Incorporation Act, 1864." Short Title.

Passed the Legislative Assembly 2d June, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 16th June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XX.

An Act to impose a Tax of One Half of one per Centum upon all Real Estate within the City of Victoria and for other Purposes relating thereto. [7th July, 1864.

WHEREAS it is expedient to raise, levy and collect a Tax of one half of one per centum on all Real Estate situated within the City of Victoria, in order to provide Funds to meet the Indebtedness of the City aforesaid: Be it therefore enacted by the Governor on Her Majesty's behalf by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

I. That there shall be raised, levied and collected, upon all Real Estate situated within the Incorporated limits of the City of Victoria aforesaid a Tax of One Half of one per Centum upon the Value thereof as certified in the Real Estate Assessment Roll for the Year ending June 30th, 1863, to be paid to the Treasurer of the Colony. A Tax of one half of one per cent. to be raised upon Real Estate.

II. The Treasurer aforesaid is hereby authorized, empowered and required to receive the said Tax of One Half of one per Centum in accordance with the provisions of the Real Estate Tax Amendment Act, 1862. Treasurer to receive Tax.

III. The said Tax of One Half of one per Centum shall be paid into the Treasury within Thirty Days after the final Passage of this Act. Tax when to be paid.

IV. Persons or Corporations failing to pay said Tax within the appointed Period shall be subject to the Penalties imposed in the Real Estate Tax Amendment Act, 1862, for non-payment of Taxes. Penalty.

V.



*Victoria City Half Per Cent. Tax.*

Notice to be given in Newspapers.

V. The Treasurer shall, and he is hereby required to publish in the Government Gazette and in one or more Newspapers in the Colony, the Time within which the said Tax shall be paid.

Persons exempted from provisions of this Act.

VI. All Persons or Corporations who shall have paid a Tax of One Half of one per Centum on all Real Estate situated within the said City in accordance with the Municipal By Law passed by the Mayor and Council of the said City on the twelfth day of December, 1863, shall be and is hereby exempted from paying any Tax under the provisions of this Act: Provided always that a copy of the Municipal Assessment Roll made under the provisions of the said Municipal By-Law shall be furnished by the Municipality duly verified under the Hand and Seal of the Mayor and Corporation to the Treasurer within Seven Days from the Passage of this Act detailing the Persons who have and who have not paid the said Tax and the details of the Property in the Unknown List in respect of which Default and Payment have been made.

Moneys raised under this Act to be paid over to Mayor and Council.

VII. All Moneys raised under this Act shall be paid over as the Governor may from Time to Time direct to the Mayor and Council of the City of Victoria for Civic Purposes.

Amount advanced by the Treasurer to the Municipality to be deducted from Moneys raised under this Act.

VIII. It shall be lawful for the Governor of Vancouver Island for the Time being to deduct from the Moneys collected under this Act the Amount for the Time being advanced by the Treasurer to the Municipality or paid by the Treasurer in discharge of any Indebtedness of the Municipality theretofore to be verified by the Treasurer and to place the Moneys so deducted to the credit of the General Revenue.

Short Title.

IX. This Act may be cited for all purposes as "The Victoria City Half per Cent Tax Act 1864."

Passed the Legislative Assembly 20th May, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 7th June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. XXI.

**An Act to authorize the Governor to appropriate certain Moneys for the completion of a Dredging Machine and other Instruments and Appliances connected therewith.**

[7th July, 1864.]

**W**HEREAS for the Improvement of Victoria Harbour and other Purposes a loan of (£40,000) Forty Thousand Pounds was contracted and whereas a certain Portion of the said Loan has already been appropriated for the said Purposes and whereas the said Appropriation has been found insufficient to perfect a Dredging Machine and other Vessels, Instruments and Appliances and Agreements connected therewith and for the which Contracts have already been entered into and whereas it is therefore deemed advisable and expedient to authorize the Appropriation of a further Sum of Money for the completion of the said Dredging Machine and other Instruments, Appliances and Agreements connected therewith.

Be it enacted by the Governor on Her Majesty's Behalf by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows :

I. That from and after the Passage of this Act it shall be lawful for the Governor to take and he is hereby authorized and empowered so to do, so much of the Loan of (£40,000) Forty Thousand Pounds as consists of the unappropriated Balance of the sum of (£18,000) Eighteen Thousand Pounds set apart by the said Act for the Improvement of Victoria Harbour and to employ the said Balance as the said Governor in Council may deem advisable for the Purpose of completing the

Governor may take so much of Loan of £40,000 as consists of unappropriated balance of £18,000 for completion of Dredging Machine &c. the

Dredging Machine, Vessels, Instruments and Appliances, connected therewith and otherwise for meeting such Engagements as have already been or may hereafter be found necessary to be entered into for the Purpose aforesaid or other Purposes connected therewith.

**Short Title.** II. This Act may be cited as the Supplemental Supply Act No. 4, 1864.

Passed the Legislative Assembly 15th June, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 16th June, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. I.

An Act to provide for the Election of a Mayor and Councillors for the City of Victoria on the 8th day of November, A. D., 1864.

[5th November, 1864.]

WHEREAS, by the Provisional Act for the Election of Mayor and Councillors, 1863, provision was made for the Election of a Mayor and Councillors for the City of Victoria at the Expiration of the Period for which the Mayor and Councillors were elected which said Act was to remain in operation for One Year only ; and whereas it is expedient to extend the Provisions of the said Act, for a further and longer Period ; be it therefore enacted by the Governor, on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies :

I. That the Election of a Mayor and Councillors shall be held on the Eighth Day of November, 1864, in conformity with the Provisions of "The Victoria Incorporation Act, 1862," at such Place as the Council shall, by due Notice, as in the said last mentioned Act, appoint.

Election of Mayor and Councillors.

II. That so much of the said Act as provides that at the said Election the Qualification of Voters shall be being rated on the Municipal Assessment Roll of the said City for Freehold or for Leasehold Estate, to the Amount of £20 or upwards, is hereby repealed.

Repeal of portion of 'Incorporation Act, 1862.'

III. That so much of "The Victoria Incorporation Act, 1862," as provides

Repeal of por-

that

*Election of Mayor and Councillors, 1864.*

tion of said Act as to qualification of Mayor and Councillors.

that at the said Election the Qualification of the Mayor and Councillors shall be "being at and having been for three Calendar Months next preceding the Time of Election rated on the Municipal Assessment Roll of the same City in respect of Freehold to at least the Value of £50, or in respect of Leasehold to at least the Value of £150," is hereby repealed.

Who shall Vote.

IV. That the Voters entitled to Vote at the said Election shall be the Persons whose Names are registered on the List of Voters for the Election of Representatives to serve in the Legislative Assembly for the City of Victoria.

Number of Votes.

V. That each Voter shall have One Vote for Mayor, and a Vote for each Councillor to be elected in and for every Ward in which such Voter has a proper Qualification.

Qualification of Mayor and Councillors.

VI. That the Qualification of a Mayor and Councillors at the said next Election shall be the Same as at the First Election of 1862.

Oaths of Voters.

VII. That each Voter voting for a Mayor or Councillor or Councillors may be called upon by any Voter qualified to Vote at such Election to take an Oath in the Form or to the Effect in the Schedule hereto.

Wilful misrepresentation of qualification a misdemeanor.

VIII. That any Person wilfully misrepresenting himself as being entitled to vote or wilfully misdescribing his Qualification shall be deemed guilty of a Misdemeanor.

Duration of Act.

IX. This Act shall remain in Operation for One Year.

Saving clause as to amendment or repeal of this Act during present Session.

X. Nothing in this Act shall be taken or deemed to prevent the repeal or amendment of this Act, or "The Victoria Incorporation Act, 1862," during the present Session of the Legislature.

Short Title.

XI. This Act may be cited as "The Provisional Act for the Election of Mayor and Councillors, 1864."

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*Election of Mayor and Councillors, 1864.*

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SCHEDULE.

I, A. B., do hereby swear that I am the said A. B. mentioned in the revised List of Voters for the City of Victoria, and that I am entitled in my own Right to vote for the Election of a Mayor or two Councillors for the Ward of (as the case may be) in respect of (describing the Nature of the Qualification, whether Freehold or Leasehold specifying the Block and Lot, and where situated.)

Passed the Legislative Assembly the 27th day of October, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 1st day of November, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 5th day of November, 1864.

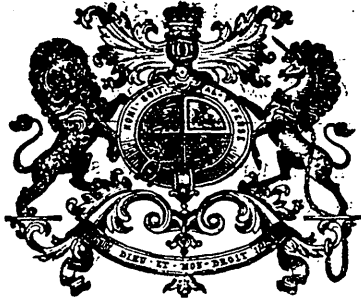
A. E. KENNEDY,  
GOVERNOR.

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ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. II.

**An Act to appropriate the Sum of Twelve Hundred Pounds Sterling Per Annum from the General Revenue of the Colony for the Salary of a Chief Justice.**

[5th December, 1864.]

**W**HEREAS, it is expedient that a Common Law Barrister now practising at the Bar in England shall be appointed to the Office of Chief Justice of Vancouver Island and its Dependencies ; and whereas it is expedient that permanent Provision should be made for the Salary of such Chief Justice, chargeable on the General Revenue of the Colony ; be it therefore enacted by the Governor on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows :

I. From and after the Arrival in the said Colony from England of a Barrister now practising at the Common Law Bar in England to be appointed to the said Office of Chief Justice by Her Majesty, her Heirs or Successors, there shall be paid as and for the Salary of such Chief Justice, the Annual Sum of Twelve Hundred Pounds Sterling, and the said Annual Sum shall be chargeable on the General Revenue of the Colony, and the same shall be payable by the Treasurer of the Colony in discharge of such Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor.

Salary of Chief Justice.

II.

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*The Chief Justice's Salary Act, 1864.*

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Duration of  
Act.

II. This Act shall continue in force until the said Barrister so appointed shall vacate his Office of Chief Justice.

Short Title.

III. This Act may be cited for all Purposes as "The Chief Justice's Salary Act, 1864."

Passed the Legislative Assembly the 18th day of October, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 2nd day of November, 1864.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I reserve assent to this Act in the Name and on Behalf of Her Majesty, this  
5th day of December, 1864.

A. E. KENNEDY,  
GOVERNOR.

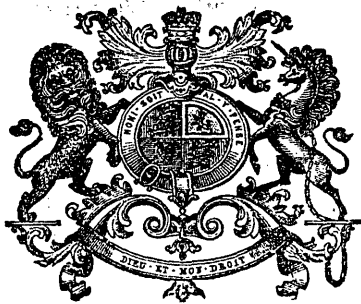
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ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. III.

An Act respecting Barristers and Attorneys  
at Law. [30th January, 1865.]

**W**HEREAS by an Order of the Queen's Most Excellent Majesty in Council bearing Date the Fourth Day of April, 1856, a Supreme Court of Civil Justice of the Colony of Vancouver Island was constituted, and the said Court was thereby authorized and empowered to approve, admit, and enrol certain Persons therein described to act as Barristers, Advocates, Attorneys, and Solicitors or Proctors in the said Court, and whereas it is expedient to extend the Authority of the said Court in that behalf; be it therefore enacted by His Excellency the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Legislative Assembly thereof as follows :

I. That the said Supreme Court is hereby authorized and empowered to approve and admit, and the said Supreme Court shall approve and admit to act as Barristers therein such Persons as shall have been duly admitted as Barristers or Advocates in the Supreme Court of Civil Justice in any of Her Majesty's Colonies or Foreign Dominions.

Who to be  
admitted to  
practise as  
Barristers in  
Supreme Court

II. That the said Supreme Court is hereby further authorized and empowered to approve, admit and enrol, and the said Supreme Court shall approve, admit and enrol to act as Attorneys, Solicitors or Proctors therein any Persons having been duly admitted and enrolled to act as Attorneys, Solicitors or Proctors in the Supreme Court of Scotland or any of Her Majesty's Colonies or Foreign Dominions.

Attorneys, &c.

III.

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*The Legal Profession Act, 1865.*

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Orders and  
Rules.

III. That it shall be lawful for the said Supreme Court by any Rules or Orders of Court to be by it from Time to Time for that Purpose made and published, to frame, constitute and establish such Rules, Orders and Regulations as shall seem meet, touching the admission of such Persons as aforesaid to act as Barristers Advocates, Attorneys and Solicitors and Proctors in the said Supreme Court; provided always that such Rules, Orders and Regulations shall be subject to the same Conditions and Requirements as to Promulgation and Approval and final Approbation and Allowance as are prescribed by the said Order in Council in respect of any Rules, Orders or Regulations which the said Supreme Court is thereby empowered to establish; provided that nothing in this Section shall extend to authorizing the Supreme Court to make any Rule respecting the Attainments of any Practitioner mentioned in the First and Second Section of this Act.

Short Title.

IV. This Act may be cited for all Purposes as "The Legal Profession Act, 1865.

Passed the Legislative Assembly the 5th day of December, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 9th day of January, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 30th day of January, 1865.

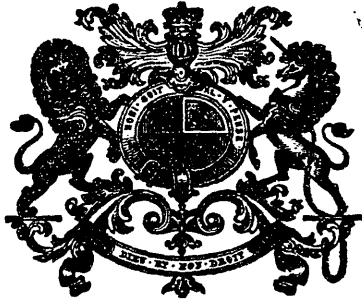
A. E. KENNEDY,  
GOVERNOR.

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VICTORIA, VANCOUVER ISLAND:

PRINTED BY AUTHORITY OF THE GOVERNMENT BY HARRIES AND COMPANY.

1865.



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. IV.

**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.**

**[30th March, 1865.]**

**MOST GRACIOUS SOVEREIGN:—**

We, Your Majesty's most dutiful and loyal Subjects, the Commoners of the Colony of Vancouver Island in Parliament assembled, towards making good the Supply which we have cheerfully granted to your Majesty in this Session of Parliament have resolved to grant unto 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 the said Colony by and with the Advice and Consent of the Legislative Council and Assembly thereof as follows :

I. That there shall be issued and applied for or towards making good the Supply granted to Her Majesty for the Year One Thousand Eight Hundred and Sixty-five, 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

*Appropriation Act, 1865.*

of Vancouver Island and its Dependencies for the Purposes specified in the Schedule hereto annexed, and the Governor of the Colony is hereby authorized to empower the Treasurer thereof to issue and apply the same accordingly viz.; For Establishments One Hundred and Five Thousand Two Hundred and Forty-two Dollars and Twenty-five Cents, and for Services Exclusive of Establishments, One Hundred and Ninety-three Thousand Three Hundred and Seventy-six Dollars.

## SCHEDULE.

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary.		Allowances and Contingencies.		Total.	
	\$	c	\$	c	\$	c	\$	c
HIS EXCELLENCY THE GOVERNOR.								
SALARIES.								
Private Secretary, - - -			1700	00				
Messenger, - - - - -	480	00						
Total His Excellency the Governor, - - - - -							2180	00
LEGISLATIVE COUNCIL.								
SALARIES.								
Clerk, - - - - -	500	00						
CONTINGENCIES.								
Fuel, Light, and Petty Expenses, -					150	00		
Total Legislative Council, -							650	00

Legislative

*Appropriation Act, 1865.*

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed		Provisional		Allowances		Total.
	Establishment.		and		and		
LEGISLATIVE ASSEMBLY.			Temporary		Contingencies.		
SALARIES.	\$	c	\$	c	\$	c	\$ c
Clerk, - - - -	1700	00					
Messenger, - - - -	600	00					
CONTINGENCIES.							
Extra Clerical Assistance, - - -					500	00	
Drafting of Bills, - - - -					1000	00	
Expenses of Witnesses, - - - -					100	00	
Fuel, Light, and Petty Expenses,					250	00	
Total Legislative Assembly, -							4150 00
COLONIAL SECRETARY.							
SALARIES.							
Chief Clerk, - - - -	1500	00					
Second Clerk, - - - -	1000	00					
Messenger, - - - -	480	00					
CONTINGENCIES.							
Stationery for Public Offices, -					2000	00	
Furniture, ditto. - - - -					200	00	
Fuel and Light ditto. - - - -					1000	00	
Printing for ditto. including							
Acts of Legislature, - - - -					4000	00	
Petty Expenses, - - - -					250	00	
Total Colonial Secretary. -							10430 00
TREASURER.							
SALARIES.							
Clerk, - - - -	1200	00					
Assessor, - - - -	2425	00					
CONTINGENCIES.							
Extra Clerical Assistance, -					250	00	
Advertising, and Petty Expenses,					400	00	
Total Treasurer, - - - -							4275 00

Establishments

*Appropriation Act, 1865.*

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary.		Allowances and Contingencies.		Total.	
	\$	c	\$	c	\$	c	\$	c
AUDITOR.								
SALARIES.								
For Auditing Accounts, -	1200	00						
Total Auditor, -							1200	00
SURVEYOR GENERAL.								
SALARIES.								
Assistant Surveyor	1700	00						
Superintendent of Roads, -			1500	00				
Clerk, -	1200	00						
Superintending Engineer Victoria Harbour, -					2425	00		
Master of Tug, -					1200	00		
Engineer ditto, -					1067	00		
Blacksmith ditto, -					700	00		
Two Stokers ditto at \$700 each.					1400	00		
Two Crew ditto, at \$540 each -					1080	00		
Engineer of Dredger, -					1067	00		
Blacksmith ditto, -					700	00		
Two Fireman at \$700 each -					1400	00		
Four Crew at \$540 each, -					2160	00		
CONTINGENCIES.								
Miscellaneous Explorations and Surveys, -							5000	00
Fuel for Tug and Dredger, -							7200	00
Petty Expenses, -							240	00
Total Surveyor General, -								30039 00
HARBOUR MASTER.								
SALARIES.								
Harbour Master, Shipping Master and Officer to carry out Passengers' and Merchant shipping Acts (amalgamated) without Fees -	1400	00						
Boatman, -	500	00						
CONTINGENCIES.								
Painting and Repairing Buoys, -							400	00
Total Harbour Master, -								2300 00

Establishments

*Appropriation Act, 1865.*

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary.		Allowances and Contingencies.		Total.	
	\$	C	\$	C	\$	C	\$	C
<b>LIGHTHOUSES.</b>								
SALARIES.								
Commissioner.	500	00						
Ditto,	500	00						
Medical Officer	60	00						
Light-keeper, Race Rocks	763	08						
First Assistant, ditto,	510	88						
Second ditto, ditto,	410	00						
Third ditto, ditto,	208	04						
Light-keeper, Fisgard,	750	00						
Assistant, ditto,	100	00						
ALLOWANCES.								
Provisions and Fuel for Light-keepers,					1300	00		
CONTINGENCIES.								
Books for Library,					150	00		
Stores,					500	00		
Petty Expenses,					100	00		
Total Lighthouses,							5852	00
<b>POST OFFICE.</b>								
SALARIES.								
Victoria,								
Postmaster,	500	00						
Clerk,	1455	00						
Nanaimo,								
Postmaster,	485	00						
CONTINGENCIES.								
Extra Clerical Assistance,					750	00		
Postage Stamps,					500	00		
Mail Bags, and Petty Expenses					100	00		
Total Post Office,							3790	00

Establishments

*Appropriation Act, 1865.*

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary.		Allowances and Contingencies.		Total.	
	\$	c	\$	c	\$	c	\$	c
<b>REGISTRAR GENERAL.</b>								
SALARIES.								
Registrar General,	2425	00						
Total Registrar General,							2425	00
<b>JUDICIAL.</b>								
SALARIES.								
Chief Justice of Supreme Court, (payable in conformity with an Act to appropriate £1,200 per annum, from the General Revenue of the Colony, for the Salary of a Chief Justice)	5820	00						
Registrar	1500	00						
Clerk of Writs,	1000	00						
Attorney General, (with fees)			1455	00				
Clerk	1000	00						
Sheriff,	1000	00						
Stipendiary Magistrate, and Vis- iting Magistrate of Gaol, Vic- toria,	2250	00						
Clerk to ditto,	1000	00						
Stipendiary Magistrate Nanaimo,	1700	00						
Clerk to ditto,	485	00						
CONTINGENCIES.								
Occasional Assistance to Sheriff,						250	00	
Total Judicial,							17460	00



## Appropriation Act, 1865.

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary		Allowances and Contingencies.		Total.	
	\$	c	\$	c	\$	c	\$	c
<b>POLICE.</b>								
<b>SALARIES.</b>								
Superintendent and Inspector, (Offices amalgamated) -	2000	00						
Four Serjeants, at \$2 per diem each	2920	00						
Six Constables, at \$1 75 ditto,	3832	50						
Six ditto, \$1 50 ditto,	3285	00						
Medical Officer, -	250	00						
Armourer, at \$1 50 per diem, -	547	50						
<b>CONTINGENCIES.</b>								
Expenses of Cleaning and Repairing Small Arms, - - -					50	00		
Petty Expenses, - - -					100	00		
Total Police, - - -							12985	00
<b>GAOLS.</b>								
<b>SALARIES.</b>								
Gaoler, - - - -	1000	00						
Superintendent of Convicts,	800	00						
Medical Officer, - - -	500	00						
Three Warders, at \$1 75 per diem each, - - - -	1916	25						
Three ditto, at \$1 50 ditto each,	1642	50						
Cook at \$1 50 per diem - -	547	50						
<b>CONTINGENCIES.</b>								
Petty Expenses, - - -					100	00		
Total Gaols, - - -							6506	25
<b>VOLUNTEERS.</b>								
<b>SALARIES.</b>								
For General Purposes connected with the Company, - - -	1000	00						
Total Volunteers, - - -							1000	00

*Appropriation Act, 1865.*

No. 2.—PENSIONS, RETIRED ALLOWANCES, AND GRATUITIES.

	\$	c
Pension provided for under 27 and 28 Vict. No. 3, to David Cameron, Chief Justice, - - - - -	2425	00
<b>Total Pensions, Retired Allowances, and Gratuities, -</b>	<b>\$ 2425</b>	<b>00</b>

No. 3.—REVENUE SERVICES, (exclusive of ESTABLISHMENTS).—*Nil.*

No. 4.—ADMINISTRATION OF JUSTICE, (exclusive of ESTABLISHMENTS).

	\$	c
Expenses of Witnesses, - - - - -	500	00
Criminal Punishment, - - - - -	500	00
Interpreters and other Expenses, - - - - -	100	00
Expenses of Inquests, (including Fees to Coroner) - - - - -	1000	00
<b>Total Administration of Justice, (exclusive of Establishments) \$</b>	<b>2100</b>	<b>00</b>

No. 5.—ECCLESIASTICAL, (exclusive of ESTABLISHMENTS).—*Nil.*

No. 6.—CHARITABLE ALLOWANCES.

	\$	c
Miscellaneous Charitable Purposes, - - - - -	500	00
<b>Total Charitable Allowances, - - - - -</b>	<b>500</b>	<b>00</b>

No. 7.—EDUCATION, (exclusive of ESTABLISHMENTS).

	\$	c
District Schools, - - - - -	10000	00
<b>Total Education, (exclusive of Establishments), - - - - - \$</b>	<b>10000</b>	<b>00</b>

No. 8

*Appropriation Act, 1865.*

## No. 8.—HOSPITALS, (exclusive of ESTABLISHMENTS).

	\$	c
Contribution to Victoria Hospital, - - - - -	5000	00
Ditto to meet excess of Expenditure in 1864, - - -	1000	00
Ditto to Female Hospital Victoria, - - - - -	500	00
 Total Hospitals, (exclusive of Establishments), - - -	 \$ 6500	 00

## No. 9.—POLICE, (exclusive of ESTABLISHMENTS).

	\$	c
Clothing for Constables, - - - - -	1100	00
Fuel, Water and Light, - - - - -	400	00
Bedding, - - - - -	125	00
Arms and Ammunition, - - - - -	100	00
 Total Police, (exclusive of Establishments), - - -	 \$ 1725	 00

## No. 10.—GAOLS, (exclusive of ESTABLISHMENTS).

	\$	c
Provisions for 60 Prisoners, - - - - -	4818	00
Clothing for ditto, - - - - -	300	00
Fuel, Water and Light, - - - - -	450	00
Bedding and Utensils, - - - - -	350	00
Tools and Implements, - - - - -	600	00
Arms and Ammunition, - - - - -	50	00
Clothing for Warders, - - - - -	455	00
 Total Gaols, (exclusive of Establishments), - - -	 \$ 7023	 00

28° & 29° VICTORIÆ, No. 4.

*Appropriation Act, 1865.*

No. 11.—RENT.

	\$	c
Rent of Residence for His Excellency the Governor, - - -	1920	00
Rent of Harbour Master's Office, Victoria, - - -	330	00
Rent of Post Office, Victoria, - - -	330	00
 Total Rent, - - - - -	 \$ 2580	 00

No. 12.—TRANSPORT.

	\$	c
Colonial Secretary :		
Travelling Expenses of Officers and others, - - -	500	00
Surveyor General:		
Travelling Expenses of Officers and others, - - -	250	00
Superintendent of Police :		
Travelling Expenses of Police on Public Duty, - - -	500	00
 Total Transport, - - - - -	 \$ 1250	 00

No. 13.—CONVEYANCE OF MAILS.

	\$	c
Between Vancouver Island and San Francisco, - - -	9000	00
Between Victoria and Esquimalt, - - -	350	00
Ditto Namaimo, Comox, and intermediate places, - - -	4080	00
Ditto Saanich, - - -	300	00
Ditto Sooke Mines, - - -	300	00
Ditto New Westminster, British Columbia, - - -	1000	00
Ditto Washington Territory, United States, - - -	500	00
 Total Conveyance of Mails, - - - - -	 \$ 15530	 00

*Appropriation Act, 1865.*

## No. 14.—WORKS AND BUILDINGS.

	\$	c
Residence for His Excellency the Governor, including the construction of Residence, Outbuildings, Purchase of Grounds and Furniture,	50000	00
Lock-up, Saanich,	100	00
Painting of Government Buildings, Victoria, (balance of Contract under vote for 1864),	205	00
Painting, General Repairs, and Fencing of Government Buildings, Victoria,	1500	00
Powder Magazine, (renewal of vote for 1864, under "Powder Magazine Act, 1860,")	3638	00
<b>Total Works and Buildings,</b>	<b>\$ 55443</b>	<b>00</b>

## No. 15.—ROADS, STREETS, AND BRIDGES.

	\$	c
West Saanich Road, Thompson's to Harris' (balance due under Contract undertaken under partially unexpended vote for 1864),	2800	00
Road from Goldstream to Forks of Sooke and Leech Rivers, (contract completed in 1864, without vote),	2000	00
Cedar Hill Road, (balance of contract under partially unexpended vote for 1864),	1750	00
Burnside Road (to cover contract undertaken under unexpended vote for 1864),	4000	00
East Saanich Road (\$2000 to cover contract undertaken under unexpended vote for 1864 ; \$2000 for new work),	4000	00
Metchosen Road, (branch to Goldstream, to cover contract undertaken under unexpended vote for 1864),	3000	00
Victoria, Ogden Point, and Beacon Hill Road, (ditto),	1500	00
Road from Craigflower to Naval Hospital, Esquimalt, (ditto),	1000	00
Ditto                      Burnside Road, (ditto),	500	00
Road from Maple Bay to Somenos, (contract entered into),	1300	00
Albert Head Road, (to cover contract undertaken under unexpended vote for 1864),	500	00
Sooke Road ; Pedder Inlet to Sooke, (for road under completed contract, and for Bridges, under partially unexpended vote for 1864).	1000	00
Extension of Government Street, Victoria,	2000	00
Metchosin Road,	500	00
Road from Goldstream to Forks of Leech and Sooke Rivers,	5000	00
Bridge over Leech River at Lower Forks,	450	00

Bridge

28° & 29° VICTORIÆ, No. 4.

*Appropriation Act, 1865.*

	\$	c
Bridge over Millstone River at Newcastle	1000	00
Repairs to Victoria and Esquimalt Road,	500	00
Comox (local) Road through Settlement,	1000	00
West Saanich Road; Lake Hill to Stephens',	10000	00
Road from Goldstream to Cowichan,	2500	00
General repairs to macadamized Roads,	700	00
James Bay Bridge, Victoria, (repairs),	850	00
 Total Roads, Streets, and Bridges,	 47850	 00

No. 16.—MISCELLANEOUS SERVICES.

	\$	c
Expense of revising List of Voters,	400	00
Sheriff, for expense of making copies of Lists of Voters,	150	00
Colonial Pay, &c., for Marines at San Juan,	6500	00
Contribution to Victoria Fire Department,	3000	00
Insurance of Government Buildings,	1000	00
Premium for Discovery of Fisheries,	4000	00
Reward for Discovery of Gold Fields,	1500	00
Repayment of Deposits,	500	00
Agricultural Society,	500	00
 Total Miscellaneous Services,	 17550	 00

No. 17.—INTEREST.

	\$	c
Interest on Road and Harbour Loan, 1862, £40,000 at six per cent.,	11640	00
Sinking Fund on ditto,	7760	00
 Total Interest,	 19400	 00

No. 18.—REIMBURSEMENTS.—Nil.

28° & 29° VICTORIÆ, No. 4.

*Appropriation Act, 1865.*

No. 19.—IMMIGRATION.

	\$	c
Expenses of introducing Immigrants, - - - - -	2500	00
Total Immigration, - - - - -	\$ 2500	00

No. 20.—INDIANS.

	\$	c
Expenses connected with Indians, - - - - -	1000	00
Total Indians, - - - - -	\$ 1000	00

Passed the Legislative Assembly the 24th day of March, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 28th day of March, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

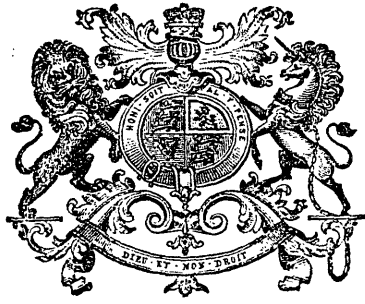
I assent to this Act in the Name and on Behalf of Her Majesty, this 30th day of March, 1865.

A. E. KENNEDY,  
GOVERNOR.

VICTORIA, VANCOUVER ISLAND :

PRINTED BY AUTHORITY OF THE GOVERNMENT BY HARRIES AND COMPANY.

1865.



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. V.

An Act to Amend "The Land Registry Act, 1860." [8th April, 1865.]

WHEREAS, it is necessary to amend "The Land Registry Act, 1860": be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows :

I. It shall be lawful for the Governor to appoint, from Time to Time as occasion shall require, during the Absence or other Incapacity to act of the Registrar General, a fit and proper Person to perform the Duties of Deputy Registrar ; and all the Acts of such Deputy Registrar shall have the like Force and Effect as if done by the Registrar General, and the Deputy Registrar shall have such Remuneration as the Governor shall think fit.

Appointment of Deputy Registrar.

II. Every Person claiming any other or less Estate than the Absolute Fee, or any Equitable Interest whatever in Real Estate, (other than a Leasehold Interest in possession for a Term not exceeding One Year,) whereof the Title to the Absolute Fee has not been registered, may on Proof of a prima facie Title thereto, register a Charge in like Manner as is prescribed in Section Ten of the said Act.

Registration of Charge.

III. No Equitable Mortgage or Lien created simply by a Deposit of Title Deeds shall be deemed to entitle the Person interested to registration under this Act.

Equitable Mortgages not to be registered

IV. Whenever any Person shall have paid in full for Land pre-empted under any Land Proclamation or Act now or hereafter in force, he may, on receiving a Certificate of such Payment from the Surveyor General, apply to have the Same registered

Pre-empted Land.



*Land Registry Amendment Act.*

registered as an Absolute Fee in like Manner as prescribed in Section Eight of "The Land Registry Act, 1860."

**Certificate of Surveyor General.**

V. The Surveyor General may give a Certificate of Payment of all or any of the Instalments due on Land, as mentioned in Sections Sixteen and Seventeen of "The Land Registry Act, 1860," and in Section Four of this Act, in the Form marked "U" in the Schedule to this Act.

**Form of Certificate of Title, and provision in case of loss thereof.**

VI. Section Eighteen in "The Land Registry Act, 1860," is hereby repealed, and in lieu thereof be it enacted that the Registrar shall, upon the Registration of any Absolute Fee, issue a Certificate of Title to the Person who shall have effected Registration in the Form marked "G" in the First Schedule to this Act, and shall fill up a Memorandum thereof and retain the Same in his Office: and if any Certificate of Title shall be lost or destroyed, the Registrar General may, upon being satisfied by Affidavit of the Applicant or of some other Person of the Truth thereof, issue a fresh Certificate in lieu of that so lost or destroyed, expressing on the Face thereof that it is a Duplicate, but no such fresh Certificate shall be of any avail against any Person who may have already derived Title under the original Certificate. In every case, so far as practicable, where a Transfer is registered of a Portion of the Land comprised in or referred to in the Certificate of Title, an Endorsement of such Transfer shall be made thereon.

**Certificate of Title to be evidence.**

VII. Every such Certificate of Title shall be received as Evidence in all Courts of Justice of the Particulars therein set forth.

**Certificate of Indefeasible Title.**

VIII. Upon the Expiration of Five Years from the Time when registration of an Absolute Fee was First effected, the Registered Owner shall be entitled to receive a Certificate of Title in the Form marked "S" in the said First Schedule, a Duplicate of which shall be retained by the Registrar, and such Certificate of Title shall be conclusive Evidence in all Courts of Justice that the Owner therein named is the Absolute Owner of an Indefeasible Fee Simple in the Real Estate therein referred to, and such Real Estate may be transferred by an Endorsement on such Certificate in the Form marked "T" in the said Schedule or similar thereto, and the Registrar, upon the Receipt of the Former Certificate of Title, may grant Registration of the Absolute Fee to such Transferee in the Form marked "B" in the said Schedule, and issue a New Certificate to such Transferee, and when necessary a New Certificate or Certificates to the Transferor or Transferors in Manner aforesaid. And upon such Registration the Transfer shall confer upon the Person to whom the same is made an Absolute and Indefeasible Title in Fee Simple in the Land transferred, subject however to the Rights existing against any such Estate by virtue of any Charge or Issue appearing on the Register at the Time of such Transfer, and also to any unregistered Leaschold Interest in possession for a Term not exceeding One Year as aforesaid.

IX.

*Land Registry Amendment Act.*

IX. The Time at which the Application for Registration shall be deemed to have been made shall be the Time when the Application Paper is filled up and signed by the Applicant, and the Title Deeds handed in to the Registrar.

Time of Application.

X. Whenever any Deed or Instrument is produced for the proving the Title of any Applicant for Registration, the Registrar is hereby required, so far as may be possible, to endorse on such Deed or Instrument a Memorandum of the Interest of the said Applicant in the Land comprised in such Deed or Instrument.

Memorandum of Registration to be endorsed on Title Deeds

XI. Within One Week after any Issue has been filed under the Provisions of "The Land Registry Act, 1860," the Registrar shall give Notice in Writing to the Registered Owner of the Property in respect of which the Same has been so filed.

Notice of Issue

XII. In every Case of cancellation of a Charge, Notice of Contest or Issue under the Provisions of "The Land Registry Act, 1860," the Interest against which such Charge, Notice of Contest or Issue shall have been registered or filed shall be deemed to be discharged from the Date of the Satisfaction or Discharge of the Same, and not from the Date of Entry thereof as provided in Section Forty-one of the last mentioned Act.

Date of Cancellation of Charge.

XIII. Before any Instrument executed after the Expiration of Six Months from the Passing of this Act, other than a Decree, Judgment or Order of a Court of Civil Jurisdiction, is registered, and to entitle the Same to be registered, the Execution thereof shall First have been acknowledged or proved in the Manner hereinafter provided, and such Fact of Acknowledgment or Proof shall appear by a Certificate under the Hand and Seal of the proper Officer or other Person authorized to take such Acknowledgments endorsed upon or attached to such Conveyance deed or other Instrument.

All Deeds to be Acknowledged.

XIV. The Acknowledgment or Proof of execution of all Instruments hereby authorized to be registered, if acknowledged or proved within the Colony, may be made to the Registrar or Deputy Registrar or any Person commissioned in that behalf by the Chief Justice of the Supreme Court of Civil Justice of Vancouver Island as hereinafter mentioned, and if acknowledged or proved without the Colony and within the British Dominions, may be made to any Judge of a Court or Clerk or Registrar of any Court having a Seal, or to any Notary Public, or to any Magistrate of any Town or District within the said Dominions having a Seal of Office, and if acknowledged or proved without the British Dominions may be made to any British Ambassador, Charge d'Affaires or Minister, Consul or Consular Agent appointed to reside in the Country where such Acknowledgment or Proof is made, or to any Judge of any Court of Record having a Seal, or to any Notary Public practising in such Country duly certified to be a Notary Public by some British Ambassador, Charge d'Affaires, Minister, Consul or Consular Agent. And every such Acknowledgment of Instruments executed without this Colony shall be sufficient

Before whom Instruments are to be Acknowledged.

*Land Registry Amendment Act.*

cient to entitle the Same to be registered, notwithstanding anything in this Act contained to the contrary, and particularly to the Provisoes in Section Seventeen hereinafter following.

Chief Justice may appoint persons to take Acknowledgments.

XV. The Chief Justice aforesaid, with the Approval of the Governor for the Time being, may appoint by Commission such and as many competent Persons other than the Persons before mentioned, as may be necessary for the Accommodation of the Public, to take the Acknowledgment and Proof of the Execution of all Instruments in Writing within the Colony which may by Law be registered.

Persons making Acknowledgments shall appear before the Officer taking the same.

XVI. No Acknowledgment of the Execution of any Instrument affecting any Real Estate within this Colony shall be taken, unless the Party offering to make such Acknowledgment shall appear before the Officer taking the Same, and unless such Party shall either be personally known to the Officer or his identity be proven by the Oath or Affirmation of a Competent Witness, and such Certificate of Acknowledgment shall recite in Substance and Legal Effect the Facts required by this Section.

By whom Acknowledgment may be made.

XVII. Acknowledgments and Proofs of the Execution of Instruments entitled to be registered may, for the Purposes of this Act, be made by,

1. The Party executing in Person such Instrument.
2. The Attorney in fact, when such Instrument is executed by an Attorney in fact.
3. The Secretary of any Corporation, when such Instrument is executed by such Secretary.
4. A Subscribing Witness to such Instrument.

Recitals in Acknowledgments.

Provided always that no Acknowledgment of any Party executing in Person such Conveyance, Deed or other Instrument, shall be taken, unless in addition to what is required by Section Sixteen of this Act, such Party acknowledge that he is the Person mentioned in such Instrument, as the Maker thereof, and whose Name is subscribed thereto as a Party, that he knows the Contents thereof, and that he executed the Same voluntarily ; and such Certificate of Acknowledgment shall, in addition to what is required by Section Sixteen to be recited, recite in Substance and Legal Effect the Facts required by this Proviso. And provided also that no Acknowledgment by an Attorney in fact shall be taken, unless in addition to what is required by Section Sixteen of this Act, such Attorney in fact shall acknowledge that he is the Person who subscribed the Name of (naming the Maker) to the Instrument, that said (naming the Maker) is the Person mentioned in the Instrument as the Maker thereof, that (naming the Attorney in fact) knows the Contents of the Instrument, and subscribed the name of (naming the Maker) thereto voluntarily as the free Act and Deed of the said (naming the Maker) ; and such Certificate of Acknowledgment

*Land Registry Amendment Act.*

Acknowledgment shall, in addition to what is required by Section Sixteen to be recited, recite in Substance and Legal Effect the Facts required by this Proviso. And provided also that no Acknowledgment by the Secretary of any Corporation shall be taken, unless in addition to what is required by Section Sixteen of this Act such Secretary acknowledge that he is the Person who subscribed his Name and affixed the Seal of such Corporation as the Secretary, to such Instrument, and that he was First duly authorized to subscribe and to affix the said Seal to the Same; and such Certificate of Acknowledgment shall, in addition to what is required by Section Sixteen to be recited, recite in substance and Legal Effect the Facts required by this Proviso. And provided also that no Acknowledgment by a Married Woman shall be taken, unless in addition to what is required by Section Sixteen, such Married Woman shall be First made acquainted with the Contents of the Instrument, and the Nature and Effect thereof, and shall acknowledge on Examination apart from and out of hearing of her Husband, that she knows the Contents of the Instrument and understands the Nature and Effect thereof, that she executed the Same voluntarily, without fear or compulsion or undue Influence of her Husband, that she is of Full Age and competent Understanding, and does not wish to retract the Execution of the Same; and every such Certificate of Acknowledgment shall, in addition to what is required by Section Sixteen to be recited, recite in Substance and Legal Effect the Facts required by this Proviso. And provided that no Acknowledgment or Proof by a Subscribing Witness shall be taken, unless in addition to what is required by Section Sixteen of this Act, such Subscribing Witness shall acknowledge that he is the Person whose Name is subscribed to the Instrument as a Witness, and shall prove that (naming the Maker) whose Name is subscribed thereto as the Maker, did execute the Same; and such Certificate of Acknowledgment or Proof shall, in addition to what is required by Section Sixteen to be recited, recite in Substance and Legal Effect the Facts required in this Proviso. Provided also that the Acknowledgment or Proof of Instruments required to be made or done as hereinbefore mentioned, may be in the Forms in the Third Schedule hereto.

XVIII. Every Instrument which shall be Acknowledged or Proved and Certified as in this Act prescribed may, together with the Certificate of Acknowledgment or Proof, be read in Evidence in all Courts of Law and Equity, without further Proof of Execution.

Instruments acknowledged may be read in evidence.

XIX. When any Person applies for Registration of a Portion of an entire Lot or Section of Land, he shall, if so required by the Registrar, deposit a Map thereof properly authenticated, or append the Same to the Instrument conveying the said Land, and reference to such Map shall be made by the Registrar and entered by him in the Parcels Books, and such Map shall be drawn on a Scale in the Case of Land situated in any District of not less than Four Inches to a Mile, and in the

Registrar may require Maps to be deposited or appended to Deeds.

Case

*Land Registry Amendment Act.*

Case of Land situated in any Town, on a Scale of not less than One Chain to an Inch, or on such Scale respectively as the Registrar shall require, in order that the Land may be clearly and conveniently shown.

Surveyor  
General to  
deposit copies  
of official Maps

XX. The Surveyor General of the Colony shall, as soon as conveniently may be, and from Time to Time deposit in the Land Registry Office when requested so to do by the Registrar, Copies of all Official Maps in his custody duly authenticated by his Signature.

Acknowledg-  
ments, &c. to  
be made before  
Registrar.

XXI. All Acknowledgments, Affidavits, Oaths and Declarations necessary for this Act and "The Land Registry Act, 1860," may be taken by and made before the Registrar.

Power to  
Registrar to  
refer cases to  
the Court.

XXII. Whenever in the Opinion of the Registrar, from any special Circumstances in the Case it is desirable that an Application for Registration shall be decided by the Court, or that a Declaration of Title in the First Instance should be made under any Act which may be passed in the present Session, it shall be lawful for him to refer such Matter to the Court, and to decline the Registration thereof until an Order for such Registration or a Declaration of Title has been obtained, as the case may require.

Application for  
Registration  
may be made  
by Agents.

XXIII. Applications for Registration may be made by the Agent of any Person entitled to be placed on the Register, provided that the Registrar be satisfied that such Agent is duly authorized to make such Application.

Caveat, &c.

XXIV. The Court may, upon the Application by Petition of any Person interested in Real Estate, although the Same be not registered, issue an Order or Caveat inhibiting any dealing with or Registration of such Real Estate, and annex thereto any Terms and Conditions it may think fit, and generally to make such Order as the Justice of the Case may require.

May be Regis-  
tered as  
Charges.

XXV. All Orders made under the Fifty-ninth Section of "The Land Registry Act, 1860," may be registered as Charges, and all Orders made under the Twenty-fourth Section of this Act may be registered as Supplemental Charges.

List of Land  
registered to be  
kept.

XXVI. The Registrar shall keep a List, arranged under appropriate Headings, as to Towns and Districts, of all Lands registered.

Percentage on  
value of Land.

XXVII. The Per Centage to be paid on the Registration of an Absolute Fee shall be according to the Market Value of the Property at the Time of Application for Registration; and in case of doubt the Market Value shall be held to be the Value as stated in the last completed Government Assessment Roll.

Forms to be  
used.

XXVIII. The Forms in "The Land Registry Act, 1860," marked A, B, C, D, E, F, G, I, K, L, and M, respectively, shall, as soon as conveniently may be, be discontinued, and those marked A, B, C, D, E, F, G, I, K, L, and M, respectively, in the First Schedule to this Act annexed, may be used in lieu thereof.

XXIX.

*Land Registry Amendment Act.*

XXIX. In lieu of the Fees as mentioned in the Second Schedule to "The Land Registry Act, 1860," the Fees mentioned in the Second Schedule hereto shall be charged and paid. Fees.

XXX. If the Deeds constituting a Title have been registered, and they are allowed to remain in the Office for One Month thereafter or upwards, the Same shall be charged as if they had been deposited. Registered Deeds allowed to remain in the office one month charged as if deposited.

XXXI. It shall be the Duty of the Registrar, when requested and upon Payment of the proper Fees, to record in a Book or Books to be kept for that Purpose and to be called respectively "The Absolute Fees Record," "The Charges Record," and "The Supplemental Charges Record," all Instruments in any manner affecting the Title to Real Estate or to any Interest thereunder which has or may have been already duly registered by correctly transcribing or copying the Same, together with any Endorsement thereon or Certificate attached thereto, Word for Word, Letter for Letter, Figure for Figure, Sign for Sign, and Erasure for Erasure. Documents may be copied in the office, and official copies made.

XXXII. References to such Record shall be made in the Register Books of the Title to which such Instruments relate. References to be made to such copies.

XXXIII. The record of any such Instrument as aforesaid, or any Copy of the Same duly certified by the Registrar, may, in the absence of the Original, and if produced by a Party not having the Control of the Original, be read in Evidence in all Courts of Law and Equity without further Proof, but the Production of such Copy shall not preclude the Registrar from requiring the Production of the Original Document in those Cases when such Production may be deemed necessary for the Purpose of registering any Title thereunder. Official copies may be received in evidence.

XXXIV. This Act may be cited as "The Land Registry Amendment Act, 1865." Short Title.

FIRST SCHEDULE.

FORM "A."

No.

I, A. B., declare that I am the Legal Owner in my own Right, in Fee, Simple in possession of the Real Estate hereunder described, and I claim to be registered accordingly.

*Land Registry Amendment Act.*

DESCRIPTION OF REAL ESTATE.

Town or District.	Lot or Section.	Admeasurement or Acreage.

LIST OF INSTRUMENTS.

Date.	Parties.	Character of Deed.

And I,  
 Knowledge the Value of the said Real Estate is

declare that to the best of my  
 Dollars.

( A. B. )

Form

*Land Registry Amendment Act.*

FORM "B."

No.	Name of Applicant.	Parcels, Short Description, Absolute Fees, Parcels Books.	Date of Application.	Date of Registration.	List of Instruments.	Charge, Issue etc., if any.

FORM "C."

No.	Folio of Absolute Fees Book.	Town or District.	Section or Lot.	Admeasurement or Acreage.	Further Description.



*Land Registry Amendment Act.*

FORM "D."

No.

I, A. B., declare that I am entitled to a \_\_\_\_\_ the  
Real Estate hereunder described, and I claim Registration of a Charge accordingly.

DESCRIPTION OF REAL ESTATE.

( The Absolute Fee is registered at Folio \_\_\_\_\_ vol. \_\_\_\_\_  
of the Absolute Fees Book, in the Name of \_\_\_\_\_ .)

Lot or Section.	Town or District.	Admeasurement or Acreage.

LIST OF INSTRUMENTS.

Date.	Parties.	Character of Deed.

And I, A. B., declare that to the best of my Knowledge, the Value of my said  
Interest is \_\_\_\_\_ Dollars.

( A. B. )

Form

*Land Registry Amendment Act.*

FORM "E."

No.	Folio of Absolute Fees Book.	Owner of Charge.	Parcels, Short Descriptions.	Charge, Parcels Book.	Date of Application.	Date of Registration.	Nature of	List of Instruments.	Charge, Issue, Contest, etc., if any.

FORM "F."

No.	Folio of Charge (or supplemental Charge) Book.	Town or District.	Lot or Section.	Admeasurement or Acreage.	Further Description.

*Land Registry Amendment Act.*

FORM "G."

CERTIFICATE OF TITLE.

No. 186

Certificate of Title..... No..... Name..... Absolute Fees Book..... Property..... (A. B.) Registrar General.	Name of Owner.	Absolute Fees Book.	Date of Registration.	Parcels, Short Description
LIST OF INSTRUMENTS.				

(A. B.)  
 Registrar General.

FORM "I."

I, A. B., take issue on the Registration effected by  
 of the Land known as \_\_\_\_\_ in the Absolute Fee Book,  
 Vol. \_\_\_\_\_ Folio \_\_\_\_\_

(A. B.)

Form

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*Land Registry Amendment Act.*

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FORM "K."

No. Registered the \_\_\_\_\_ day of \_\_\_\_\_ 186 \_\_\_\_\_, in  
Book \_\_\_\_\_, Vol. \_\_\_\_\_, Folio \_\_\_\_\_.  
(A. B.)  
Registrar General.

FORM "L."

I, A. B., File this Notice of Contest against an Issue (or Charge registered or)  
filed by C. B., in respect of that piece of Land registered in the  
Book, Vol. \_\_\_\_\_, Folio \_\_\_\_\_.  
(A. B.)

FORM "M."

I, A. B., having filed a Notice of Contest on the \_\_\_\_\_ Day of  
\_\_\_\_\_ 18 \_\_\_\_\_, against an Issue (or Charge registered or)  
filed by C. D., in respect of that piece of Land registered in the  
Book, Vol. \_\_\_\_\_, Folio \_\_\_\_\_, crave that the Charge (or Issue)  
may be cancelled (or taken off the File.)

FORM "S."

CERTIFICATE OF INDEFEASIBLE TITLE.

This is to certify that A. B. is absolutely and indefeasibly entitled in Fee  
Simple to that Piece of Land known as  
and more particularly described in Absolute Fees Parcels Book, Vol.  
Folio \_\_\_\_\_, subject however to

In witness whereof, I have hereunto set my Hand and Seal of Office, this  
day of \_\_\_\_\_ 186 \_\_\_\_\_.  
(C. D.)  
Registrar General.

*Land Registry Amendment Act.*

FORM "T."

I, A. B., of \_\_\_\_\_ do hereby, in consideration of \_\_\_\_\_ Dollars, paid to me, transfer and convey the Land in this Certificate referred to, to C. D., his Heirs and Assigns, for ever.

Executed in presence of )  
                                   D. E. )  
                                   E. F. ) (A. B.)

FORM "U."

I hereby certify that \_\_\_\_\_ Instalment due in respect of Section \_\_\_\_\_, has been paid, and that there remains a Balance of \_\_\_\_\_ unpaid.

(A. B.)  
 Surveyor General.

SECOND SCHEDULE.

F E E S.

Inspection of any Title on the Register.....	\$ 50
Application for Registration.....	50
Registration of any Absolute Fee.....	1 00
And One-fifth of One Per Cent. on the Value of the Real Estate, where such Value amounts to or is under Five Thousand Dollars, and One-tenth of One Per Cent. on the additional Value where such Value exceeds Five Thousand Dollars.	
Registration of any Charge.....	1 00
And One-tenth of One Per Cent. on the Value of the Interest covered by the Charge.....	
Every Certificate of Title or Search.....	50
Filing any Issue.....	2 00
Filing any Contest.....	50

Sealing

*Land Registry Amendment Act.*

Sealing any Document.....	\$ 25
Cancellation of any Charge, &c.....	1 00
Filing any Document other than an Issue.....	50
Every Notice.....	50
Every Deposit of Map or Title Deed.....	5 00
For every transcript or Record of any Deed or Instrument, as provided for in Section thirty one of this Act, per folio of One Hundred Words....	25
For making certified Copies of any Deed or Instrument of Record, per folio of One Hundred Words.....	25
For taking the Acknowledgment or Proof of Execution of any Instrument including the Certificate thereof. For every Acknowledgment or Proof	1 00
For administering an Oath.....	50

THIRD SCHEDULE.

FOR MAKER OF A DEED.

I hereby certify that \_\_\_\_\_ personally known to  
me, \_\_\_\_\_ appeared before me, and acknowledged  
to me that \_\_\_\_\_ the Person mentioned in the annexed  
Instrument as the Maker thereof, and whose name \_\_\_\_\_ subscribed thereto as  
part that \_\_\_\_\_ knows the contents thereof, and that  
executed the same voluntarily.

In testimony whereof I have hereto set my Hand and Seal of Office at  
this \_\_\_\_\_ day of  
in the year of our Lord One Thousand Eight Hundred and Sixty-

FOR MARRIED WOMAN.

I hereby certify that A. B., personally known to me to be the wife of C. D.,  
appeared before me, and being first made acquainted with the contents of the  
annexed Instrument, and the Nature and Effect thereof, acknowledged on Examina-  
tion, and apart from and out of hearing of her said Husband, that she is the Person  
mentioned in such Instrument as the Maker thereof and whose Name is subscribed  
thereto as Party, that she knows the Contents and understands the Nature and  
Effect thereof, that she executed the same voluntarily without fear or compulsion or  
undue

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*Land Registry Amendment Act.*

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undue influence of her said Husband, that she is of full age and competent understanding, and does not wish to retract the execution of the said Instrument.

In testimony whereof I have hereto set my Hand and Seal of office,  
at this day of  
in the Year of our Lord One Thousand Eight Hundred and  
E. F.

FOR ATTORNEY.

I hereby certify that personally known to me,  
appeared before me and acknowledged to me  
that he is the Person who subscribed the name of  
to the annexed Instrument as the Maker thereof  
is the same Person mentioned in the said Instrument as the Maker thereof, that he  
knows the contents of the said Instrument,  
and that he subscribed the name of thereto  
voluntarily as the free Act and Deed of the said

In testimony whereof I have hereto set my Hand and Seal of Office, at  
this day of  
in the year of our Lord One Thousand Eight Hundred and Sixty-

FOR WITNESS.

I hereby certify that personally known to me  
appeared before me, and acknowledged to me that  
the Person whose Name subscribed to the annexed Instruments as Witness,  
and having been duly sworn by me, did prove to me that  
did execute the same in presence voluntarily.

In testimony whereof I have hereto set my Hand and Seal of office, at  
this day of  
in the Year of our Lord One Thousand Eight Hundred and Sixty-

*Land Registry Amendment Act.*

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Passed the Legislative Assembly the 28th day of November, 1864.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 13th day of March, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 8th  
day of April, 1865.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIA, VANCOUVER ISLAND:

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1865.





ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. VI.

An Act respecting Common Schools.  
[15th May, 1865.]

**W**HEREAS, it is expedient that Provisions should be made for the Establishment, Maintenance and Management of Common Schools, in the Colony of Vancouver Island and its Dependencies: be it therefore enacted by the Governor on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island, as follows:

I. It shall be lawful for the Governor from Time to Time to appoint not less than Nine Persons, who shall constitute a General Board of Education, Three of whom shall form a Quorum. Governor to appoint General Board of Education.

II. The General Board of Education shall be a Body Corporate with all the general Powers of Law affecting or relating to Bodies Corporate, and all School Property shall be vested in such General Board. General Board shall be a Body Corporate.

III. The General Board of Education shall meet at least Once a Month, and shall Report to the Governor as to the State and Condition of Common Schools, and other Particulars relating thereto at such Times and in such Manner and Form as the Governor shall from Time to Time in that behalf direct. General Board to meet once a Month and to Report in regard to Schools

IV. It shall be lawful for the Governor to appoint a Superintendent of Education for the said Colony, at a Salary of Fifteen Hundred Dollars per Annum, who shall *ex officio* be Secretary of the said Board, and record the Proceedings thereof. Governor may appoint Superintendent of Schools.

*Schools.*

**Superintendent to continue in Office for One Year.**  
**Salary.**  
 V. The Superintendent shall, unless he resigns or is removed from Office for neglect of Duty, improper Conduct or Incompetency, continue in Office for One Year from the Date of his Appointment, and shall be entitled Annually to not more than Fifteen Hundred Dollars, without any Additional Allowances for Travelling Expenses or other Charges.

**General Board may establish School Districts, and prescribe Course of Education.**  
 VI. It shall be lawful for the said Board from Time to Time with the Approval of the Governor to establish as many School Districts in the said Colony as they shall deem expedient, and to prescribe such Course of Education and Discipline, and to select and Prescribe for Use in each District School, such Books as they may think best, and to authorize the Purchase and Distribution thereof.

**Governor to appoint School Teachers.**  
 VII. It shall be lawful for the Governor from Time to Time to appoint such Persons as he shall think fit to be Teachers of Common Schools.

**Governor may appoint a Local Board of Education in any School District.**  
 VIII. It shall be lawful for the Governor from Time to Time to appoint a Local Board of Education, of not less than Three Persons in any School District if he shall think it expedient so to do.

**Local Board to visit and Report on state of Schools.**  
 IX. Such last named Board shall have Power and Authority to Visit and report on the State of the Schools within its District for the Information and Guidance of the General Board of Education.

**Local Boards subject to control of General Board.**  
 X. The General Mode of transacting Business by such Local Board of Education, and the Nature of the Reports to be furnished shall be subject to the Order and Direction of the General Board of Education.

**Duties of Teachers subject to control of General Board**  
 XI. The Duties of all Teachers of Common Schools shall be subject to the Order and Direction of the General Board of Education.

**Superintendent to Visit and Report in regard to Schools.**  
 XII. It shall be the Duty of the Superintendent of Education to visit Common Schools and Report thereon, by the Order and according to the Instructions of the General Board of Education.

**Schools to be conducted upon Non Sectarian Principles.**  
 XIII. All Schools established under the Provisions of this Act shall be conducted strictly upon Non Sectarian Principles. Books inculcating the highest Morality shall be selected for the Use of such Schools, and all Books of a Religious Character, teaching Denominational Dogmas shall be strictly excluded therefrom.

**Clergy may visit Schools and impart Religious Instruction.**  
 XIV. It shall be lawful for the Clergy of every Denomination at stated Intervals to be fixed by the General Board of Education to visit such Schools and impart in a separate Room Religious Instruction to the Children of their respective Persuasions.

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*Schools.*

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XV. Every Common School shall be open to the Children of Persons of all Denominations; the Power of Expulsion in Cases of gross Misconduct shall be at the Discretion of the Board of Education, or in the Absence of such Local Board at the Discretion of the Teacher.

Schools open  
to Children of  
Persons of all  
Denominations  
Power of  
Expulsion.

XVI. This Act may be cited for all Purposes as "The Common School Act, 1865."

Short Title.

Passed the Legislative Assembly the 5th day of May, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 12th day of May, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 15th day of May, 1865.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIA, VANCOUVER ISLAND :

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1865.



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. VII.

An Act for obtaining a Declaration of Title. [9th June, 1865.]

WHEREAS, it is expedient to enable Persons having Interest in Land to obtain in certain Cases a Judicial Declaration of their Title to the Same, so as to enable Them to make a Title to Persons claiming under Them as Purchasers for a Valuable Consideration : be it therefore enacted by the Governor on Her Majesty's Behalf, by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

I. Every Person claiming the Absolute Fee or any other or less Estate than the Absolute Fee, or any Legal or Equitable Interest whatever in Real Estate, and every Person entitled to apply for Registration under " The Land Registry Act, 1860," may apply to the Supreme Court by Petition in a Summary Way for a Declaration of Title under this Act ; provided always that no Deposit of Title Deeds shall be deemed to create an Equitable Interest in Real Estate so as to confer the Right of applying for such Declaration of Title.

Parties claiming to be entitled to Land may petition to the Supreme Court for Declaration of Title.

II. Every such Petition shall state what Incumbrances, Estates, Rights and Interests, if any, the Petitioner admits to affect his Title and subject to which he seeks to have his Title declared, and shall be in such Form as the Court shall by General Order direct.

Petition to set forth the Particulars affecting Title.

III. Any two or more Persons claiming to have together such Estate or Interest in Land as would have enabled any one Person to petition as aforesaid, may join in such a Petition, and such Proceedings shall be had thereupon as in the Case of a single Petitioner.

Two Persons interested may jointly petition.

IV.

*Declaration of Title to Land.*

Court may require Registrar General to be served with the Petition.

IV. It shall be lawful for the Court by General Order, or otherwise if it shall think fit, to require that the Registrar General appointed under "The Land Registry Act, 1860," shall be served with Notice of such Petition, and the Registrar General shall thereupon be made a Party to and attend the Proceedings on such Petition, and the Costs thereby properly incurred shall be paid by the Petitioner.

Order for investigation of Title.

V. The Court on the hearing of any such Petition, on being satisfied that the Petitioner has proved such a Possession and has stated such a Title as if established would entitle him to a Declaration under this Act, shall make an Order for the Investigation of the Title in the same way as if the Petitioner had obtained as vendor a Decree for a Specific Performance of an Agreement for Sale of the Land in question for the Estate claimed in his Petition.

Court may dismiss Petition.

VI. If the Court on such Investigation shall not be satisfied that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, then it shall dismiss the Petition.

Order for Declaration of Title.

VII. In case the Court is satisfied after such an Investigation that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, it shall on the Conditions hereinafter mentioned being complied with, make an Order that on some Day not less than Three Months from the Date of the Order, a Declaration shall be made establishing the Petitioner's Title, unless in the meantime Cause is shown to the Contrary, and the Court may enlarge the Time for so showing as often as it may deem proper.

Petitioner to give Security for Costs.

VIII. No such Order shall be made until the Petitioner shall have given Security to the Satisfaction of the Court for Payment of all Costs, if any, which may be awarded to any Person who may oppose the Petitioner's Right to the Declaration prayed for.

Petitioner to file Affidavit that all Documents have been produced,

IX. No such Order shall be made until the Petitioner and his Solicitor, and any other Person whom the Court may require, shall have made and filed an Affidavit that to the best of their respective Knowledge, Information and Belief, all Deeds and Documents, Maps, Plans and Papers relating to the Title to the Land in question have been produced to the Court, or the Cause of their non-production has been fully and fairly explained, and that all Facts material to the Title have been fully and fairly disclosed to the Court, provided always that the Court may dispense with such Affidavit either from the Petitioner or his Solicitor when it shall think it reasonable so to do or may permit the Same to be modified as Circumstances may seem to require.

Notice of Order to be advertised.

X. The Petitioner after obtaining such Order shall give notice of the Same by Advertisement in such Newspapers and at such Times as the Court may direct, and in any other Manner which the Court may deem expedient for the Purpose of informing

*Declaration of Title to Land.*

informing all Persons interested thereof as may be directed by any general or special Order in that Behalf.

XI. Any Person may at any Time before the proposed Declaration of Title has been made, petition the Court in a Summary Way to be heard against the making thereof, and the Court shall thereupon fix a Time for the hearing of such Petition, and shall if necessary enlarge the Time for making the Declaration until such Petition shall have been disposed of.

Any Person may petition against the Order.

XII. On the hearing of such Petition the Court may introduce such Restrictions or Qualifications in the Title sought to be declared as the Justice of the Case requires, or may reserve the Rights of any Person or class of Persons, or may refuse to make any Declaration of Title, and if it shall appear to the Court that all or any of the Title Deeds relating to the Land in question have been lost or destroyed, the Court may if it shall think fit also reserve the Rights of all Persons under any such lost or destroyed Deeds.

Court may qualify or refuse Declaration of Title or reserve Rights.

XIII. If no Petition has been presented against the proposed Declaration of Title within the Time in that behalf limited, or if having been presented the Court shall be of Opinion that no sufficient Ground has been shown for refusing to make a Declaration of Title, then the Court shall after the expiration of the Time limited for showing Cause, upon being satisfied that the required Notices have been duly given, and that all other Requisitions have been duly complied with, make a Declaration that the original Petitioner has such Title to the Land in question as he sought to establish by his Petition or such Title subject to any Restrictions, Reservations or Qualifications which it may deem necessary or proper to introduce.

Where no Reason for refusal Declaration of Title to be made.

XIV. The Declaration of Title shall not be set aside or called in question by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Declaration of Title not to be set aside for informality.

XV. Every Declaration of Title made under this Act may be registered under "The Land Registry Act, 1860."

May be registered.

XVI. Any Person who has obtained in Manner aforesaid a Declaration of Title shall be entitled to receive from the Court on payment of the proper Fees, and on production of his Title Deeds for the Purpose next hereinafter mentioned, a Certificate under the Seal of the Court setting forth the Title so declared, and such Certificate shall be conclusive evidence of the Facts therein stated.

Certificate of Court.

XVII. Before any such Certificate shall be sealed the Petitioner shall produce to the Court such of his Deeds and Muniments of Title as the Court shall require, and the same shall be stamped or marked by the Officer issuing the Certificate, in such manner as the Court shall by general Order direct, for the Purpose of showing

Production of Deeds before sealing the Certificate.

*Declaration of Title to Land.*

showing that a Declaration of Title has been made as to the Land therein comprised or to such part thereof as is comprised in the Declaration.

Declaration of Title deemed to have correctly declared Land therein referred to.

XVIII. Such Declaration of Title shall in favour of any Person thereafter deriving Title as a purchaser for Valuable Consideration of the Land therein referred to, or of any part thereof, or of any Estate, Right or Interest therein, by, from, through or under the Person whose Title has been so declared, be deemed and taken to have correctly declared the Same, but save as aforesaid such Declaration shall have no Force or Effect whatever as to the Title of the Land comprised therein.

Court may make separate Declaration or Certificate of Title.

XIX. Instead of a single Declaration of Title, or a single Certificate, the Court may on the Application of the Petitioner make separate Declarations or give separate Certificates as to the Title of separate parts of the Land referred to in the Petition.

Substitution of Certificates.

XX. If for the Purpose of a Sale or other Disposition of the Land comprised in any Certificate of Title or of any part thereof the Holder of any such Certificate shall be desirous of having separate Certificates of Title relating to separate Portions of the Land, it shall be lawful for the Court on Petition by such Holders to order his Certificate to be cancelled, and in lieu thereof to give him separate Certificates for separate Parts of the Land comprised in the Certificate so cancelled, and every such separate Certificate shall refer to and state the Date of the cancelled Certificate, and shall have the same Effect as to the Land therein comprised as if it had been given at the Time of such Date, but no such substitution of Certificates shall in any way prejudice or affect the Title of any Person who shall previously thereto have become entitled to any Part of the Land comprised in the original Certificate or any Interest in the same.

May be registered.

XXI. Whenever any such substitution of Certificate shall take place the Land mentioned in every such separate Certificate may be registered under "The Land Registry Act, 1860," and in that Case any Transactions relating thereto shall, subject to any Regulations to the contrary that may be made by general Order, thenceforth form a separate Record in the Register, distinguished by a separate Number or in such other Manner as the Registrar General may determine.

If Certificate be lost, a duplicate may be issued.

XXII. If any Certificate of Title shall be lost or destroyed, the Court may issue a fresh Certificate in lieu of that so lost or destroyed expressing on the Face thereof that it is a Duplicate, but no such fresh Certificate shall be of any avail against any Person who may have already derived Title under the original Certificate.

Declaration of Title not to affect certain claims.

XXIII. The Declaration of Title shall not affect any Tax or Rent payable to the Government, or any Right of Way or Water, or other Easement, or any Lease or Agreement for Lease for any Term not exceeding One Year.

XXIV.

*Declaration of Title to Land.*

XXIV. If at any Time (save as is hereinafter excepted) after any such Declaration of Title as aforesaid has been made, any Person shall consider himself to be aggrieved thereby, it shall be lawful for him to present a Petition praying that the Same may be recalled or varied in such Manner as may be just, and the Court shall thereupon proceed in the Hearing of such Petition in the same Manner as if the Same had been presented before the Declaration of Title had been made, and the Court may on the Hearing of the said Petition annul the Declaration and order the Certificate or Certificates to be given up to be cancelled or may make such variations therein as it may deem just, and may if it shall think fit also direct the Registry thereof if made to be cancelled, but no Proceeding on any such Petition shall prejudice or affect the Title of any Person who before any such annulling or variation shall have acquired a Title under the said Declaration as a Purchaser for Valuable Consideration of the said Land, or of any Estate or Interest therein ; provided always that no such Petition shall be allowed to be presented after the Expiration of Five Years from the Date of the Declaration of Title.

Court may hear Petition for recall or variation of Declaration of Title.

XXV. The Court may on the Hearing of any such last mentioned Petition, make any Order which it may deem just, restraining the Person who has obtained the Declaration, and all Persons claiming by, through, from or under him, otherwise than as a Purchaser for Valuable Consideration, from in any Manner dealing with the said Land until such Petition shall have been disposed of.

Court may restrain dealing with Land.

XXVI. The Court shall have power to order Costs, either as between Party and Party, or as between Solicitor and Client, to be paid by and to any Person or Party to any Proceeding under this Act, and to give Directions as to the Fund out of which such Costs shall be paid.

Power of Court to order costs.

XXVII. And whereas it may happen that at the Time of making such Declaration of Title as aforesaid there may be Estates, Rights or Interests in the Land which may not be saved by the Declaration, and the Persons entitled to such Estates, Rights or Interests, may be damnified by the subsequent alienation of the Land for Valuable Consideration ; be it therefore enacted, that all Money received by the Person so alienating shall be deemed to have been received by him in Trust, to invest the Same in the Purchase of Lands to be settled to the Uses and on the Trusts to and on which the Lands so alienated stood limited at the Time of such alienation ; provided always that this Clause shall not be deemed to impose any liability on any Person who may have received any Money on such alienation as a Trustee, so far as relates to Money which he may have duly applied in execution of the Trusts reposed in him.

Persons alienating to invest Trust Money in Land

XXVIII. Where any married Woman is desirous of making any Application, giving any Consent or doing any Act, or becoming Party to any Proceedings under

Provisions as to married women.



*Declaration of Title to Land.*

under this Act, her Husband's concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily, and such Examination may be taken by the Court, or such Persons as are authorised to take Acknowledgements of Deeds by married Women under an Act passed in the Session of the Parliament of the United Kingdom of Great Britian and Ireland, holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy Four, "for the abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance," and the Form and Manner in which such Examination shall be certified to the Court shall be determined by the General Rules and Orders to be made under this Act; provided always that a married Women entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Femme Sole.

Provision for  
other Persons  
under disabili-  
ty.

XXIX. Where any Person who (if not under disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively if free from disability might have made, given, done, or been party to, and shall otherwise represent such Persons for the Purposes of this Act; provided always that where there is no Guardian or Committee of the Estate of any such Person as aforesaid being Infant, Idiot or Lunatic, or were any Person the Committee of whose Estate if he were Idiot or Lunatic would be authorised to act for and represent such Person under this Act, is of unsound mind or incapable of managing his Affairs but has not been found Idiot or Lunatic under an Inquisition it shall be lawful for the Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian.

Proceedings  
not to abate by  
death &c.

XXX. Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court where it sees fit to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending or carrying on the Proceedings, or otherwise in relation thereto which to the Court may appear just.

Power to  
Chief Justice  
to make rules  
and orders.

XXXI. The Chief Justice or other the Judge or Judges of the Supreme Court shall from Time to Time make such general Rules and Orders as he or they may see fit for carrying the Purposes of this Act into effect, and for regulating the Times and Forms, and Mode of Procedure, and of giving Notices, and generally the Practice of the Court in respect of the Matters to which this Act relates, and such

*Declaration of Title to Land.*

such Rules and Orders may from Time to Time be rescinded or altered by the like Authority or Authorities respectively, and all such Rules and Orders shall take Effect as general Orders of the Court in the same Manner and subject to the same Conditions, and subject to the Approval of the Governor and Her Majesty's Principal Secretaries of State, in like manner as Rules and Orders made in pursuance of the Order in Council of the 4th April, 1856, in Matters relating to Procedure in the said Supreme Court.

XXXII. Until any general Rules and Orders shall be framed under the last preceding Section, the Rules and Orders set forth in the Schedule hereto annexed shall be taken to be Rules and Orders of the said Supreme Court, but the same shall be liable to be rescinded or altered as if they had been made by the Chief Justice or other the Judge or Judges of the Supreme Court as in the last preceding Section is mentioned.

Rules and Orders.

XXXIII. If in the Course of any Proceeding before the Court under this Act, any Person, acting either as Principal or Agent, shall knowingly and with intent to deceive, make, or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding or concealing from the Court any material Document, Fact or Matter of Information, every Person so acting shall be deemed guilty of a Misdemeanor, and on conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labor, or to be fined such Sum as the Court by which he is convicted shall award; the Order or Declaration of Title obtained by means of such Fraud or Falsehood shall be null and void for or against all Persons other than a Purchaser for Valuable Consideration, without Notice.

Penalty on making false statements, &c

XXXIV. If in the Course of any Proceeding before the Court any Person shall fraudulently forge or alter or assist in forging or altering any Certificate or other Document relating to such Land or to the Title thereof, or shall fraudulently offer, utter, dispose of or put off any such Certificate or other Document, knowing the same to be forged or altered, such Person shall be guilty of Felony, and upon Conviction shall be liable, at the Discretion of the Court by which he is convicted, to be imprisoned for Life or for any Term and with or without Hard Labor and with or without solitary confinement.

Penalty on fraudulent alterations.

XXXV. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor, shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity against the Person who has committed such Act.

Conviction not to affect civil remedy.

XXXVI. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by answer to any Bill in Equity, or to answer any

Penalty not to exclude obligation to make discovery.

Question

*Declaration of Title to Land.*

Question or Interrogatory in any Civil Proceeding in any Court of Law or Equity or in the Court of Bankruptcy, but no answer to any such Bill, Question or Interrogatory shall be admissable in Evidence against such Person in any criminal Proceeding.

**Construction of terms.**

XXXVII. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction,) the word "Person" shall include a Body Politic or Corporate, the word "possession" shall include Receipt of the Rents and Profits, the word "Land" shall not include any Incorporeal Hereditaments, but shall include all Corporeal Tenements and Hereditaments not expressly excepted, and the words "Supreme Court or Court" shall mean the Supreme Court of Civil Justice of Vancouver Island, having jurisdiction in Chancery.

**Short Title.**

XXXVIII. This Act may be cited as "The Declaration of Title Act, 1865."

**Schedule.**

**SCHEDULE**

1. Every Petition for a Declaration of Title shall contain an exact Description in their actual State of the Lands as to which the Declaration is sought, stating particularly the Boundaries thereof and the Lands on which the Same and every Part thereof abut, and so far as conveniently may be the Names and Description of the Owners and Occupiers of such last mentioned Lands.

2. On the Investigation of the Title to the Lands as to which the Declaration is sought, the Identity of the Lands described in the Petition with the Parcels as described in the Title Deeds shall be established by Affidavit or otherwise as the Court may deem just.

3. The Court may, if it shall deem it necessary or proper, require the Petitioner to lodge in Court a Map or Plan of the Lands in question.

4. The Petitioner, after obtaining the Order for a Declaration of Title, shall cause a Copy thereof, together with the Description of the Lands in question, with any engrossed or lithographed Plan thereof, if any exist, to be served on every adjoining Occupier and Owner, or on such of them and on such other Persons, if any, as the Court may direct to be so served.

5. He shall also cause a Copy or Copies thereof to be deposited in some Office or Place to be appointed by the Court on or near to the Lands in question, to be accessible at all reasonable Times to all Persons desirous of examining the Same, and Notice of every such Deposit shall be affixed in some Public Place or Places on or near the Lands in question.

6.

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*Declaration of Title to Land.*

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6. Every such Copy served on any adjoining Occupier or Owner or deposited as aforesaid, shall state that any Person willing to show cause against the making of the proposed Declaration, may do so by presenting a Petition in a Summary Way to the Court at any Time before the Day appointed for making the proposed Declaration.

7. The Petitioner, after such Deposit shall have been made, shall cause Advertisements to be inserted Three Times at least in such Newspapers on such Days as the Court shall direct, stating the said Order and where any Copy has been so deposited for inspection.

8. Unless the Last of such Advertisements is made within Four Weeks next after the Date of the Order, the Time thereby fixed for showing Cause against the Same shall be enlarged for One Calendar Month, or such further Time as the Court shall direct.

Passed the Legislative Assembly the 1st day of May, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 12th day of May, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 9th day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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VICTORIA, VANCOUVER ISLAND :

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1865.



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No. VIII.

An Act to repeal a Portion of "The First  
Telegraph Act, 1864." [16th June, 1865.]

**W**HEREAS by Sections Five and Six of "The First Telegraph Act, 1864," the Exclusive Right of sending and receiving Messages by Telegraph between any Place within the Colony of Vancouver Island and its Dependencies, and any other Place beyond the Limits thereof, and within the Territory of the United States of America, lying westerly of the Rocky Mountains, was granted to the President of the California State Telegraph Company, and to his Successors and Assigns, for the Period of Twenty Years from and after the Completion of the said Telegraph Line, with Certain Provisoes and Conditions attached to and Explaining and Qualifying the said Exclusive Right; and whereas it is inexpedient that such Exclusive Right as aforesaid should continue; be it therefore enacted by the Governor of the said Colony by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows:

I. That after the Passing of this Act, Sections Five and Six of "The First Telegraph Act, 1864," shall be and the same are hereby repealed.

Sections 5 and 6 of "The First Telegraph Act, 1864," repealed.

II. This Act may be cited as "The First Telegraph Act Amendment Act, Short Title. 1865."

Passed

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*The First Telegraph Act Amendment Act, 1865.*

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Passed the Legislative Council the 3rd day of February, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly the 31st day of May, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th  
day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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No. IX.

An Act to amend the Manner of taking the Verdict of a Jury in Civil Cases.

[16th June, 1865.]

WHEREAS, much Delay and Expense in the Administration of Justice has been occasioned by the Rule of Law, that in the Trial of a Civil Action the Jury must be unanimous in their Verdict ; and whereas, it is expedient that the said Rule should be altered : be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows :

I. From and after the Passage of this Act, on the Trial of any Issue joined, in the Supreme Court of Civil Justice of Vancouver Island and its Dependencies, or on the Trial of any Cause in the Inferior Court of Civil Justice of Vancouver Island, or on the Execution of any Writ of Enquiry of Damages, it shall be lawful for the Chief Justice of the Supreme Court of Civil Justice, or other the Judge presiding in such Inferior Court or the Person acting in the Execution of the said Writ in a Judicial capacity, respectively to receive the Verdict of six eighths, or of any Proportion equal to or greater than Six-eighths of the Jury empaneled to try such Issue or Cause, or on the Execution of any such Writ of Inquiry after the Expiration of Three Hours from the Time when such Jury shall have retired to consider their Verdict, in case at the End of such Three Hours they shall not in all respects be unanimous.

The Judge may take the Verdict of Six-Eighths of the Jury.

II. Such Verdict shall be as binding in all respects and have the Same Operation and Effect as if it had been the Unanimous Verdict of the Jury. but nothing

The Verdict to have the same Effect as if Jury were unanimous.

*Verdict of Jury in Civil Actions.*

nothing herein contained shall be deemed to apply to any Prosecution, Suit or other Proceeding in respect of any Offence or for the Recovery of any Penalties or Forfeitures by or on behalf of the Crown.

Interpreta-  
tion Clause.

III. The Expression, Chief Justice, shall be deemed to include any Acting Chief Justice, or Judge of the said Supreme Court.

Short Title.

IV. This Act may be cited as "The Vancouver Island Jury Act, 1865."

Passed the Legislative Council the 29th day of May, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly the 3d day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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No. X.

**An Act to amend "The Victoria and Esquimalt Harbour Dues Act, 1862."**

[16th June, 1865.]

**W**HEREAS, it is expedient to amend "The Victoria and Esquimalt Harbour Dues Act, 1862": Be it therefore enacted by the Governor by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

I. That from and after the Passage of this Act, Schedule D, of "The Victoria and Esquimalt Harbour Dues Act, 1862," shall be and is hereby repealed, and the Schedule D hereunto annexed shall be and is hereby placed in lieu thereof :

Schedule D of Victoria and Esquimalt harbour Dues Act, 1862, repealed, and Schedule D of this Act substituted.

II. That "The Victoria and Esquimalt Harbour Dues Act, 1862," "The Ports of Entry Act, 1863," and this Act shall be read together and construed as one Act for the Purposes of this Act.

"Victoria and Esquimalt harbour Dues, 1862," "Ports of Entry Act, 1863," and this Act to be read together.

III. This Act may be cited for all Purposes as "The Harbour Dues Amendment Act, 1865."

Short Title.

Schedule

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*Harbour Dues.*

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SCHEDULE D.

Schedule.	For every Invoice of the Value of One Hundred Dollars or less.....	\$ 1 50
	For every additional One Hundred Dollars in Value and for any Portion of less Value than One Hundred Dollars over the First One Hundred Dollars the additional Sum of.....	0 50
	For every Invoice of Potatoes.....	5 00
	For every Invoice of Turnips, Carrots, Cabbages, or other Roots or Vegetables.....	2 50

Passed the Legislative Council the 8th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly the 12th day of June 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th  
day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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No. XI.

An Act to impose Landing Permit Dues on the Importation of certain Stock and Carcasses. [16th June, 1865.]

WHEREAS, it is expedient to impose Landing Permit Dues on Stock and Carcasses imported into the Colony of Vancouver Island and its Dependencies ; be it therefore enacted by the Governor by and with the Advice of the Legislative Council and Assembly of Vancouver Island and its Dependencies as follows :

I. That from and after the Passage of this Act, all Stock and Carcasses mentioned in Schedule A hereunto annexed imported into the Colony of Vancouver Island and its Dependencies, shall be subject to the Landing Permit Charges mentioned in the said Schedule.

Landing Permit Charges on Stock imported.

II. That the Collection of such Landing Permit Dues shall devolve on the Harbour Master or other Person appointed to collect Landing Permit Dues on Goods.

Who to collect.

III. And whereas it is expedient to allow a Drawback on Stock exported from the Colony of Vancouver Island and its Dependencies, provided the said Stock shall have been imported after the Passage of this Act ; be it therefore enacted that from and after the Passing of this Act, a Drawback shall be allowed on all Stock mentioned in Schedule A hereunto annexed which may be exported from Vancouver Island and its Dependencies—such Drawbacks to be equivalent to the Amount placed opposite such Stock in the Schedule hereunto annexed, and

Drawbacks.

paid

*Landing Dues, (Stock, &c.)*

paid subject to such Regulations as The Governor of the said Colony for the Time being may order.

Short Title. IV. This Act shall be cited for all practical Purposes as "The Stock and Carcass Act, 1865."

SCHEDULE A.

Schedule	For every Ox, Bull, Cow, or Heifer, other than Yearling or Calf.....	\$ 4 00
	For every Yearling or Calf .....	50
	For every Horse, other than Yearling or Foal.....	5 00
	For every Yearling Horse or Foal .....	1 00
	For every Sheep or Lamb.....	1 00
	For every Pig ... ..	1 50
	For every Carcass or Portion of a Carcass of Pork.....	2 00
	For every Carcass or Portion of a Carcass of Beef.....	5 00
	For every Carcass or Portion of a Carcass of Mutton.....	2 00

Passed the Legislative Council the 8th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL

Passed the Legislative Assembly the 12th day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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No. XII.

An Act to amend an Act passed in the Year of our Lord One Thousand Eight Hundred and Sixty-two, entitled "An Act to repeal and amend the Laws affecting Trade Licences." [16th June, 1865.]

WHEREAS, it is expedient to amend an Act passed in the Year of our Lord One Thousand Eight Hundred and Sixty-two, entitled "An Act to repeal and amend the Laws affecting Trade Licences" in certain Particulars: be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly of the said Colony, in Manner following, that is to say:

I. Whereas, by Section Two of the said recited Act, every Person using the Business or Occupation of an Auctioneer is chargeable with the Payment of an Annual Licence of the amount of Fifty Pounds, and whereas also by Section Thirty-seven of the said recited Act Persons selling Goods, Merchandise or Merchantable Commodities by Public Auction, are required to make certain Returns of the Goods, Merchandise and Merchantable Commodities sold by them at Auction as aforesaid, to the Intent that they should be charged Annually to an Amount equivalent to One-fourth of One Per Cent. on the Amount of the Sales so made by them aforesaid; and whereas, it is expedient that the said Tax of Fifty Pounds should be retained, but in lieu of the said Tax of One-fourth of One Per Cent. on the Amount of Sales, the Tax hereinafter mentioned should be substituted; be it enacted that the said Section Thirty-seven shall be and the same is repealed, and in lieu thereof the following Enactment shall be and the same is hereby substituted

Section Thirty Seven of Trade Licence Act of 1862 repealed.

*Trade Licence Amendment Act, 1865.*

Auctioneers to make Monthly Returns of Sales, and pay a Tax of Two and One Half Per Cent on such Sales.

tuted therefor ; that is to say, all Persons selling Goods, Merchandise or Merchantable Commodities by Public Auction, shall henceforth, on or before the Fifth day of every Month, make a Separate and Distinct Return to the Assessor under the said recited Act, at the Treasury of the said Colony, of the Amount of Money or Equivalent for Money received by them during the past Month, ending on the last Day of every Month, in respect of the Goods, Merchandise or Merchantable Commodities sold by them by Auction in the Form marked "A" in the Schedule to this Act, and shall pay into the said Treasury an Amount equivalent to Two and a Half Per Cent. upon the Amount so received ; the First Return to be made on or before the Fifth day of the Month next following the Passing of this Act.

Section Two of the aforesaid Act repealed so far as relates to the Tax on Bankers. Banker to pay a Yearly Tax of \$1000.

II. And whereas, by Section Two of the said recited Act, a Tax of Fifty Pounds is imposed upon Bankers, and it is expedient to Tax such Bankers as aforesaid to a greater Amount ; be it enacted, that the said Provision of the said Second Section of the said recited Act shall be and the Same is hereby repealed, and in lieu thereof the following Provision shall be and the Same is hereby declared to be substituted, viz., every Person using the Business or Occupation of a Banker shall pay the Sum of One Thousand Dollars to the Use of her said Majesty, her Heirs and Successors, in the Manner and Form and at the Times in the said recited Act mentioned with respect to the said Annual Tax of Fifty Pounds, the First of such Annual Payments to be made in Advance, and on the First Day of July now next ensuing.

Persons dealing in Opium to pay a Tax of \$100.

III. And whereas, it is expedient that in addition to the Taxes imposed upon the Persons enumerated in Section Two of the said recited Act, a Tax should be imposed on Persons dealing in or allowing Opium or any preparation of Opium to be used in Manner hereinafter following : be it enacted, that from henceforth all Persons who within the said Colony sell Opium or any preparation of Opium other than such used in the preparation of Prescriptions of Medical Practitioners by Chemists and Druggists, or who carry on the Trade or Business of Sellers or Dealers in Opium, or any preparation of Opium, or who for gain or reward permit, suffer or allow Opium or any preparation of Opium to be smoked, eaten, drank, or otherwise consumed in their Dwelling Houses, Shops, Stores, or other their Premises, shall pay an Annual Licence, in respect of which the Sum of One Hundred Dollars Annually shall be paid to and for the Use of her Majesty, her Heirs and Successors in Advance, as and from the First Day of July in each and every Year, the First of such Payments to be made on the First Day of July, A. D. One Thousand Eight Hundred and Sixty-five, and the said recited Act shall apply to such last mentioned Persons as fully as if they were inserted in the said Second Section of the said recited Act, and thereby made chargeable with the said Tax or Annual Licence of One Hundred Dollars.

IV.

*Trade Licence Amendment Act, 1865.*

IV. And whereas by Section Three of the said recited Act certain Traders and other Persons therein mentioned are required to pay Half Yearly to the Use of her Majesty, her Heirs and Successors an Assessment after a Scale in the Form "A" in the Schedule to the said recited Act mentioned, and whereas it is expedient to tax the said Traders and other Persons in another and a different Manner; be it enacted that each of the said Traders and other Persons in the said Section mentioned, shall be and the same is hereby required in lieu of the Taxes in the said Section Three of the said recited Act and in the Form "A" in the said Schedule mentioned, to pay to her said Majesty, her Heirs and Successors a fixed Annual Tax of or Sum of Ten Dollars, and also an Assessment of One Half of One Per Cent upon the Actual Amount of the Returns directed to be made under the Provisions of Section Three of the said recited Act, such Annual Fixed Taxes or Sums to be paid in Advance as from the First Day of July now next ensuing, and the Assessment of One Half of One Per Cent on the next Return to be made under the Provisions of the said recited Act.

The Traders mentioned in Section Three of the aforesaid Act to pay an Assessment of One Half of One Per Cent on Returns so made in pursuance of the said Act.

V. And whereas by Section Thirty-five of the said recited Act, it is among other Things declared that no Persons who pay a Wholesale Liquor Licence shall be required to include in their Returns of Sales the Amount received for the Sale of Liquors; and whereas it is expedient to repeal the said last mentioned Provision and that Persons who pay a Wholesale Liquor Licence should include in their Returns of Sales the Amount received for the Sale of Liquors; be it enacted that the said Section so far as relates to Persons paying a Wholesale Liquor Licence under the Provisions of the said Act shall be and the same is hereby declared to be repealed, and that henceforth all Persons who pay a Wholesale Liquor Licence under the Provisions of the said recited Act shall be and the same are hereby required to include in their next Return and in every subsequent Return made in pursuance of the said recited Act the Amounts received for the Sale of Liquors, and shall pay a Tax at the rate of One Half of One Per Cent upon such Returns.

Section Thirty Five of the said Act repealed. Persons paying a Wholesale Liquor Licence to include in their Returns the Amounts received for the Sale of Liquors

VI. And whereas it is expedient to amend the general Provisions of the said recited Act, and to render Returns and the levying of Duties more sure and certain; be it enacted that all Returns for the Purposes of Assessment under the Provisions of this or the said recited Act shall be accompanied by a Declaration in the Form "B" contained in the Schedule to this Act, such Declaration to be written or printed at the Foot of such said Returns and to be signed in the proper Handwriting or Mark of the Person making such Returns as aforesaid.

Declaration to accompany Returns under the said Act.

VII. If any Person shall make any false or fraudulent Return of any Matters contained in any Return for the Purpose of Assessment under the Provisions of this or the said recited Act, after having signed his Name or affixed his Mark to the Declaration in the said Schedule mentioned, or to any Declaration to the like Effect, such Person shall be guilty of a Misdemeanor.

False Declaration a Misdemeanor.

VIII.

*Trade Licence Amendment Act, 1865.*

Section Thirty  
Eight of the  
said Act repea-  
led.

Persons  
chargeable  
with Duties  
may be Sum-  
moned before  
a Justice of the  
Peace, and  
compelled to  
make disci-  
ples.

VIII. And whereas by Section Thirty-eight of the said recited Act, every Person making Returns of Sale by Auction under the Terms of Section Thirty-seven of the said recited Act, may be required to appear before the Police Magistrate and to verify his Return in the Manner therein mentioned; and whereas it is expedient to extend the Provisions of Section Thirty-eight aforesaid to all Persons chargeable under this or the said recited Act; be it enacted that from the Passing of this Act, Section Thirty-eight of the said recited Act shall be and the Same is hereby declared to be repealed, and henceforth after the Passing of the said Act, all Persons in any way chargeable or deemed by the Assessor under this or the said recited Act to be chargeable with the Payment of Duties under the Provisions of this or the said recited Act, and whether they be chargeable or deemed chargeable as aforesaid with Duties by way of a fixed Sum or by Assessment on Returns made, or both by way of a fixed Sum and by way of Assessment on Returns made, may be, and the Servants, Clerks, or Agents of such Persons may also be required by the said Assessor to appear before any Justice of the Peace of the said Colony; or before the Court of Revision, under the said recited Act, on Summons to be granted at the Instance of the said Assessor and to verify upon Oath the Truth of any Matter asserted by such Persons in their Returns under the Provisions of this or the said recited Act, or concerning the Truth of any Matter or Thing which may be necessary to be ascertained and known by such Assessor for the Purpose of their being charged or chargeable with Duties under this or the said recited Act; and for any of the Purposes aforesaid all such Persons or their Servants, Clerks or Agents may be compelled to produce all Books, Deeds, Documents, Letters, Papers and Vouchers, for inspection by the said Assessor or the said Justice of the Peace or Court of Revision, and otherwise to disclose all Matters relating to the Chargeability or alleged Chargeability of such Persons as aforesaid. And the said Justice of the Peace and Court of Revision are hereby authorized to administer Oaths for all the Purposes in this Section mentioned.

Penalty for not  
making Re-  
turns.

IX. Every Person bound to make a Return under the Provisions of this or the said recited Act and failing so to do, shall be liable to a Penalty not exceeding the Sum of One Hundred Dollars, to be recovered in a summary way before any Justice of the Peace.

Term "Bank-  
er" defined.

X. That the Term "Banker" used in the Second Section of this Act, shall only apply to such Bankers who issue Notes for the Purpose of Circulating as Money, and payable on Demand; that other Bankers shall only pay Five Hundred Dollars per Annum.

Short Title.

XI. This Act may be cited as "The Trade Licence Amendment Act, 1865."



*Trade Licence Amendment Act, 1865.*

SCHEDULE.

FORM A.

Trade Licence Amendment Act, 1865.

AUCTIONEER'S LICENCE.

Name of Auctioneer.	Amount of moneys or equivalents received on account of Goods, Merchandise, or Merchantable Commodities sold at Auction during the Month ending the day of	Amount payable in respect of Two and One Half Per Cent on the Same.

FORM B.

I, A. B., hereby declare the above Return to be a Faithful and True Return of the Matters set forth to the best of my Knowledge, Information and Belief.

(Signed,) A. B.

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*Trade Licence Amendment Act, 1865.*

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Passed the Legislative Assembly the 12th day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 14th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th  
day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

---

VICTORIA, VANCOUVER ISLAND :

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1865.



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. XIII.

**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.]

**W**HEREAS, certain further Supplies are required for the Use of Her Majesty; and whereas the Commoners of the Colony of Vancouver Island and its Dependencies in Parliament assembled, do cheerfully Grant the Same, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Governor of the said Colony, by and with the advice and consent of the Legislative Council and Assembly thereof in this present Parliament and by the Authority of the Same as follows :

I. That the Sum of Thirty-seven Thousand Six Hundred and Eight Dollars and Thirty-nine 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 Vancouver Island and its Dependencies for the Service of the Year One Thousand Eight Hundred and Sixty-four, and the Governor is hereby authorised to empower the Treasurer to pay and apply the Same accordingly.

337, 608 39cts.  
granted for the  
Service of the  
Year 1864.

Schedule

*Supplemental Supply, 1864.*

## SCHEDULE.

## FOR ESTABLISHMENTS.

His Excellency the Governor	\$ 1605	86
Legislative Council,	24	78
Legislative Assembly,	276	37
Colonial Secretary,	1059	40
Treasurer,	2178	68
Surveyor General,	3088	95

## JUDICIAL ESTABLISHMENTS:—

Supreme Court,	3279	89
Attorney General,	1203	03
Stipendiary Magistrate, Sooke,	749	34
	<u>13,466</u>	<u>30</u>

## FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS:—

Revenue Services,	33	63
Rent,	1036	65
Transport,	136	50
Works and Buildings,	13625	32
Interest,	4990	83
Sinking Fund,	4064	68
Drawbacks and Refunds,	254	49
	<u>24,142</u>	<u>09</u>
	\$ 37,608	39

Passed the Legislative Assembly the 15th day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 16th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 21st day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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1865.



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

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No. XIV.

**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.**

[21st June, 1865.]

MOST GRACIOUS SOVEREIGN:—

We Your Majesty's most dutiful and loyal Subjects the Commoners of the Colony of Vancouver Island in Parliament Assembled towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto 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 the said Colony, by and with the Advice and Consent of the Legislative Council and Assembly thereof as follows:

I. That there shall be issued and applied for or towards making good the Supply granted to Her Majesty for the Year One Thousand Eight Hundred and Sixty five the Sum of Fourteen Thousand Nine Hundred and Forty Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies for the Purposes specified in the Schedule hereto annexed, and the Governor of the Colony is hereby authorized to empower the Treasurer thereof to issue and apply the same accordingly.

Supplemental Supply.

For

*Supplemental Supply, 1865.*

For Establishments,—Nine Thousand and Ninety Dollars.

For Services exclusive of Establishments,—Five Thousand Eight Hundred and Fifty Dollars.

## ESTABLISHMENTS DETAILED.

CIVIL.	Fixed Establishment.		Provisional and Temporary		Total.	
	\$	c	\$	c	\$	c
SALARIES.						
Treasurer	2910	00				
Total Treasurer.					2910	00
JUDICIAL.						
SALARIES.						
Chief Justice,	3880	00				
Messenger and Office Keeper, Supreme Court, Gold Commissioner and Justice of the Peace.	600	00				
Sooke,	1700	00				
Total Judicial,					6180	00
CONVEYANCE OF MAILS.						
Between Victoria and Sooke Mines,			700	00		
Total Conveyance of Mails,					700	00
WORKS AND BUILDINGS.						
Purchase of Building at Nanaimo, for Court House, Post Office, Lock-up and Police Quarters,			1500	00		
Plastering &c., of Race Rock Lighthouse,			500	00		
Total Works and Buildings,					2000	00
ROADS, STREETS, AND BRIDGES.						
Road through Cedar District to Nanaimo, inclu- ding Bridge,			3150	00		
Total Roads, Streets, and Bridges,					3150	00

Passed

*Supplemental Supply, 1865.*

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Passed the Legislative Assembly the 15th day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 19th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 21st day  
of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

---

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VICTORIÆ REGINÆ.

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No. XV.

**An Act to impose a Tax of One Half of One Per Centum upon all Real Estate within the City of Victoria, and for other Purposes relating thereto. [24th June, 1865.]**

**W**HEREAS, it is expedient to raise, levy and collect a Tax of One Half of One Per Centum on all Real Estate situated within the City of Victoria, in order to provide Funds to meet the Indebtedness of the City aforesaid; be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof as follows:

I. That there shall be raised, levied and collected upon all Real Estate situated within the Incorporated Limits of the City of Victoria aforesaid, a Tax of One Half of One Per Centum upon the Value thereof as shall be certified in the Real Estate Assessment Roll for the Year which shall end June the Thirtieth One Thousand Eight Hundred and Sixty Five, to be paid to the Treasurer of the said Colony.

Tax of Half of One Per Cent to be raised on Real Estate in the City of Victoria.

II. The Treasurer aforesaid is hereby authorized, empowered and required to receive the said Tax of One Half of One Per Centum in accordance with the Provisions of "The Real Estate Tax Amendment Act, 1862."

Treasurer to receive Tax.



*The Victoria City Half Per Cent Tax Act, 1865.*

Tax to be paid at Times and in Manner as Real Estate Tax of One Per Cent.

III. The said Tax of One Half of One Per Centum shall be paid into the Treasury on and at the same Days and Times, and in the same Manner and Form, as the Real Estate Tax of One Per Centum Per Annum which shall be due and payable in the Current Year.

Persons &c., not paying Tax liable to Penalties of Real Estate Tax Act, 1862.

IV. Persons or Corporations failing to pay the said Tax hereby imposed within the Appointed Period shall be subject to the Penalties imposed in "The Real Estate Tax Amendment Act, 1862," for non-payment of Taxes.

Treasurer to publish in Gazette the times for payment of Tax.

V. The Treasurer shall, and he is hereby required to publish in the Government Gazette, and in one or more Newspapers in the said Colony, the Time within which the said Tax hereby imposed shall be paid.

Money raised to be paid to the Mayor &c., of Victoria.

VI. All Monies raised under this Act shall be paid over as the said Governor for the Time being may from Time to Time direct to the Mayor and Council of the City of Victoria for Civic Purposes.

Governor may deduct from Moneys collected, Money advanced or paid in discharge of Indebtedness of the Municipality.

VII. It shall be lawful for the said Governor for the Time being to deduct from the Monies collected under this Act, the Amount for the Time being advanced by the said Treasurer to the said Municipality or paid by the said Treasurer in discharge of any Indebtedness of the Municipality theretofore to be verified by the said Treasurer and to place the Monies so deducted to the Credit of the General Revenue of the said Colony.

Short Title.

VIII. This Act may be cited for all Purposes as "The Victoria City Half Per Cent Tax Act, 1865."

Passed the Legislative Assembly the 21st day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council the 21st day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

I assent to this Act in the Name and on Behalf of Her Majesty, this 24th day of June, 1865.

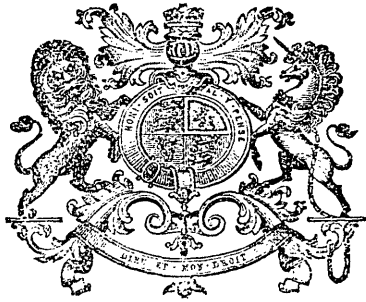
A. E. KENNEDY,  
GOVERNOR.

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1865.



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VICTORIÆ REGINÆ.

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No. XVI.

An Act to impose a Tax on Salaries, and for other Purposes. [28th June, 1865,

WHEREAS, it is expedient to impose a Tax on all Persons receiving Salaries : be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof as follows :

I. From and after the First Day of July, A. D. 1865, there shall be Charged, Raised, Levied, Collected, and Paid unto and for the Use of Her Majesty, Her Heirs and Successors, a Tax at the Rate of One Per Centum Per Annum, on all Persons receiving Salaries as hereinafter is more particularly mentioned.

Tax of One per Cent per annum imposed on Persons receiving Salaries.

II. The word "Salaries" shall be held to include all Sums of Money paid or to be paid to all Persons by way of fixed or settled periodical Payments in respect of any Office, Employment or Duty or by way of Wages, and whether in the Public Service or in the Service of any private Individual or of any Corporate Body ; provided however that no Person shall be held chargeable under this Act whose Salary shall be less than after the Rate of Seven Hundred and Twenty-seven Dollars and Fifty Cents Per Annum, and that no Person shall be held chargeable except in respect of permanent Employment, and for the Purpose of this Act a Person employed at any Time for a Period of Six Months next before any Return shall be required to be made as hereinafter is provided with Intervals of Employment amounting in the Whole to not more than Thirty-one Days, shall be held to have been permanently employed and chargeable accordingly.

Word "Salaries" defined.

III. It shall be the Duty of the Assessor for the Time being under the Provisions

Returns, how to be made.

*Salaries Tax.*

Provisions of an Act passed in the year of our Lord One Thousand Eight Hundred and Sixty-two, entitled, "An Act to repeal and amend the Laws affecting Trade Licenses;" or other the Person for that Purpose to be specifically appointed by the said Governor at the Times hereinafter mentioned to cause to be served upon every Person within the said Colony who may be deemed by the said Assessor or other the Person as aforesaid liable to the Payment of the Tax hereby imposed, or an Employer of Persons liable as last aforesaid, (such Service to be effected either by personal Service or by leaving at the last known usual Place of business, or abode of such Person) a Paper or Papers requiring the Person so served to communicate to the said Assessor or other the Person so causing the Service of the said Paper or Papers as aforesaid to return to him the Amounts of Salaries paid or received by him on the Day to which the said Paper or Papers shall refer, and which said Papers may be in the Forms contained in the Schedule to this Act, which said Returns shall be returned by the Persons so served as aforesaid within Fourteen Days from the Time of such Service, and such Returns shall be accompanied by a Declaration in the Form contained in Schedule to this Act, such Declaration to be written or printed at the Foot of such Return and to be signed in the proper Handwriting or by a Mark attested by a Witness of the Person making such Return as aforesaid.

Days on which Notices are to be served for Return of Salaries.

IV. Such Papers so to be served as last aforesaid shall be served by the said Assessor or other the Person required so to do on or before the First Day of July, the First Day of October, the First Day of January, and the First Day of April in every Year, the First of such Services as aforesaid to take place on the First day of July, next following the Passing of this Act.-

Power to compel Discovery of Persons liable to Taxation, and the Truth of Returns.

V. Any Person liable to make any such Return as aforesaid under the Provisions of this Act, after the said Return shall have been made, or in case no Return shall be made within Fourteen Days after the Day on which such Return ought to have been made, may be required to appear before any Justice of the Peace of the said Colony on Summons to be granted at the Instance of such said Person authorized to receive the said Return, and to verify upon Oath the Truth of any Matter asserted by any Person in his Return, or concerning the Truth of any Matter or Thing which may be necessary to be ascertained or known for the Purpose of his being charged or chargeable under the Provisions of this Act, and for any of the Purposes aforesaid, any such Person may be compelled to produce all Books, Deeds, Documents, Letters, Papers and Vouchers for inspection by the Person authorized to receive the said Return or the said Justice of the Peace and otherwise to disclose all Matters relating to the Chargeability, or alleged Chargeability of any Person liable to the payment of Taxes under this Act;

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and

*Salaries Tax.*

and the said Justice of the Peace is hereby authorized to administer Oaths for all the Purposes in this Section mentioned, and to decide the Amount of the Salary which may be in Dispute and to order Costs to be paid in the Discretion of such Justice of the Peace.

VI. The Returns of all Masters or Employers of the Salarics of Persons in their Employment shall not be made Public by the said Assessor or other the Person entitled to receive them, but the Same shall be preserved for the Information and Guidance of the Officers concerned in the Collection and Receipt of the Tax hereby imposed, and for the enforcing Payment thereof; and any Assessor divulging or making Public the Returns or the Statements contained in the Returns of the said Masters or Employers last aforesaid, except for the Purpose of the *bona fide* recovery or collection of the Tax hereby imposed, shall forfeit a Sum not exceeding One Thousand Dollars for every Instance of such Divulgence or Publication.

Returns of Employers not to be made Public.

Penalty for divulging Returns of Employers.

VII. At any Time after the Returns hereinbefore required to be rendered shall be held to be satisfactory to the said Assessor, or other the Person required to receive the Same, it shall be the Duty of the said Assessor or other the Person aforesaid to serve a Notice on the Person chargeable to pay the Amount of his Assessment according to his said Return, and it shall thereupon be the Duty of the Person so chargeable to pay the said Amount into the Treasury of the said Colony, on or before the Day named in such Notice for Payment of the Same, such Notice either to be served Personally upon the Person so chargeable as aforesaid, or left at his last known Place of Business or Abode; and in default of such Payments the Amount may be recovered with Costs by way of Summary Process before any Justice of the Peace, to be levied in the same Manner and Form as is provided in the Case of Penalties under this Act.

Notice for Payment of Tax.

VIII. Notwithstanding any Delay which may occur in the Time of Payment under the Provisions or for any of the Causes aforesaid the Amount of Tax payable for any Salary, shall be held to have been due and chargeable as and from the Day referred to in the Paper requiring Returns, provided such Papers shall have been duly served on Persons liable to Taxation under this Act.

Notwithstanding Delay in Payment, Tax to be held to be due as from the Day mentioned in the Papers requiring Returns.

IX. If any Person shall make any false or fraudulent Return of any Matters contained in any Return to be made in pursuance of the Provisions of this Act after having signed his Name or affixed his Mark to the Declaration aforesaid or to any Declaration to the like Effect, such Person shall be guilty of a Misdemeanor.

False Returns accompanied by a declaration a Misdemeanor.

X. Every Person who shall make default in rendering any Return required under the Provisions of this Act after the Paper requiring the said Return shall have been duly served upon him or left at the last usual known Place of Business or Abode by the Space of Fourteen Days after the Day required for the rendering of such Return, shall be liable to a Penalty not exceeding Five Dollars for every Day for which Default is made.

Penalty for not making Returns.

*Salaries Tax.*

Penalties, how recovered.

XI. All Penalties made payable under the Provisions of this Act may be recovered by Way of Summary Proceeding before any Justice of the Peace, such Penalties to be levied together with the Costs of Conviction by Seizure and Sale of the Goods of the Person offending; and in Case of the Insufficiency of such Distress, by Imprisonment for any Term not exceeding Three Calendar Months.

Interpretation Clause.

XII. In the Construction of this Act the Word "Governor" shall mean the Governor of the Colony of Vancouver Island and its Dependencies or other the Person for the Time being lawfully acting as such Governor; and whenever in this Act in describing or referring to any Person or Party, Matter or Thing, any Word importing the Masculine Gender or Single 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 Bodies Corporate as well as Individuals, 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.

Short Title.

XIII. This Act may be cited as "The Salaries Tax Act, 1865."

Schedule.

SCHEDULE

FORM 1.

Return of Salary or Wages by the Person employed on the Day of

186 .

Persons employed, Name and Residence in full.	Occupation or Employment.	Employers Names, and Addresses in full.	Times when payable whether by Year, Month, Day or Otherwise.	Amounts per Year, Month, Day, or Otherwise.	If Exemption claimed, state Grounds for Exemption.

*Salaries Tax.*

FORM 2.

Return of Salary or Wages paid or payable by the Employer of Persons employed by him on the Day of 186 .

Name of Employer and Address in full.	Occupation or Calling.	Names and Addresses of Persons Employed in full.	Occupation or Employment of the Persons employed.	Times when Salary payable, whether by Year, Month, Day, or otherwise.	Amount for Year, Month, Day, or otherwise.

FORM 3.

To be attached to each of the Forms, Nos. 1 and 2.

I, A. B. hereby declare the above Return to be a faithful and true Return of the Matters therein set forth to the best of my Knowledge, Information and Belief.

(Signed,) A. B.

Or if a Marksman attach attested Mark.

Passed the Legislative Assembly the 22nd day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council this 27th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL

I assent to this Act in the Name and on Behalf of Her Majesty, this 28th day of June, 1865.

A. E. KENNEDY,  
GOVERNOR.

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1865.



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VICTORIÆ REGINÆ.

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No. XVII.

An Act to explain "The Chief Justice's Salary Act, 1864." [4th July, 1865.]

WHEREAS, it is expedient to explain "The Chief Justice's Salary Act, 1864." in the Manner hereinafter expressed: be it enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows:

I. Whereas by section Two of the said Act it is enacted that the said Act should continue in Force until the Barrister to be appointed under the Provisions of the said Act, should vacate his Office of Chief Justice; be it enacted that nothing in the said Act contained shall be held to give to the said Person so to be appointed any greater Interest in his said Office than during the Pleasure of Her Majesty Her Heirs and Successors.

Nothing in section Two of "The Chief Justice's Salary Act, 1864," shall be held to give to the person appointed under that Act a greater interest in his Office than during the pleasure of the Crown,

Passed

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*Chief Justice's Salary.*

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Passed the Legislative Council the 27th day of June, 1865.

E. J. NESBITT,  
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly the 30th day of June, 1865.

R. W. TORRENS,  
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 4th  
day of July, 1865.

A. E. KENNEDY,  
GOVERNOR.

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