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*C. M. 1870.*

# ORDINANCES

PASSED BY THE

## LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM 15<sup>TH</sup> FEBRUARY TO 23<sup>RD</sup> APRIL,

**1870.**



# ORDINANCES

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FROM 15<sup>TH</sup> FEBRUARY TO 23<sup>RD</sup> APRIL,

## 1870.



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VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

## LIST OF ORDINANCES.

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No. 1. An Ordinance to appropriate the sum of Three hundred and forty thousand one hundred and five Dollars seventy-five Cents, out of the General Revenue of the Colony, for the Contingent Service of the Year 1870.

No. 2. An Ordinance granting a Supplemental Supply of Two hundred and one thousand five hundred and eighty-five Dollars and four Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1868-9 respectively.

No. 3. An Ordinance respecting Practitioners in Medicine and Surgery.

No. 4. An Ordinance to facilitate the Issue of Crown Grants.

No. 5. An Ordinance to amend "The Common School Ordinance, 1869."

No. 6. An Ordinance entitled the "Game Ordinance, 1870."

No. 7. An Ordinance to create a further Duty of Customs for the Public Service.

No. 8. An Ordinance respecting the Supreme Court.

No. 9. An Ordinance respecting the enforcement of Municipal By-Laws.

No. 10. An Ordinance to alter and amend the "County Court Ordinance, 1867."

No. 11. An Ordinance to authorize a Loan of £75,000.

No. 12. An Ordinance to regulate the Fees of the Supreme Court of British Columbia.

No. 13. An Ordinance to amend the "Road Ordinance, 1869."

No. 14. An Ordinance to prevent Desertion from Merchant Ships.

No. 15. An Ordinance to assimilate and amend the Law relating to Bills of Sale.

No. 16. An Ordinance to make general Regulations for the establishment and management of Cemeteries in the Colony of British Columbia.

No. 17. An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Titles to Land throughout the Colony of British Columbia.

No. 18. An Ordinance to amend and consolidate the Laws affecting Crown Lands in British Columbia.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 1.

### An Ordinance to appropriate the sum of Three hundred and forty thousand one hundred and five Dollars seventy-five Cents, out of the General Revenue of the Colony, for the Contingent Service of the Year 1870.

[24th March, 1870.]

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

Preamble.

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

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

Appropriation of the Revenue for 1870.

#### FOR SALARIES AND ALLOWANCES.

The Governor .....	\$ 2,052	00
Legislative Council.....	900	00
Colonial Secretary .....	9,224	00
Treasurer.....	4,552	00
Auditor General.....	3,877	00
Chief Commissioner of Lands and Works	7,298	00
Collector of Customs.....	13,820	00
Registrar General.....	485	00
Post Office.....	3,200	00
Judicial.....	5,960	00
Police and Gaols.....	16,803	50
Gold Commissioners and Stipendiary } Magistrates.....	31,578	00

FOR

- Appropriation Ordinance.

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Pensions.....	\$ 606	25
Revenue Services .....	1,000	00
Administration of Justice .....	5,000	00
Charitable Allowances.....	10,500	00
Education.....	10,000	00
Police and Gaols.....	12,000	00
Rent.....	1,000	00
Transport.....	4,660	00
Conveyance of Mails.....	35,600	00
Works and Buildings.....	9,000	00
Roads, Streets, and Bridges .....	59,300	00
Miscellaneous Services .....	20,970	00
Interest....	33,600	00
Drawbacks and Refunds.....	2,100	00
Immigration .....	5,000	00
Government Vessels.....	19,750	00
Lighthouses .....	10,270	00

Treasurer to pay on Governor's warrant.

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

*Passed the Legislative Council the 9th day of March, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

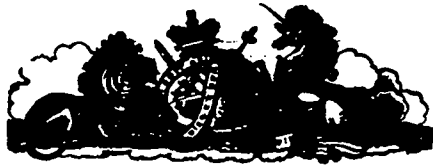
PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 24th day of March, 1870.*

A. MUSGRAVE,  
*Governor.*

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 2.

### **An Ordinance granting a Supplemental Supply of Two hundred and one thousand five hundred and eighty-five dollars and four cents, out of the General Revenue of the Colony of British Columbia and its Dependencies for the Contingent Service of the years 1868-9 respectively.**

[24th March, 1870.]

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

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

I. That the sum of Two hundred and one thousand five hundred and eighty-five dollars and four cents, be granted to the use of Her Majesty, for the purposes mentioned in the Schedule hereto, and that the same be paid out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the years 1868-9; and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to give and apply the same accordingly. Grants Supplementary Supply of \$201,585 04.

*Passed the Legislative Council the 9th day of March, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 24th day of March, 1870.*

A. MUSGRAVE,  
*Governor.*

SCHEDULE.

*Supplemental Supply Ordinance.***SCHEDULE.****1868.****ESTABLISHMENTS.**

The Governor .....	\$ 582 15
Legislative Council .....	66 74
Colonial Secretary .....	1,539 26
Treasurer .....	540 53
Assay and Refinery .....	504 15
Auditor General .....	520 87
Chief Commissioner of Lands and Works.....	1,027 79
Customs .....	767 08
Registrar General .....	7 75
Post Office .....	1,844 84
Judicial.....	632 85
Attorney General .....	601 49
High Sheriff.....	875 00
Police and Gaols.....	2,312 75
Gold and Assistant Gold Commissioners .....	5,403 37

**EXCLUSIVE OF ESTABLISHMENTS.**

Pensions .....	3,728 31
Revenue Services .....	2,153 09
Administration of Justice.....	1,724 62
Charitable Allowances .....	5,850 47
Education .....	4,109 51
Police and Gaols.....	3,742 99
Rent .....	90 41
Transport.....	8,571 11
Conveyance of Mails .....	21,643 49
Works and Buildings.....	19,595 33
Roads, Streets, and Bridges .....	9,612 19
Miscellaneous .....	11,621 04
Interest.....	832 34
Drawbacks and Refunds .....	2,595 61
Government Vessels.....	8,818 73
Lighthouses .....	1,142 80
Deposits .....	309 08

**1869.****ESTABLISHMENTS.**

The Governor .....	\$ 61 12
Legislative Council.....	347 20
Colonial Secretary .....	27 25
Customs .....	1,821 62
Registrar General .....	75 00
Post Office .....	1,310 04
Judicial.....	260 66
Police .....	413 69
Gold and Assistant Gold Commissioners .....	3,279 14

**EXCLUSIVE OF ESTABLISHMENTS.**

Pensions .....	6,110 97
Revenue Services .....	1,468 67
Administration of Justice .....	3,833 99
Charitable Allowances .....	1,167 25
Education .....	376 00
Police and Gaols.....	4,587 19
Rent.....	260 83
Transport.....	5,129 97
Conveyance of Mails .....	5,769 75
Works and Buildings.....	2,309 93
Roads, Streets, and Bridges .....	218 22
Miscellaneous .....	19,774 09
Interest .....	10,169 66
Immigration.....	1,940 00
Drawbacks and Refunds .....	258 84
Government Vessels .....	5,063 25
Lighthouses .....	1,133 11
Repayment of Deposits .....	1,049 86

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.





# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 3.

### An Ordinance respecting Practitioners in Medicine and Surgery.

[24th March, 1870.]

**W**HEREAS it is expedient to amend "The Medical Ordinance, 1867," and to bring the same into uniformity with Imperial Legislation, by providing for the registration in British Columbia of members of the Medical Profession already duly registered in the United Kingdom, under the Imperial Statute the 21° & 22° Victoria, Chapter 90;

Preamble.

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

I. Upon the application of any person duly registered under the provisions of the 21° & 22° Vic., Cap. 90, such person shall, on payment of a fee of Ten Dollars, be entitled to be registered under "The Medical Ordinance, 1867," by the Registrar appointed under such Ordinance, on producing to such Registrar a Certificate duly authenticated under the hand and seal of the Registrar of Medical Practitioners in England, Scotland, or Ireland, as the case may be, that such applicant is duly registered under the provisions of "The Medical Act," to wit: the 21° & 22° Victoria, Chapter 90, and on producing an affidavit made before a Magistrate, or other person duly qualified in British Columbia to receive solemn declarations, to the effect that he is the person named in such Certificate, and that such Certificate was duly granted by one of the said Registrars as aforesaid, and that he has not lost the benefit of the same by reason of misconduct or otherwise. The Register of Medical Practitioners in the said Colony may be amended in respect of any qualification subsequently acquired by any person therein registered, on production and proof of such qualification, and on payment of an additional fee of Ten Dollars, all such fees to be applied and accounted for as fees under the said Ordinance.

Provides for the re-registration of persons registered in England.

Register may be amended.

II. Every person registered under this Ordinance, or "The Medical Ordinance, 1867," shall be entitled, according to his Qualification or Qualifications, to practise Medicine or Surgery, as the case may be, in the Colony of British Columbia, and to demand and recover in any Court of Law, with full costs of suit, reasonable charges for professional

Enables Registered Medical Practitioner to collect Fees.

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*Medical Amendment Ordinance.*

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professional aid, advice, and visits, and the costs of any Medicine or other surgical or medical appliances rendered or supplied by him to his patients.

Short Title.

III. This Ordinance may be cited as "The Medical Amendment Ordinance, 1870."

*Passed the Legislative Council the 9th day of March, A. D. 1870.*

CHARLES GOOD,

*Clerk of the Council.*

PHILIP J. HANKIN,

*Presiding Member.*

*Assented to, in Her Majesty's name, this 24th day of March, 1870.*

A. MUSGRAVE,

*Governor.*

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 4.

### An Ordinance to facilitate the Issue of Crown Grants.

[13th April, 1870.]

**W**HEREAS it is expedient to facilitate the Issue of Crown Grants to the Owners of Land purchased from the Crown; Preamble.

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

I. In any case in which the Chief Commissioner of Lands and Works and Surveyor General, or other the Officer for the time being charged with the duty of Issuing Crown Grants to persons claiming Grants of Land purchased previous to the passage of this Ordinance, either directly or derivatively from the Crown, shall not be satisfied with the evidence of the validity of the claim of any applicant for such Crown Grant, such Chief Commissioner or Officer aforesaid is hereby authorized and empowered to, and shall if required by the applicant so to do, refer such claim, and all other matters in anywise relating thereto, to the Registrar General of Titles, who shall examine into the Claim, Title, or matter so referred, and proceed therein in the manner hereinafter provided. Chief Commissioner may refer claimant for Crown Grant to Registrar General,

II. Upon evidence, to the satisfaction of the said Registrar General being adduced, that any such applicant whose Claim or Title has been so referred as aforesaid, is in anywise reasonably entitled to a Grant from the Crown of Land either purchased from the Crown by himself or by any person through whom he may claim Title, the Registrar General aforesaid shall, in cases where the applicant has not purchased directly from the Crown, cause a notice to be inserted in the *Government Gazette*, for such space of time, not less than three calendar months, as the said Registrar General shall, in his discretion, deem expedient, of his intention to recommend the issue of such Crown Grant to the applicant, on the expiration of the time specified in such notice, unless, in the meantime, objection be made in writing to him, against the issue thereof. who shall cause his intention to recommend Grant to be Gazetted.

III. If no such objection be made within the time limited for that purpose, the Registrar General shall, immediately on the expiration thereof, or as soon as may be practicable, certify in favor of the Registrar General's certificate to issue Grant.

issue

*Crown Grants Ordinance.*

issue of the Crown Grant to the applicant; and it shall be lawful for the said Chief Commissioner, or other Officer aforesaid, upon the production of such Certificate, to issue and deliver the Crown Grant to the person so found to be entitled.

May refer to Supreme Court or Judge.

IV. If any objection be preferred in writing as aforesaid, or if the said Registrar General be not satisfied of the sufficiency of the Title of the applicant, it shall be lawful for the said Registrar General either to refuse to grant such certificate, and the applicant or other person making any objection shall be at liberty to require the said Registrar to refer the matter in dispute to the decision of the Supreme Court of British Columbia, or to any Judge of such Court, as to the Title for the time being in question, or any matter or thing relating thereto; and such Court or Judge as aforesaid, is hereby authorised and empowered to decide every such matter and thing, and such decision or order shall be sufficient authority for the Registrar General to certify in favor of the issue of the Crown Grant to the person by such decision or order held to be entitled to the same.

Summary mode of reference and decision.

V. The matter in dispute may be brought before the Court as aforesaid, by way of a case stated by the claimant, or by the Registrar General, in such form as he shall deem expedient, or before a Judge by summons; and, thereupon, the Court or Judge shall decide all questions of law and fact, or, if so desired by the claimant, shall order any question of fact to be tried by a Jury in the usual way, and to direct by whom and to whom the costs, if any, consequent on or attending the application (the granting and amount of which costs shall be entirely in the discretion of the Judge or Court) be paid, or the Judge may refuse to decide the matter, and refer it to the Court.

Registrar may summon witnesses.

VI. The claimant aforesaid is hereby empowered and shall be entitled to obtain a Summons, at the Office of any Registrar or Deputy Registrar of the Supreme Court, to any witness, with or without a clause requiring the production of papers and documents in his possession or control.

Power to enforce attendance.

Every person on whom such Summons shall have been served, either personally or in such other manner as shall be directed by the Court or Judge, and to whom at the same time payment or tender of payment of his expenses shall have been made, on such scale of allowance as shall for the time being be in force for witnesses generally, according to the Rules of the said Court, and who shall refuse or neglect, without sufficient cause, to appear or to produce any such papers or documents required by such Summons to be produced, shall forfeit and pay a fine not exceeding Fifty Dollars, as the Judge shall set on him; and the whole or any part of such fine, in the discretion of the Judge or Court, after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be paid into the Treasury of the Colony, to the use of Her Majesty, Her Heirs and Successors.

Issue of Grant not to affect equities.

VII. The issue of any such Grant, as aforesaid, shall not bar or in any way affect any equities that there may be attaching to or affecting the Land or the Title thereto at the time of the issuing of the Crown Grant thereof.

Indemnifies all Government Officers.

VIII. No suit, action, or other proceeding shall be maintainable at any time hereafter by any person against the Registrar General, nor shall he or any other Officer of the Government whomsoever be liable for any loss, damage, costs, or expenses whatsoever, by reason or in consequence of the issue of such Certificate and Crown Grant as aforesaid.

Chief Commissioner may enforce production of papers.

IX. It shall be lawful for the said Chief Commissioner, before the issue of any Crown Grant as aforesaid, to require and enforce the delivery and production of all papers and documents forming the chain of Title to the Land comprised in such Grant, and the decision or order of the Court or Judge, if any, obtained as hereinbefore provided, and the said papers and documents, and decision or order,

*Crown Grants Ordinance.*

as aforesaid, shall be deposited by such Chief Commissioner or other Officer as aforesaid, in the Office of the Registrar General, there to be kept as part of the Records of such Office.

X. The Registrar General is hereby empowered to administer oaths to all persons desirous of giving evidence relating to the Title of any person claiming a Crown Grant as aforesaid; and, also, to require any statement made by any witness to be reduced into writing, by way of affidavit or solemn declaration; and every witness or other person who shall in giving such evidence before any Judge or Court, Chief Commissioner, or Registrar as aforesaid, make any wilful false statement, or suppress or conceal any material document or fact, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be fined in a sum not exceeding One Hundred Dollars, or imprisoned for a term not exceeding Three Calendar Months.

Registrar General may administer oaths.

False statement or concealment a misdemeanor.

XI. There shall be paid to the Registrar General the sum of Five Dollars for every Certificate so granted by him as aforesaid, to be accounted for as part of the fees of the Land Registry Office.

Fee for Certificate.

XII. In the construction of this Ordinance the word "Governor" shall mean and include the Officer for the time being administering the Government of the Colony; and whenever in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and corporations 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. The words "Crown Grant" shall mean any Instrument in writing under the Public Seal of the Colony conveying Land in fee simple.

Interpretation Clause.

XIII. This Ordinance may be cited as the "Crown Grants Ordinance, 1870."

Short Title.

*Passed the Legislative Council the 4th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

HENRY P. PELLEW CREASE,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 13th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

VICTORIA, B. C.:

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BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

VICTORIÆ REGINÆ.

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No. 5.

An Ordinance to amend "The Common School Ordinance, 1869."

[20th April, 1870.]

WHEREAS it is expedient to remove doubts relating to the construction of "The Common School Ordinance, 1869," and to amend the same; Preamble.

And whereas it is expedient to make provision for the Inspection of Common Schools;

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

I. It shall be lawful for the Governor, from time to time, to appoint a fit and proper person, or fit and proper persons, to be Inspector or Inspectors of Schools established under the said Ordinance, and to make provision for his or their expenses; and the same may be paid out of the General Revenue of the Colony, notwithstanding anything in the said Ordinance contained to the contrary, and in particular to the provision in the second Section thereof, in the words following "provided, always, that the expenses of any such visitation and inspection shall not be borne by the School funds," which provision shall be and is hereby repealed. Governor may appoint Inspectors of Schools.

II. It shall be the duty of the said Inspector or Inspectors (whose appointment shall be notified in the *Government Gazette*) from time to time, to visit and inspect all Common Schools established under the said Ordinance, and examine, inquire into, and report upon the several matters, persons, and things following, for the information of the Governor in Council:— Duty of Inspectors.

- (1.) The management, character, efficiency, and general condition of the said Schools;
- (2.) The character and qualifications of the Teachers;
- (3.) All complaints which may be made in respect of the conduct, management, or condition of any School;
- (4.) The Text Books in use in the said Schools, and to see that none but those duly approved of are used therein;

It shall also be the duty of the said Inspector or Inspectors to examine the children of each School at least once in every year, to satisfy himself or themselves that every reasonable endeavour has been

*Common School Amendment Ordinance.*

been made for the payment of the salaries guaranteed by each Local Board to the several School Teachers before the public grants of money are made to the said Boards respectively by the Governor in Council, and generally to carry out all instructions which may be issued to him in writing by the Governor in Council, in so far as they may be in accordance with the provisions of the said Ordinance.

Inspectors to make Annual Reports.

III. The said Inspector or Inspectors shall make an Annual Report to the Governor in Council, before the 31st day of December in each year, upon the condition of all Common Schools inspected by him or them, and a copy of such Reports shall be laid before the Legislature, as soon thereafter as may be practicable.

Board of Examiners how appointed.

IV. The Governor in Council shall have power to appoint, from time to time, fit and proper persons, not less than three and not more than five, to be a Board of Examiners for the purpose of examining School Teachers, and after examination to grant to them certificates of competency when found advisable; and it shall be lawful for the Governor in Council aforesaid to refuse the payment of any grant to any School Teacher who has not received a certificate of competency as aforesaid.

Appointment of Collectors.

V. The Local Board of each District shall appoint some person, or if they think it expedient one of themselves, as Collector to collect the Tax, Rate, or Tuition Fees imposed by them, or the sums which the inhabitants of the District may have subscribed for the current year, and they may pay such Collector at the rate of not more than 10 per cent. on the moneys collected by him.

List of Rate-payers.

VI. The Local Board shall make out a list of the names of all persons rated by them for School purposes, or liable for Tuition Fees, or for moneys agreed to be subscribed as aforesaid, and shall annex to such list a warrant directed to the Collector for the collection of the several sums mentioned in such list; and such warrant may be in the form in the Schedule to this Ordinance annexed.

Boundaries of Municipal School Districts.

VII. Any School District for which the Council of any Municipality may be or has been constituted the Local Board according to the provisions of the said Ordinance, may include within its limits any quantity of land outside the Municipal Boundaries as may be or may have been approved of by the Governor in Council, and all persons residing without such Municipal Boundaries, but within such School District, shall be and are hereby declared to be liable to pay all Rates, Taxes, Fees, and Sums of Money assessed on or payable by them, in like manner as if they resided within such Municipal Boundaries.

Right of male residents to vote.

VIII. And, whereas, it is expedient that all Male residents of each District above the age of Twenty Years should have the right to attend and vote at the special and annual meeting appointed to be held under the provisions of the said Ordinance: Be it therefore enacted that Sections VI. and VII. of the said Ordinance, shall be and are hereby amended by striking out the words "freeholders and resident householders," and inserting in lieu thereof the words "Male residents above the age of Twenty Years."

Form of Tax By-Law.

IX. Every By-Law passed as provided in Section VIII. of the said Ordinance, may be in the form of a Resolution as provided in the Schedule hereto, and shall be transmitted to the Governor and certified under the hand of the Chairman of the meeting at which the Resolution has been passed.

Taxes when due.

X. The first annual period for which any Tax, Rate, or Sum of Money shall be payable as aforesaid, shall commence and be deemed to have been due on the day on which the first By-Law in any District shall have been approved of by the Governor, and thenceforward shall be payable for any subsequent year and be due from the date of the approval of each succeeding By-Law duly approved as in the said Ordinance is provided.

XI. This

*Common School Amendment Ordinance.*

XI. This Ordinance may be cited as "The Common School Short Title Amendment Ordinance, 1870."

*Passed the Legislative Council the 13th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 20th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

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SCHEDULE.

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FORM OF WARRANT.

We the undersigned being the Local Board for the School District of \_\_\_\_\_ by virtue of the authority vested in us by "The Common School Ordinance, 1869," and "The Common School Amendment Ordinance, 1870," hereby authorize and require you (here insert name of Collector) after ten days from the date hereof, to collect from the several individuals in the annexed list, the sums of money set opposite their respective names, and payable under the said Ordinances for the year ending \_\_\_\_\_, 18\_\_\_\_, and to pay within \_\_\_\_\_ days from the receipt thereof the amount so collected to our Treasurer, whose discharge shall be your acquittance for the sums so paid, and in default of payment on demand, by any person so rated, assessed, or liable, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default, on order to be made in that behalf by a Justice of the Peace as provided by the said Ordinance.

Given under our Hands and Seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

A. B. }  
B. C. } Local Board.  
C. D. }

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FORM OF RESOLUTION.

*Resolved,* That the Local Board for the School District of \_\_\_\_\_ do collect, and are hereby empowered to collect and levy a Tax or Rate of \_\_\_\_\_ Dollars per head, for the year commencing the day of \_\_\_\_\_ 18\_\_\_\_, upon all male residents above the age of Twenty Years in the said District.

Passed at a Meeting held the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

Certified by me \_\_\_\_\_ A. B. Chairman.

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VICTORIA, B. C.:

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 6.

### An Ordinance entitled the "Game Ordinance, 1870."

[20th April, 1870.]

**W**HEREAS it is expedient to protect Game of various descriptions from being killed out of season, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia; Preamble.

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

I. The "Game Ordinance, 1869," is hereby repealed; but such repeal shall not cause to revive any Ordinance or Act repealed by the Ordinance hereby repealed. Repeals Ordinance of 1869.

II. From and after the passage of this Ordinance, it shall be unlawful for any person or persons to have Game in his, her, or their possession in the City of Victoria, or of New Westminster, or in the Town of Nanaimo, or of Esquimalt, or within the distance of One Mile from any of the said Cities or Towns, or on board of any Steam-boat, between the First day of March and the Tenth day of August, in any year; or of Venison, between the First day of February and the First day of August, in any year; or to collect or destroy the Eggs of any Grouse, Quail, Prairie-fowl, Pheasant, or Partridge. When unlawful to have Game in possession.

III. It shall be lawful for any Justice of the Peace, upon information on oath, that there is probable cause to suspect that a breach of the provisions of this Ordinance has been committed, or that Game, Venison, or the Eggs of Grouse, Quail, Prairie-fowl, Pheasant, or Partridge be or is likely to be on any premises, or on or about any person or persons within the City of Victoria, or of New Westminster, or within the Town of Nanaimo, or of Esquimalt, or within the distance of One Mile from any of the said Cities or Towns, or on board of any Steam-boat in the Harbour of Victoria, Esquimalt, or Nanaimo, by Warrant under his hand and seal, to authorize and empower any Constable or Police Officer to enter and search such premises and to search such person or persons, at any time and to seize all Game, Venison, and Eggs aforesaid, wherever found; provided, that no such Warrant shall continue in force after the Ninth day of August in the year in which it shall have been issued. Empowers Justices of Peace to make search.

IV. In

*Game Ordinance.*

- Interpretation.** IV. In the construction of this Ordinance, or of any information to be laid, or any Warrant to be issued under the provisions herein contained, the term "Game" shall be held to mean dead Grouse, Quail, Prairie-fowl, Pheasant, Partridge, Robin, Lark, Thrush, or Wild-pigeon; and the term "Venison" shall be held to mean the carcass or any part of a dead Deer or Elk, or of the young thereof respectively.
- Declares penalties.** V. Every infraction or evasion of this Ordinance shall be punishable, upon conviction, in a summary manner, before any Justice of the Peace in British Columbia, by a fine not exceeding Fifty Dollars, for each separate offence, to be levied by distress, or in default of payment by imprisonment for any term not exceeding One Month, at the discretion of the Justice of the Peace convicting.
- Information.** VI. Any person giving information leading to the conviction of any person under this Ordinance, shall be entitled to receive one-half of any pecuniary penalty inflicted under this Ordinance.
- Conviction not to be invalid.** VII. In case of any summary conviction under this Ordinance, no Warrant of Commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same.
- Limits application of Ordinance.** VIII. This Ordinance shall not apply to Elk, Deer, or the young thereof, respectively, killed before the First day of February, in any year: or to Grouse, Quail, Prairie-fowl, Pheasant, or Partridge, Robin, Lark, Thrush, or Wild-pigeon killed, or Eggs collected, before the First day of March, in any year.
- Short Title.** IX. This Ordinance may be cited for all purposes as the "Game Ordinance, 1870."

*Passed the Legislative Council the 13th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 20th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

VICTORIA, B. C.:

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 7.

### An Ordinance to create a further Duty of Customs for the Public Service.

[20th April, 1870.]

**W**HEREAS it is expedient to raise a further sum of money for the Public Service of the Colony, by altering the Duty now imposed on Spirits; Preamble.

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

I. On and after the Twentieth day of April, A. D. 1870, in lieu of the Duties of Customs now leviabie upon Spirits and Strong Waters imported into British Columbia, there shall be assessed, levied, collected, and paid upon all Spirits and Strong Waters so imported on or after the said Twentieth day of April, A.D. 1870, and sweetened or otherwise, for every Imperial Gallon of full strength of proof, or less, by Sykes' Hydrometer, and in proportion for any greater or less quantity than a gallon, the sum of Two Dollars and Fifty Cents. For the purposes of this Ordinance, all Spirits and Strong Waters as aforesaid in Bond on and after the said Twentieth day of April, A. D. 1870, shall be liable to the payment of the said Duty. Imposes a Duty of \$2 50 per gallon on Spirits.

II. The duties hereby imposed, shall be deemed to be Customs Duties, in all respects subject to the "Customs Consolidation Act, 1853," the "Supplemental Customs Consolidation Act, 1855," the "Customs Ordinance, 1867," and this Ordinance, and shall be under the care and management of the Collector of Customs for the time being for the Colony, who by himself and his Officers shall have all the powers and authorities for the collection, recovery, and management thereof, as are under or by virtue of the said Customs Consolidation Acts, or either of them, the "Customs Ordinance, 1867," or this or any other Act, Ordinance, or Proclamation vested in the said Collector, for the collection, recovery, and management of Duties of Customs, and all other powers and authorities requisite for levying the said Duties. Such Duty to be collected under Customs Acts of 1853, 1855, 1867.

III. Every

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*Customs Amendment Ordinance.*


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Penalties for evasion.

III. Every evasion or attempt at evasion of or offence committed by any person or persons to defeat the payment of any of the duties hereby made payable on any goods or things imported into British Columbia (which shall include its dependencies), will in addition to the penalties imposed by the "Customs Ordinance, 1867," be prosecuted and punished in the manner prescribed by the said Customs Consolidation Acts.

Short Title.

IV. This Ordinance may be cited for all purposes as "The Customs Amendment Ordinance 1870."

*Passed the Legislative Council the 19th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 20th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

---

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

No. 8.

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### An Ordinance respecting the Supreme Court.

[22nd April, 1870.]

**WHEREAS** a vacancy has been created by the resignation of **JOSEPH NEEDHAM, ESQUIRE**, late Chief Justice of the Supreme Court of Vancouver Island, and doubts may arise as to the effect of such resignation under "The Supreme Courts Ordinance, 1869," and it is expedient to remove such doubts and make other provisions in view of such resignation;

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

I. The merger of the Supreme Court of the Mainland of British Columbia, and of the Supreme Court of Vancouver Island, into the Supreme Court of British Columbia, under "The Supreme Courts Ordinance, 1869," shall be deemed and taken for all purposes whatsoever to have taken place as from the Twentieth day of March, A. D. 1870, and shall be so recognized in judicature, and thereout, in all proceedings, matters, and things by all persons and for all purposes whatsoever.

Preamble.  
Merger of Courts to date from 20th March 1870.

II. Nothing in the said "Supreme Courts Ordinance, 1869," contained, shall be deemed or taken to affect or invalidate any acts or proceedings done, commenced, or taken in the Supreme Court of Vancouver Island, or in the Supreme Court of the Mainland of British Columbia, or either of them, or any Decrees, Judgments, or Orders of the said Courts, or either of them, and whether in Equity or at Common Law, and as well relating to Bankruptcy as to the granting of Probate and to the administration or other disposition of the estates and effects of deceased persons, intestate, or otherwise; and whether before or since the resignation of the said **JOSEPH NEEDHAM**, or such vacancy as aforesaid; and whether made, done, or registered by any Chief Justice, Judge, or Officer of either of the said Courts, or otherwise, by any person whomsoever; and whether so made, done, or registered within or without the jurisdiction of either of the said formerly separate Supreme Courts.

Supreme Court Ordinance, 1869, not to invalidate any act of Supreme Courts of Vancouver Island or Mainland.

III. All proceedings heretofore commenced, taken, or continued, or purported to be commenced, taken, or continued in the said Supreme Court of Vancouver Island, or in the Supreme Court of the Mainland of British Columbia, or now or hereafter purporting to be continued in or transferred into the Supreme Court of British Columbia since the said resignation and vacancy, may be continued and prosecuted in the Supreme Court of British Columbia; and all matters relating to Probate and the administration of the estates and effects

Provides for transference of suits to new Court.

*Courts Merger Ordinance.*

effects of deceased persons so commenced, taken, granted, or continued, or purported to be commenced, taken, granted, or continued, shall be prosecuted and continued in the said Supreme Court of British Columbia, and shall have as full force and effect, and be so cognizable respectively, as if originally commenced, taken, and dealt with in the said Supreme Court of British Columbia.

Suits actually pending to be transferred to new Court.

IV. All Actions and Suits whether original or by way of appeal, and whether from the County Court or otherwise, and all or any matters, things, or proceedings whatsoever, which at the time of such resignation or vacancy were pending in either of the said separate Supreme Courts, shall be transferred with all the proceedings therein to the Supreme Court of British Columbia, there to be dealt with and decided according to the Rules, Regulations, and practice of the Supreme Court of British Columbia, except so far as such Court may think expedient to adopt for the purposes of such transferred Actions, Suits, matters and things, or any of them, the Rules, Regulations, and practice of the Court in which the same shall have been pending, to which end the Supreme Court of British Columbia shall, for the purpose of such Actions, Suits, Proceedings, matters and things, as well as otherwise, have all the jurisdiction, power, and authority possessed by the Court from which such Actions, Suits, Proceedings, matters or things shall be transferred; and every person who, if this Ordinance had not passed or such resignation or vacancy aforesaid taken place, might have appealed to Her Majesty in Council against any Proceeding, Decree, Judgment, Order, matter or thing of or in the Supreme Court of Vancouver Island, or the Supreme Court of the Mainland of British Columbia, may, notwithstanding anything contained in "The Supreme Courts Ordinance, 1869," appeal to Her Majesty in Council against such Proceeding, Decree, Judgment, matter or thing. Provided, always, that nothing herein contained shall affect any of the provisions of "The Supreme Courts Ordinance, 1869," other than is herein specifically expressed.

Provides for appeal to Her Majesty in Council.

Appointment of Registrar and Deputy Registrar.

V. In addition to such Officers as may from time to time be appointed by the Supreme Court of British Columbia for the due administration of justice, and for the due execution of the powers and authorities which are by Law vested in the said Supreme Court of British Columbia, there shall be appointed by the Governor of the said Colony, suitable persons to be respectively Registrar and Deputy Registrar of the Supreme Court of British Columbia. There shall be paid to such Registrar the Annual Salary of One thousand nine hundred and forty Dollars, and to such Deputy Registrar the Annual Salary of One thousand nine hundred and forty Dollars, out of the General Revenue of the Colony; provided, that such Officers shall retain and hold their respective offices during the pleasure of Her Majesty, Her Heirs and Successors. Upon any vacancy in either of the said offices, however arising, such vacancy shall be filled up by the Governor for the time being; but nothing herein contained shall prevent the said Court from appointing District Registrars for the said Court, for any Places or Districts in the Colony from which the said Registrar or Deputy Registrar shall, for the time being, be unavoidably absent.

Short Title.

VI. This Ordinance may be cited for all purposes as "The Courts Merger Ordinance, 1870."

*Passed the Legislative Council the 20th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 22nd day of April, 1870.*

A. MUSGRAVE,  
*Governor.*



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

No. 9.

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### An Ordinance respecting the enforcement of Municipal By-Laws.

[22nd April, 1870.]

**W**HEREAS it is expedient to make provision for the disposition Preamble.  
and apportionment of moneys collected by way of tax, fine,  
penalty, or costs, under Municipal By-Laws in the Colony;

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

I. All taxes, fines, and penalties assessed, levied, and collected, Municipal Taxes,  
fines, &c., by whom-  
soever collected, to  
be paid to Municipal  
Revenue.  
or to be hereafter assessed, levied, and collected from any person  
or persons whomsoever, under or by virtue of any By-Law of any  
Municipality by whomsoever collected, whether by any Municipal  
Officer, Justice of the Peace, or general Police shall, save so far as  
otherwise prescribed in such By-Law, be paid over when collected  
to the Treasurer or other proper Financial Officer of such Municipality,  
to be applied and accounted for by him as part of the  
Revenue of such Municipality, or to and in such special uses and  
manner respectively, as may be declared in that behalf in such  
By-Law.

II. The fees and costs of the Court in or through which or Fees and Costs of  
Court.  
its Officers such taxes, fines, penalties, or costs may be recovered,  
shall be paid and applied to the same uses and in the same manner  
as the ordinary fees and costs of the Court in which the same may  
be collected.

III. This Ordinance may be cited for all purposes as the Short Title.  
"Municipal Fines Ordinance, 1870."

*Passed the Legislative Council the 20th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 22nd day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

No. 10.

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### An Ordinance to alter and amend the "County Court Ordinance, 1867."

[22nd April, 1870.]

**W**HEREAS it is expedient to alter and amend the procedure and practice of the County Courts of the Colony of British Columbia, for the purpose of better administering justice thereunder; Preamble.

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

I. That Section VIII. of the said "County Court Ordinance, 1867," be and the same is hereby repealed.

Repeals Section VIII. of "County Court Ordinance, 1867."

II. Any action commenced in a County Court for a claim exceeding Ten Pounds may be removed by either party, Plaintiff or Defendant, into a Superior Court, on giving to the other party five days notice of such intention prior to the return day of such summons. Provided, always, that no such removal shall be allowed unless some Judge of such Superior Court shall be within the District of the County Court at the time such notice is given. And provided that the party applying for such removal, if Defendant in any such action, shall forthwith give security satisfactory to the Registrar or Master of such Superior Court; or in the absence of any such Registrar or Master, to the Judge of such County Court, for the amount of the claim and the costs of trial, not exceeding in all \$500.

Provides for removing claim over £10 to Superior Court.

Security to be given.

III. That upon such security being completed, the party who has applied for such removal, shall forthwith set down the cause for hearing in such Superior Court, and thereupon such Court, or the Judge thereof, shall have all the powers of a County Court Judge as defined by the several Acts relating to the County Courts contained in Section II. of the "County Court Ordinance, 1867."

Gives powers of County Court Judges to Judges of Superior Courts.

IV. That the trial of any such action or claim by any Judge of such Superior Court shall be had, either with or without a Jury, at the option of such Judge or of either of the parties to any such plaint, and the same hearing and other fees as are now payable under the said "County Court Ordinance, 1867," or hereafter may become payable by virtue of any rules and regulations to be hereafter made by virtue of such Ordinance, shall be the fees to be paid and

Trial with or without Jury.

Fees.



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*County Courts Amendment Ordinance.*

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- Declares that no bar shall exist to try suits over £20 in Superior Courts. and no other. That nothing herein, or in the "County Court Ordinance, 1867," contained, shall be deemed to prejudice the right of any person, Plaintiff in any action or suit above £20, to try such action or suit in the Superior Courts of this Colony.
- Provides for appeal over £20. V. That an appeal from the decision of a County Court Judge shall be allowed in all cases when the amount claimed exceeds £10; but no appeal in matters of fact shall be allowed when the claim has been tried before a Jury. The Appellant if Plaintiff shall give security in a sum not exceeding \$100 for costs: and if Defendant, in a sum equal to the amount claimed together with a sum not exceeding \$100 for costs.
- Time for appeal. VI. That the Appellant shall, within 48 hours after the decision or verdict which is appealed against shall have been rendered, give a written notice to the Judge of the County Court, or his Clerk, of the grounds of such appeal, and shall, within one week after the hearing of the said claim give such security as aforesaid, otherwise the appeal shall be considered abandoned.
- Security to be given.
- Powers of Superior Court in appeal. VII. That on every such appeal it shall be lawful for the Court or Judge of such Superior Court to try and determine the question in dispute, either with or without a Jury, and the same hearing and other Court fees shall be paid thereon as on a trial in the County Court.
- Short Title. VIII. This Ordinance shall be called the "County Courts Amendment Ordinance, 1870."

*Passed the Legislative Council the 19th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 22nd day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

---

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

No. 11.

\*\*\*\*\*

### An Ordinance to authorize a Loan of £75,000.

[23rd April, 1870.]

**W**HEREAS it is expedient to consolidate the Floating Liabilities of the Colony of British Columbia, and for that purpose to raise a Loan, secured on the General Revenue of the said Colony, in manner hereinafter appearing;

*Preamble.*

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

I. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums, not exceeding Seventy-five thousand Pounds in the whole, as may be required for the purpose of consolidating the Floating Liabilities of the Colony.

*Governor may issue Debentures for £75,000.*

II. All Debentures made out and issued under this Ordinance shall bear Interest at the rate Six Pounds Sterling per Centum per Annum, payable half-yearly, and shall be redeemable at the expiration of Thirty Years, from the First day of September, Anno Domini One thousand eight hundred and seventy.

*Interest at 6 per centum per annum.*

III. Every Debenture shall be for any sum or sums not less than One hundred Pounds Sterling, which the said Governor shall determine, and which together with the Interest thereon, shall be payable in London, at the Office of the Crown Agents for the time being for the Colonies, or at the Treasury of the said Colony. And the Holder or Bearer of any of the said Debentures may alter the place of payment of the Principal and Interest, to either the Treasury at Victoria, or the Offices in London of the said Crown Agents, by giving Six Months' previous notice, in writing, terminating on the First day of March, or the First day of September, at the previous place of payment (the Treasury in Victoria, or at the Offices in London of the Agents aforesaid, as the case may be), of his wish to make such alteration, and causing the Officer in Victoria acting as Treasurer for the time being, or the said Crown Agents in London, as the case may be, (who is and are hereby required) to indorse on such Debenture a memorandum of the alteration.

*Debentures to be for £100.*

*Dates of payment of Interest.*

IV. All

*Loan Ordinance.*

- Method of issuing and Registering Debentures. IV. All Debentures made out and issued under this Ordinance shall be signed by the Crown Agents for the Colonies, on behalf of the Government of British Columbia, and entered in a Register to be called the "Debenture Register," a duplicate whereof shall be kept by the Crown Agents, at the Offices in London, and another duplicate copy thereof by the Auditor General of the said Colony; and such Debentures shall be deemed a charge upon all the Revenue of the said Colony, from whatever source arising, and in order of priority, next after the prior charges thereon already created by "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," "The British Columbia Loan Act, 1864," and the "Road and Harbour Loan Act, 1862," of Vancouver Island; and all Interest on such Debentures, and the Principal when due, shall be paid by the Treasurer of the said Colony out of such Revenues, under Warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such Revenue created by the Statutory Loans last above cited.
- Form of Debenture. V. The said Debentures shall be in the Form marked A. set forth in the Schedule to this Ordinance, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.
- Interest Coupons. VI. Interest Coupons shall be attached to each Debenture, in Form marked B. set forth in the Schedule hereto.
- Debenture payable to bearer. VII. The said Debentures shall be made payable to the Bearers thereof, and shall pass by delivery only, and without any assignment or indorsement; and the Holder or Bearer, for the time being, of every such Debenture shall have the same rights and remedies in respect of the same, as if he were expressly named therein.
- Governor can authorize Crown Agents for the Colonies to negotiate Loan. VIII. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Crown Agents for the Colonies, and at such times, in such sums, and in such manner as the said Governor may direct.
- Disposal of Loan when realized. IX. All moneys raised under this Ordinance shall be paid in such manner as the said Governor shall prescribe to the Treasurer of British Columbia, and shall by him be placed to the credit of an account, to be called the "Consolidated Loan Account," to be applied to the purposes of paying off the Floating or Temporary Liabilities of the said Colony, or of any sums borrowed or to be borrowed, and expended for public purposes of the Colony, and to no other purposes whatsoever; and the said moneys shall be accounted for in the same manner as if they formed part of the Current Revenue of the said Colony.
- Repayment of Debentures by Sinking Fund. X. The said Governor shall provide for the payment of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," "The British Columbia Loan Act, 1864," and the Vancouver Island "Road and Harbour Loan Act, 1862," to the extent aforesaid, to appropriate half-yearly out of the General Revenue of the Colony, such sum as shall be equal to Four and one-eighth per Cent. on the total of the principal sum for which the said Debentures shall, from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's Interest therefrom, shall invest, or cause to be invested, the residue thereof as a Sinking Fund for the final extinction of the Debt; and shall invest, or cause to be invested, the Dividends, Interest, or annual produce arising from such investment, so that the same may accumulate by way of compound Interest.
- Investment of Sinking Fund. XI. All sums paid to the account of the Sinking Fund, and all Interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial Government Securities, or of

*Loan Ordinance.*

of the Government Securities of this or any other Colony of Great Britain. The nature of such Securities, and the selection of the Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies.

XII. Provided, that notwithstanding anything to the contrary in this or any Proclamation, Ordinance, or other Local Law contained, it shall be lawful for the said Trustees, from time to time, or at any time hereafter, under the direction of the said Secretary of State for the Colonies, and the instructions of the Governor, to invest the amount of any such Sinking Fund, and the accumulation thereof, in any Debentures or other Government Securities of British Columbia, as well as in Imperial Securities or the Government Securities of other Colonies, and to hold every such British Columbian Debenture or other Security uncanceled; and to receive and invest the Interest accruing thereon, for the purpose of the Sinking Fund, in the same manner as the Debentures of any other Colony.

May be invested in B. C. Securities.

XIII. Provided, nevertheless, that it shall be lawful for the said Governor, and notwithstanding anything in this Ordinance contained, he is hereby expressly authorized and empowered, from time to time, or at any time during the currency and before the expiration of the said Loan hereby created, upon giving Six Calendar Months' previous notice in the *London Gazette*, and the *Government Gazette* of the said Colony, of the intention so to do, to call in and redeem all or any of the said Debentures, on payment of Five per Cent. premium above par, in addition to the amount of such Debentures so called in, and to make such redemption to the amount of such moneys as the said Governor shall, by and with the advice and consent of the Legislature of British Columbia, by any Ordinance or Act to be issued and passed by him with such advice and consent as aforesaid, or out of the Current Revenue of the Colony, appropriate for that purpose.

Debentures may be called in and redeemed on 6 months notice.

XIV. All Debentures so redeemed (save those as aforesaid purchased on account of the Sinking Fund) shall be forthwith cancelled and destroyed; and no re-issue of Debentures shall be made in consequence of such redemption and destruction.

Debentures when redeemed cancelled.

XV. From and after the date of any and every such repurchase or redemption of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall be from time to time reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the Sinking Fund, after the Loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted for as General Revenue.

Reduction of Sinking Fund.

Balance to be paid to Treasury.

XVI. It shall be lawful for any Trustees, Executors, Administrators, or Guardians having the disposition of any Trust Moneys, to purchase any such Debentures, by and out of Trust Moneys, and every such purchase shall be deemed a due investment of such Trust Money.

Trustees may purchase Debentures.

XVII. It shall not be necessary for the said Colonial Treasurer, Crown Agents, or any other person acting for or in behalf of the Government of the said Colony, to notice, or regard, or enquire into any trust to which any Debentures shall be liable, or the rights or authority of any one being the actual Holder or Bearer of any such Debentures as aforesaid, but payment to the actual Holder or Bearer thereof, or his lawful Agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing, by and under the hand of the Treasurer, Crown Agents, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Payment to actual holders of Debenture deemed good.

XVIII. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Ordinance, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding Three Years, with or without hard labour,

Penalty for forgery.

*Loan Ordinance.*

labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

XIX. This Ordinance may be cited for all purposes as "The British Columbia Loan Ordinance, 1870."

*Passed the Legislative Council the 20th day of April, A. D. 1870.*

CHARLES GOOD,  
Clerk of the Council.

PHILIP J. HANKIN,  
Presiding Member.

*Assented to, in Her Majesty's name, this 23rd day of April, 1870.*

A. MUSGRAVE,  
Governor.

## SCHEDULE.

## FORM A.

## BRITISH COLUMBIA GOVERNMENT DEBENTURES.

No.

"BRITISH COLUMBIA LOAN ORDINANCE, 1870,"

£75,000.

For [ *One hundred* ] Pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum, in half-yearly payments, payable at [ *the Offices of the Crown Agents for the Colonies, in London, or at the Treasury, Victoria, British Columbia, as the case may be* ], on the First March, and First September, in each year.

The said sum of [ *One hundred* ] Pounds sterling, with Interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the "British Columbia Loan Ordinance, 1870," and the Principal will be repaid [ *in London, at the aforesaid Offices, or at the Treasury, Victoria, British Columbia, as the case may be* ] at the expiration of Thirty (30) Years, from the First day of September, 1870.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Ordinance above cited.

Registered,

\_\_\_\_\_ } Crown Agents  
\_\_\_\_\_ } for the Colonies.

## FORM B.

No.

BRITISH COLUMBIA.

Half-year's Interest due [ \_\_\_\_\_ ] on Debenture No. \_\_\_\_\_, payable at the [ *at the Offices of the Crown Agents for the Colonies, London, or the Treasury, Victoria, British Columbia, as the case may be.* ]

£ \_\_\_\_\_

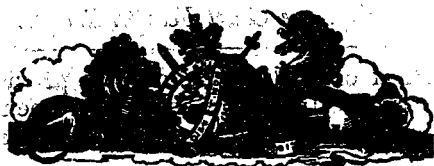
\_\_\_\_\_, Agents General.

*Sixty such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.*

*N. B. The holders or bearers of this Debenture may alter the place of payment of Principal and Interest to the Treasury, Victoria, British Columbia, or the Offices of the Crown Agents for the Colonies, in London, by giving Six Months' previous notice in writing, terminating on the First day of March, and First day of September, at the previous place of payment [the Treasury in Victoria, British Columbia, or the Offices of the Crown Agents, aforesaid, for Crown Colonies in London, as the case may be] of his wish to make such alteration, and causing the Officer acting as Treasurer in Victoria, British Columbia, or the said Crown Agents for the Colonies, in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.*

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

No. 12.

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### An Ordinance to regulate the Fees of the Supreme Court of British Columbia.

[26th April, 1870.]

**W**HEREAS it is expedient to declare and regulate the Fees to be paid by Suitors in the Supreme Court of British Columbia; Preamble.

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

I. Notwithstanding anything in the "Supreme Court Fees Ordinance, 1865," or in "The Supreme Courts Ordinance, 1869," contained, it shall be lawful for the Chief Justice of the Supreme Court of British Columbia, from time to time and at any time hereafter, to make all such general Rules and Orders as to him may appear necessary or advisable for altering or varying the Schedule of Fees attached to the said "Supreme Court Fees Ordinance, 1865," and for fixing the Costs to be allowed for and in respect of any Action, Suit, or other proceeding, matter, or thing, either at Law or in Equity, or otherwise howsoever, in the said Supreme Court, and either as to the items for which Fees may be taken or the amount to be taken in respect of any item, and also, if deemed proper, to fix additional items for which Fees may be taken, as between Solicitor and Client or as between party and party, and also the Fees to be taken by the High Sheriff and Deputy Sheriffs and the Officers of the said Supreme Court of British Columbia, and the Allowances to Witnesses, in all such proceedings, matters, and things; and also, from time to time, to make such different Scale or Scales of such Costs, Fees, and Allowances, or any of them, for different portions of the Colony of British Columbia, as to him may appear necessary or advisable, specifying at the head of each such Scale, if there shall be more than one, the portion or portions of the Colony to which the same shall be applicable, and to make all such Rules and Orders, and Scales as to Fees of Court, and Costs between Solicitor or Attorney and Client, or otherwise generally, and whether by payment of costs and charges in detail or by a lump sum in full of ordinary costs, or partly by the one mode of payment and partly by the other, or in any other way, as shall seem in the discretion of such Chief Justice most expedient for the due administration of Justice in the said Supreme Court of British Columbia. Chief Justice may alter or vary Supreme Court Fees.

*Supreme Court Fees Ordinance.*

Alteration of Fees to be approved by the Governor.

II. No alteration or addition, under the previous Section, shall be of any force or validity until it shall have been approved by the Governor, and published in the *Government Gazette* for one calendar month.

Fees to be accounted for as part of the General Revenue.

III. All Fees of Court whatsoever received by the Supreme Court or any other Court in the Colony (except Fees for Office Copies, which shall be taken by the Officer by whom or under whose authority the same shall be made for his own proper use) shall be paid over and accounted for as part of the General Revenue.

Short Title.

IV. This Ordinance may be cited for all purposes as "The Supreme Court Fees Ordinance, 1870."

*Passed the Legislative Council the 20th day of April, A. D. 1870.*

CHARLES GOOD,

*Clerk of the Council.*

PHILIP J. HANKIN,

*Presiding Member.*

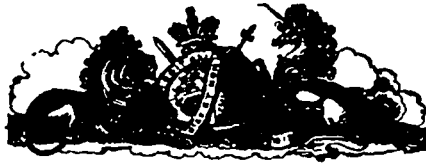
*Assented to, in Her Majesty's name, this 26th day of April, 1870.*

A. MUSGRAVE,

*Governor.*

VICTORIA, B. C.:

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# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. 13.

### An Ordinance to amend the "Road Ordinance, 1869."

[27th April, 1870.]

**WHEREAS** it is expedient to explain and amend the "Road Ordinance, 1869;" Preamble.

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

I. Sections IV., VI., XIV., XVIII., XXII., and XXIII. of the "Road Ordinance, 1869," are hereby repealed. Repeals part of Road Ordinance, 1869.

But all acts lawfully done, taxes or costs created or imposed, and rights acquired under the said Sections, or any of them, or the said Ordinance, shall not be affected or prejudiced by such repeal, but be dealt with as if the same had not taken place. Saves existing rights.

II. In lieu of Sections IV. and VI. so repealed, be it enacted as follows:—

"The Esquimalt and Metchosin Road District shall be and include Esquimalt District, Metchosin District, and Sooke District, according to the boundaries of such Districts as laid down on the Official Maps thereof. Esquimalt-Metchosin District.

"The Lake and Saanich Road District shall be and include North Saanich, South Saanich, Lake, and Highland Districts, according to the boundaries of such Districts as laid down on the Official Maps thereof. Lake-Saanich District.

III. In lieu of Section XIV. of the said Ordinance, so repealed, be it enacted as follows:—

"Every Male Person above Eighteen Years of age, resident at the period of Assessment in any Road District created or which may be created under the provisions of this Ordinance, shall pay an Annual Tax of Two Dollars. Who must pay Road Tax.

"Every Person possessed of any interest in any Real Estate, not exceeding Ten Acres in extent in any of the said Road Districts, shall pay an Annual Tax of Two Dollars for each and every such quantity of Land as aforesaid.

"Every Person possessed of any interest in any Real Estate, in any of the said Road Districts, which shall exceed Ten Acres in extent, shall pay for every additional Acre or portion of an Acre over such Ten Acres a further Annual Tax of Four Cents.

"Provided,



*Road Amendment Ordinance.*

"Provided, that no person assessed in respect of Real Estate shall be liable to pay, in addition thereto, the Annual Tax of Two Dollars as hereinbefore mentioned; but he shall in all cases where resident in any District, and possessed of any interest in Real Estate therein, be assessed and liable to pay only the Tax in respect of such Real Estate.

One Tax on joint interests sufficient.

"Provided, also, that nothing contained herein, or in the said "Road Ordinance, 1869," shall be deemed or taken to convey, or to have conveyed, the meaning that two or more Persons interested in the same Real Estate as aforesaid, standing in the relation of Lessor and Lessee, Mortgagor and Mortgagee, or interested therein as Shareholders or Partners in any Chartered or Incorporated Company, or in any Partnership or Firm, shall each be or be deemed to have been liable for the Tax at which such Real Estate shall be or have been assessed."

Employer to deduct Tax from employe.

IV. Every merchant, farmer, trader, or employer of labour shall be and is hereby authorized to pay the Annual Tax of Two Dollars, due or to become due by any person or parties in his employment, and to deduct the total amount so paid on account of such person or parties, from the amount of salary or wages due or to become due to him or them from such employer, upon production and delivery of the receipt therefor to such person or persons.

Court of Appeal.

V. The Governor shall, by any writing under his hand, published in the *Government Gazette* or any other newspaper published in the said Colony, appoint (and from time to time, by any such writing similarly published, alter and vary such appointment, at his discretion) any person or persons to be and sit as a Court of Appeal for any District or Districts, the first sitting of which shall be held on the First day of February in each Year, or the First Monday thereafter, and on any subsequent days such Court may appoint during the month of February.

Who may appeal.

At such Court of Appeal it shall be lawful for any person assessed as aforesaid, who shall feel aggrieved by reason of being assessed, or by reason of the amount at which he or any other person is assessed, or by reason of some person or persons improperly omitted from the List and not assessed, either by himself or his agent to appeal against such Assessment, and the Court shall either confirm, amend, or disallow such Assessment, as to them shall seem requisite, and such decision shall be final, and shall not be moved by *Certiorari*, or otherwise, into a Superior Court.

Decision final.

The Collector shall attend such Court of Appeal, when required, and shall be allowed at the rate of Three Dollars, out of the Public Revenue of the Colony, for each day's attendance at the said Court.

VI. In lieu of Section XXII. of such Ordinance, repealed as aforesaid, be it enacted as follows:—

Recovery of Tax by distress.

"Any Tax due under the provisions of this Ordinance, which shall not be paid within Thirty Days of the period when it shall have become due, may be recovered at the suit or instance of the Collector, in a summary manner, before a Stipendiary Magistrate or two Justices of the Peace, together with the costs of the proceedings; such amount of Tax and costs to be recovered by distress on the goods and chattels, wherever found, of the person liable to pay the said Tax; and for the purposes of this Ordinance all trees and timber, whether severed or unsevered, shall be deemed to be goods and chattels."

VII. In lieu of Section XXIII. of the said Ordinance, so repealed as aforesaid be it enacted as follows:—

In default.

"In case of the insufficiency of any such distress, the Magistrate or Justices aforesaid may make an order to cause the amount so adjudged due, or then remaining due; together with the costs of proceeding, to be paid within Seven Days, and thereupon and thenceforth the same shall carry Interest at the rate of Eighteen per Cent. per Annum, until paid and satisfied. All orders so made as aforesaid, shall be transmitted to and filed of record in the Land

Registry

*Road Amendment Ordinance.*

Registry Office, and entered, on the application of the Collector, as a charge against any Land in respect of which the Tax so in arrear shall have been made, and such order and charge shall include any costs or expenses leviable under the provisions of this Ordinance.” Charge on the land.

VIII. In the case of any party or parties possessed of any interest in any Real Estate being absent from the Colony, without having in the Colony any known authorized agent who will pay the amount of Tax assessed against such party or parties in regard of Land, the Land in respect of which such Tax shall be assessed shall be held to be liable for the amount; and the amount of all such Assessments as Taxes, together with any costs due thereon, with interest on such total amount as aforesaid, shall be registered as a charge in the Land Registry Office, as aforesaid. Provided, always, that the sum assessed, as aforesaid, on the said party or parties in respect of the said Land, may be recovered by summary process, on complaint of the Collector, before any Stipendiary Magistrate, or two Justices of the Peace, after proof of service of the summons, by affixing a copy thereof on some conspicuous place on the said Land in respect of which such Tax has been assessed, or upon the Court House (if any) of the District in which the Land is situate, or if there be no Court House in such District, then upon the Court House of the adjoining District, and such posting up shall be deemed good service of such summons; and thereupon it shall be lawful to levy the amount due for Taxes, with the costs of seizure and sale of the timber and improvements (if any) on the said Land; such sale to be made in such manner and form as the said Magistrate or Justices shall direct. Absentees compelled to pay Tax.

IX. Provided, nevertheless, that it shall be lawful for Her Majesty, Her Heirs and Successors, and her and their assignees and licensees, and all persons duly authorized in that behalf under instructions from the Lands and Works Department, to take from any Country Land in the Colony of British Columbia, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any Roads, Ferries, Bridges, or other Public Works. Materials gratis for Roads, Bridges, &c.

X. This Ordinance may be cited for all purposes as the “Road Amendment Ordinance, 1870.” Short Title.

*Passed the Legislative Council the 21st day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

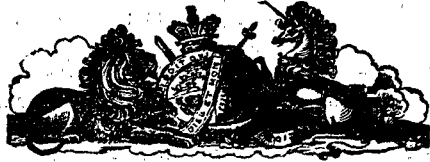
PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 27th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 14.

### An Ordinance to prevent Desertion from Merchant Ships.

[27th April, 1870.]

**W**HEREAS it is desirable to prevent desertion from Merchant Ships;

And whereas certain evil disposed persons are in the habit of loitering about Merchant Ships in boats and otherwise, for the purpose of inciting Seamen to Desert or attempt to Desert, and it is expedient to prevent such practices in future;

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

I. Every person who by any means whatever, persuades or attempts to persuade, or incites, or attempts to incite, any Seaman or Apprentice to neglect or refuse to join, or to Desert from his Ship, or otherwise to absent himself from his duty, shall for each such offence, in respect of each such Seaman or Apprentice, incur a penalty not exceeding Fifty Pounds; and every person who wilfully harbors or secretes any Seaman or Apprentice who has Deserted from his Ship, knowing or having reason to believe such Seaman or Apprentice to have done so, shall for every such Seaman or Apprentice so harbored or secreted, incur a penalty not exceeding Fifty Pounds.

Inciting Seaman to Desert, or secreting same, an offence, fine £50.

II. Every infraction of this Ordinance shall be punishable, upon summary conviction before any Stipendiary Magistrate or any Two Justices of the Peace of British Columbia, by a penalty not exceeding Fifty Pounds, or in default of payment, by imprisonment for any period not exceeding Six Calendar Months, with or without hard labour at the discretion of the Magistrate or Justices convicting.

Punishable by summary conviction,

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

or by Indictment as a misdemeanor.

Penalty, fine or imprisonment.

Provided

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*Merchant Ship Desertion Ordinance.*

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- Not triable twice for same offence.      Provided that nothing herein contained shall be construed to prevent any person committing an offence under this Ordinance, from being arrested, tried, and convicted, under any Law or Statute, Imperial or Local, before any Court having jurisdiction over such offences, but so only that the same person shall not be punished twice for the same offence.
- Informality not to invalidate conviction.      III. No conviction under this Ordinance shall be removable by *certiorari*, or otherwise, into a Superior Court; nor shall any Warrant of Commitment upon a conviction under this Ordinance be held to be invalid by reason of any informality or defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.
- Short Title.      IV. This Ordinance may be cited for all purposes as the "Merchant Ship Desertion Ordinance, 1870."

*Passed the Legislative Council the 22nd day of April, A. D. 1870.*

CHARLES GOOD,

*Clerk of the Council.*

PHILIP J. HANKIN,

*Presiding Member.*

*Assented to, in Her Majesty's name, this 27th day of April, 1870.*

A. MUSGRAVE,

*Governor.*

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VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 15.

### An Ordinance to make general Regulations for the establishment and management of Cemeteries in the Colony of British Columbia.

[28th April, 1870.]

**W**HEREAS it is expedient to make general Regulations for the establishment, maintenance, and management of Cemeteries in the Colony of British Columbia; Preamble.

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

I. It shall be lawful for the Governor, from time to time, to appoint so many Trustees as he may think fit for any Public Cemetery in British Columbia; every such appointment to be published in the *Government Gazette* of the said Colony; and the Trustees so appointed, and their successors to be appointed as hereinafter mentioned, shall have power to hold any Lands or hereditaments that may be conveyed to them by Deed or Grant from the Crown, or by any other sufficient Deed of Conveyance, on trust, for the establishment or purpose of a Public Cemetery. Governor may appoint Trustees for Public Cemeteries.

II. The Governor of the said Colony shall have power, from time to time, to remove from the said trusts any Trustee of any such Cemetery as and when he shall think proper; and, also, on the death, resignation, or removal of any Trustee appointed under this Ordinance, to appoint another in his stead; and every such removal and appointment shall be published in the *Government Gazette*; and upon the publication thereof, without any further conveyance, the legal estate in all lands and hereditaments respectively held by any such Trustee, in trust for the purposes aforesaid, shall vest in such new Trustee as the case may require; and a copy of the *Government Gazette* shall be deemed sufficient *prima facie* evidence of such removal respectively, in all proceedings whatsoever. Governor may remove such Trustees and fill up vacant Trusteeships.

III: It shall be lawful for the Governor, out of any part of the Public Revenues of the said Colony appropriated, or to be appropriated, for the establishment of Cemeteries, to direct such sums of money as he may think fit to be paid to any Trustees to be appointed as aforesaid, and to their successors, in trust for the establishment and management of any Cemetery in the said Colony; and every such sum shall, in the discretion of the Governor, be either Governor may apportion Public votes for Cemeteries.

*Cemetery Ordinance.*

either lent to such Trustees, to be repaid out of the Fees as hereinafter mentioned, or where from the situation of the Cemetery, or any other circumstance, it shall seem improbable that such Fees will be sufficient to defray any such loan, such sum shall, in such discretion as aforesaid, be paid to such Trustees in trust for the establishment and management of the Cemetery. Provided that in case of any sum being so lent as aforesaid, it shall be lawful for the Governor to require such security over the Fees hereinafter mentioned as may be expedient, but no such security shall involve any of the said Trustees in any personal liability.

Powers of Trustees for the care and ornamentation of Cemeteries.

IV. The Trustees of any such Cemetery shall have power to enclose any Land so to be granted or conveyed as aforesaid, with proper and sufficient walls, rails, fences, or palisades, and to erect suitable gates and entrances, and to lay out and ornament such Cemetery, in such manner as may be most convenient and suitable for the burial of the dead, and to embellish the same with such walks, avenues, roads, and shrubs, as may to them seem fitting and proper, and to preserve, maintain, and keep in a cleanly and orderly state and condition, and cause to be so maintained and kept the whole of any such Cemetery and its walls and fences, and all monuments, tombstones, enclosures, buildings, erections, walks, and shrubberies therein and belonging thereto; and shall lay out and expend, subject to the directions of the Governor, the moneys in their hands, from time to time to be received by them under this Ordinance, in and about the matters aforesaid, and in the burial of poor persons.

Trustees may make Rules and Regulations to govern Cemeteries.

V. The Trustees of any such Cemetery shall have power and authority to make such Rules and Regulations, and to do and perform, and to cause to be done and performed, all such acts, matters, and things as may be necessary and proper for any of the purposes aforesaid, and for directing the positions of all graves and vaults to be made in the said Cemetery, the depths of the graves, and construction of coffins to be admitted into vaults, and the covering of vaults, so as to prevent the escape of any noxious exhalation or evaporation in the said Cemetery, and for protecting the buildings, monuments, shrubberies, plantations, and enclosures therein and thereof from destruction or damage; and shall have power to prosecute all persons who shall or may at any time do or cause to be done any damage to any such buildings, monuments, tombstones, plantations, or enclosures. Provided that the said Trustees shall not, by any Rule or Regulation, or any act, matter, or thing, at any time interfere directly or indirectly with the performance of any Religious Ceremony in the burial of the dead according to the usage of the Communion to which the deceased may have belonged, or with the original distribution of the said Lands or hereditaments made or intended by any Deed of Grant or other Conveyance to and amongst separate and distinct Religious Denominations and Communions. Provided, that no such Rule or Regulation shall be in force until the same has been submitted to the Governor, and published in the *Government Gazette*.

Ministers of all Denominations to have free access to Cemeteries.

VI. It shall be lawful for the Minister of any Denomination for which any portion of such Cemeteries shall be specially set apart, to have free access and admission to such portion of the said Cemeteries, at all times, as they respectively shall think fit, and freely to exercise their spiritual functions therein, without any hindrance or disturbance of the Trustees of the said Cemetery, or any person whatsoever.

Trustees may establish scales of Fees for graves, monuments, &c.,

VII. It shall be lawful for the Trustees of any Cemetery to permit any vault or grave to be dug and made in such Cemetery, and any monument or tombstone to be erected or placed in any parts of any such Cemetery as they may think proper, upon payment to them, by the person desiring to dig and make such vault or grave, and to erect and place such monument or tombstone, of such fees as shall from time to time be established by the said Trustees; and any person so digging and making such vaults or erections, or erecting and placing such monument in such Cemetery, by and with such permission as aforesaid, and upon payment of the fees aforesaid,

*Cemetery Ordinance.*

aforsaid, shall be entitled to have maintained and kept up such vault, monument, or tombstone, according to the terms of such permission, to and for the sole and separate use of such person and his representatives for ever. Provided, that a scale of all such fees shall have been previously made by the Trustees, with the consent of the Governor, and published in the *Government Gazette*. Provided, also, that a plan of every monument proposed to be erected and placed shall be exhibited to the said Trustees, before such permission as aforsaid is given, and that the said Trustees shall be at liberty to withhold such permission and prevent the erection of any monument which shall appear to them inappropriate or unbecoming, and shall determine and fix the position of any monument which may be proposed to be erected, according to the description, size, and character thereof, having reference to the general plan for ornamenting the said Cemetery in an appropriate manner. Provided, further, that nothing herein contained shall be deemed to prevent the said Trustees from allowing the Burial of any poor person in such Cemetery, free from any charge whatsoever.

Same to be published.

Plans of monuments to be submitted to Trustees.

VIII. The said Trustees shall allow any Religious Body at their own expense to erect for their use a Mortuary Chapel or Building for the celebration of any Burial Service, and the position of such Building shall be left to the decision of the Trustees.

Provides for erecting Mortuary Chapels.

IX. All Meetings of Trustees of any such Cemetery shall be convened according to rules to be adopted by them for such purposes, and all questions, matters, and things, which shall be discussed or considered at any such Meeting, shall be decided and determined by the majority in number of the Trustees then present. Provided that the said Trustees, being Three or more in number, shall not be competent to proceed to business unless there be at least Two of them present; and all such Trustees shall have power to make such Rules and Regulations as may be necessary for their own guidance and management.

Rules for Meetings of Trustees.

X. A full and particular account shall be kept by the Trustees of every such Cemetery, of all sums of money received and expended by them, and an abstract of such account made up from the day of their first appointment, to the Thirty-first day of December in the first year, and from the First day of January, to the Thirty-first day of December, both inclusive, in such subsequent year, and such account and abstract shall be transmitted to the Colonial Secretary, on or before the First day of March in every year, and shall be verified respectively by a declaration by Three at least of such Trustees, and every such abstract shall be published in the *Government Gazette*, and if any such Trustee shall wilfully make a false statement in any such declaration in any material matter in such account, he shall be deemed guilty of misdemeanor and punishable accordingly; and if any such Trustee shall omit to make and transmit such accounts and abstracts, he shall on conviction before any Two Justices, forfeit and pay for every such offence a sum not exceeding One hundred Dollars. The said Trustee shall send along with such account a statement of the condition of such Cemetery, as to repairs, order, and ornament, and a suggestion as to the alterations necessary or expedient in the ensuing year in such repairs, order, and ornaments, and an estimate of the expense which may probably be incurred in effecting the same; and the Governor upon examination of the said accounts, statements, suggestions, and estimates, shall direct the manner in which the balance of moneys in the hands of such Trustees shall be appropriated, and shall if any sum so lent or advanced as aforsaid is unpaid, determine the proportion (if any) to be applied in payment of such sum, and the amount to be expended in the laying out or improvement of such Cemetery in the ensuing year, and every such direction shall be published in the *Government Gazette*, and thereupon the Trustees shall pay such proportion as aforsaid, to Her Majesty, Her Heirs, and Successors, for the public uses of the said Colony, and in support of the Government thereof, and if no such sum shall have been lent, or if lent, shall have been paid off, the balance (if any) in the hands of the Trustees

Trustees to keep proper accounts,

To be sent to Colonial Secretary.

Penalty for non-compliance.

*Cemetery Ordinance.*

Trustees shall be expended in the improvement of such Cemetery, and the interment of poor persons.

Penalty for injuring Cemeteries.

XI. If any person shall wantonly or wilfully destroy, or do, or cause to be done, any damage to any monument, vault, tombstone, building, erection, railing, fence, shrubbery, tree, or plant, in any of the said Cemeteries, he shall be guilty of a misdemeanor, and being convicted thereof before any Two or more Justices of the Peace (who are hereby authorized to hear and determine in a summary way, any complaint thereof made by the said Trustees, or by any Officer or Servant employed by them in the said Cemetery, or by any person to whom the burial place may belong) shall be liable for every such offence to a penalty not exceeding One hundred Dollars, or at the discretion of such Justices to imprisonment for any period not exceeding Three Months, and any person who shall do, or cause to be done, any injury to any such monument, vault, tombstone, building, erection, railing, shrubbery, tree, or plant, whether the same shall have been done wilfully, or wantonly, or otherwise howsoever, shall be liable to pay a reasonable sum of money by way of damages and compensation therefor, which said sum of money shall be recoverable in any Courts of competent jurisdiction in the said Colony, by the Trustees of any such Cemetery, or any person injured by such damage.

Disposal of penalties.

XII. The money arising from all penalties and forfeitures imposed by this Ordinance when recovered, shall be paid one moiety thereof to the Trustees of the Cemetery, in respect whereof any such penalty or forfeiture may have been imposed for the purposes of such Cemetery, and the other moiety to the use of Her Majesty, Her Heirs, and Successors.

Summary jurisdiction.

XIII. All proceedings under this Ordinance shall be had and taken in a summary way, and no such proceeding in pursuance of this Ordinance shall be quashed for want of form, or be removed by *certiorari* or other process into the Supreme or other Court.

Cemeteries to be free of all taxes.

XIV. No Land acquired for Cemetery purposes under this Ordinance shall be liable to any rates, taxes, or charges, Municipal, Parliamentary, or otherwise.

Interpretation.

XV. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and 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.

XV. This Ordinance may be cited for all purposes as the "Cemetery Ordinance, 1870."

*Passed the Legislative Council the 22nd day of April, A. D. 1870.*

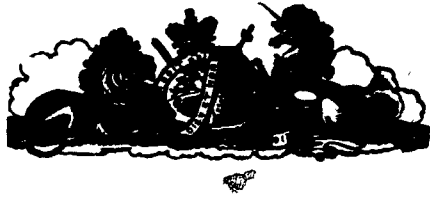
CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 28th day of April, 1870.*

A. MUSGRAVE,  
*Governor.*





# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

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No. 16.

### An Ordinance to assimilate and amend the Law relating to Bills of Sale.

[11th May, 1870.]

**W**HEREAS it is expedient that the Law relating to the Registration of Bills of Sale of Personal Chattels be made uniform throughout the Colony; Preamble.

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

I. "The Bills of Sale Act, 1861," and "The Bills of Sale Amendment Act, 1866," of the former Colony of Vancouver Island, and also an Act of the Imperial Parliament passed in the 17th and 18th years of the reign of Her Majesty, Chapter 36, and intituled an "Act for preventing frauds upon creditors by secret Bills of Sale of Personal Chattels," shall be and are hereby repealed, save and except that every act, matter, and thing, lawfully done thereunder, and every right and privilege thereby acquired, shall be and are hereby valid, and effectual, and reserved, and preserved, to all intents and purposes as if this Ordinance had not been passed. Repeal of former Acts.

II. Every Bill of Sale of Personal Chattels made after the passing of this Ordinance, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such Bill of Sale, or at any future time, to seize or take possession of any property and effects comprised in or made subject to such Bill of Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred to, or a true copy thereof, and of every attestation of the execution thereof, shall, together with an affidavit of the time of such Bill of Sale being made or given, and a description of the residence and occupation of the person making and giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such Bill of Sale, be registered as follows:—  
If executed in Vancouver Island and affecting property therein, by filing the same in the Office of the Registrar General of Titles in Victoria; if executed on the Mainland of British Columbia and affecting property therein, by filing the same in the Office of the Stipendiary Magistrate of the District in which the property intended to be affected is situate, or in the office of some other person appointed All Bills of Sale void as against Assignees, unless registered within 21 days.

*Bills of Sale Ordinance.*

appointed in that behalf; and the said Bill of Sale, or copy thereof with affidavit as aforesaid, shall in all cases hereinbefore mentioned be so filed within twenty-one days after the making or giving of such Bill of Sale, otherwise such Bill of Sale shall as against all Assignees of the Estate and Effects of the person whose goods or any of them are comprised in such Bill of Sale, under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the benefit of the Creditors of such person, and as against all Sheriff's Officers and other persons seizing any property or effects comprised in such Bill of Sale in the execution of any process of any Court of Law or Equity authorizing the seizure of the goods of the person by whom or of whose goods such Bill of Sale shall have been made, and against every person on whose behalf such process shall have been issued, be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any Personal Chattels comprised in such Bill of Sale, which at or after the time of such Bankruptcy or of filing the Insolvent's Petition in such Insolvency, or of the execution by the Debtor of such Assignment for the benefit of his Creditors, or of executing such process (as the case may be), and after the expiration of the said period of twenty-one days, shall be in the possession or apparent possession of the person making such Bill of Sale, or of any person against whom the process shall have issued under or in the execution of which such Bill of Sale shall have been made or given, as the case may be. The Affidavit aforesaid may be in the form in the Schedule hereto annexed marked A.

If filed in Office of Stipendiary Magistrate a Duplicate to be sent to Registrar General.

III. Where such Bill of Sale, or copy thereof with affidavit as aforesaid, is filed in the Office of the Stipendiary Magistrate, or other person as aforesaid, a Duplicate thereof (duly certified as in Form B. in the Schedule to this Ordinance) shall be forwarded by the first opportunity, free of charge, by the Magistrate, or other person as aforesaid, to the Registrar General, to be deposited in his Office.

Defeasance or condition of every Bill of Sale to be written on the same paper.

IV. If such Bill of Sale shall be made or given, subject to any defeasance, or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration of trust, shall, for the purpose of this Ordinance, be taken as part of such Bill of Sale, and shall be written on the same paper or parchment on which such Bill of Sale shall be written, before the time when the same or a copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all intents and purposes against the same persons and as regards the same Property and Effects as if such Bill of Sale, or a copy thereof, had not been filed according to the provisions of this Ordinance.

Interpretation of term "Registration."

V. The filing of a Bill of Sale, or a copy thereof with the Affidavit, is hereinafter referred to as the Registration of a Bill of Sale.

Bills of Sale to be re-registered every 5 years.

VI. The Registration of a Bill of Sale shall, during the subsistence of such security, be renewed in manner hereinafter mentioned once in every period of Five Years, commencing from the day of the Registration, and if not so renewed such Registration shall cease to be of any effect at the expiration of any period of Five Years, during which a renewal has not been made as hereby required, subject to this provision, that where a period of Five Years from the original Registration of any Bill of Sale, prior to the passing of this Ordinance, has expired before the first day of January One thousand eight hundred and seventy-one, such Bill of Sale shall be as valid to all intents and purposes as it would have been if this Ordinance had not been passed, if such Registration be renewed in manner aforesaid before the first day of January, One thousand eight hundred and seventy-one.

Affidavit of renewal.

VII. The Registration of a Bill of Sale shall be renewed by some person filing in the office of the said Registrar General of Titles, or Stipendiary Magistrate, or other person as aforesaid, an Affidavit stating the date of such Bill of Sale and the names, residences,

*Bills of Sale Ordinance.*

dences, and occupations, of the respective parties thereto, as stated therein, and also the date of the Registration of such Bill of Sale, and that such Bill of Sale is still a subsisting security, and the Registrar General of Titles, or Stipendiary Magistrate, or other person as aforesaid, shall thereupon number such Affidavit, and re-number the Original Bill of Sale or copy filed in the said office with a similar number.

VIII. Every Affidavit renewing the Registration of a Bill of Sale may be in the Form C. given in the Schedule to this Ordinance, and where such Affidavit is filed in the Office of the Stipendiary Magistrate or other person as aforesaid, a Duplicate thereof, certified as such by the Magistrate or other person as aforesaid, shall be transmitted by the first opportunity by the said Magistrate or other person as aforesaid, to the Office of the Registrar General, to be there deposited. Duplicate to be sent to Registrar General.

IX. The Registrar General, and Stipendiary Magistrate, and other person as aforesaid, shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy, and every Affidavit of Renewal filed in his Office to be numbered; and shall keep a Book or Books, in which he shall cause to be entered a numerical list of every such Bill of Sale, and Copy, and Affidavit of Renewal, containing therein the name, addition, and description of the person making or giving the same; or, in case the same shall be made or given by any person under or in the execution of process as aforesaid, then the name, addition, and description of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number affixed to the said Bill of Sale, or Copy, or Affidavit of Renewal as aforesaid; and the date of the said Bill of Sale, or Copy, and of the Registration thereof, and the date of the filing the said Affidavit of Renewal; and all such particulars shall be entered according to the Form D. given in the Schedule to this Ordinance; and the said Book, and every Bill of Sale, or Copy, and Affidavit filed as aforesaid, may be searched and viewed by all persons, at all reasonable times, upon payment for every search of the fee of Fifty Cents. Books to be kept containing particulars of Bills of Sale.

X. The said Registrar General, and every Stipendiary Magistrate, and other person as aforesaid, shall be entitled to receive for filing every Bill of Sale, or a Copy thereof, or Affidavit of Renewal as aforesaid (including the taking of any affidavit), the sum of Two Dollars, and no more; and any person shall be entitled to have an Office Copy or an extract of every Bill of Sale, or of the Copy thereof, or of an Affidavit of Renewal as aforesaid, upon paying for the same at the rate of Twenty-five Cents per Folio of One hundred words. Fees to be taken.

XI. All affidavits required by this Ordinance to be taken and made, may be taken by and made before the Registrar General, or Stipendiary Magistrate, or other person as aforesaid; or by and before any Judge, Registrar, Deputy Registrar, or Clerk of a Court having a Seal, or by and before any Notary Public practising within the Colony. Before whom affidavits may be made.

XII. The Registrar General, and every Stipendiary Magistrate and other person so appointed as aforesaid, is hereby empowered to enter satisfaction upon any Bill of Sale, or Copy thereof, upon being satisfied that the Debt (if any) for which such Bill of Sale is given as security has been discharged; but in all cases where the consent of the grantee, assignee, or mortgagee, has not been obtained, satisfaction shall not be entered without an order from a Judge of the Supreme or County Court obtained for that purpose. How satisfaction may be entered.

XIII. All moneys, other than charges made for taking and furnishing copies of Bills of Sale, Affidavits, and other documents, (which shall be retained by the person taking and furnishing the same for his own use) received by the Registrar General, and Stipendiary Magistrate, and other person appointed as aforesaid, under this Ordinance, shall be paid into the Treasury for the use of Her Majesty, Her Heirs and Successors. Fees to be paid into Treasury.

XIV. The

*Bills of Sale Ordinance.*

Index Book to be kept.

XIV. The Registrar General, and Stipendiary Magistrate, and other person appointed as aforesaid, shall keep an Index Book showing in alphabetical order the names of all persons making or giving Bills of Sale, and of all persons against whom process shall have issued as aforesaid, together with a cross reference to the volume and folio of the Book directed to be kept as in the 9th Section of this Ordinance provided; and the Registrar General shall also keep an Index Book, in manner aforesaid, of all Duplicates of Bills of Sale, or copies thereof, and affidavits as aforesaid, transmitted to him as hereinbefore provided.

Interpretation Clause.

XV. In construing this Ordinance, the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such constructions; that is to say:—the expression “Bill of Sale” shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfers, and other Assurances of Personal Chattels, and also Powers of Attorney, Authorities, or Licences to take possession of Personal Chattels as security for any Debt; but shall not include the following Documents, that is to say:—Assignments for the benefit of the Creditors of the person making or giving the same, Marriage Settlements, Transfers or Assignments of any Ship or Vessel, or any share thereof, Transfers of Goods in the ordinary course of business of any trade or calling, Bills of Sale of Goods in foreign parts or at sea, Bills of Lading, Warehouse Keepers’ Certificates, Warrants or Orders for the delivery of Goods, or any other Documents used in the ordinary course of business as proof of the possession or control of Goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such Document to transfer or receive Goods thereby represented. The expression “Personal Chattels” shall mean Goods, Furniture, Fixtures, and other Articles capable of complete transfer by delivery, and shall not include Chattel interest in Real Estate, nor Shares or Interests in the Stock Funds or Securities of any Government, or in the Capital or Property of any Incorporated or Joint Stock Company, nor choses in action, nor any Stock or Produce upon any Farm or Lands which by virtue of any covenant or agreement, ought not to be removed from any Farm where the same shall be at the time of the making or giving of such Bill of Sale. Personal Chattels shall be deemed to be in the apparent possession of the person making or giving the Bill of Sale, so long as they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person. The term “Vancouver Island” shall be held to include that part of the Colony formerly being the Colony of Vancouver Island; and the term “Mainland of British Columbia” shall be held to include the remaining portion of the Colony.

Short Title.

XVI. This Ordinance may be cited as the “Bills of Sale Ordinance, 1870.”

*Passed the Legislative Council the 21st day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 11th day of May, 1870.*

A. MUSGRAVE,  
*Governor.*

*Bills of Sale Ordinance.*

**THE SCHEDULE.**

**FORM A.**

I, \_\_\_\_\_ of \_\_\_\_\_ make oath, and say as follows:—

1. That the paper writing hereunto annexed, and marked A., is a true Copy of a Bill of Sale, and of every [or, where the original is filed, "is the Bill of Sale and every"] Schedule or Inventory thereto annexed, or therein referred to, and of every attestation of the execution thereof, as made, and given, and executed by \_\_\_\_\_
2. That the Bill of Sale was made and given by the said \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord One thousand eight hundred and \_\_\_\_\_
3. That I was present and did see the said \_\_\_\_\_ in the said Bill of Sale mentioned, and whose name is signed thereto, sign and execute the same on the said \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid.
4. That the said \_\_\_\_\_ at the time of the making and giving the said Bill of Sale, resided and still resides at \_\_\_\_\_, and then was and still is \_\_\_\_\_
5. That the name \_\_\_\_\_ set and subscribed as the witness attesting the due execution thereof, is of the proper handwriting of me this deponent, and that I reside at \_\_\_\_\_, and am \_\_\_\_\_

Subscribed to, and sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ A. D 18 \_\_\_\_\_

**FORM B.**

I hereby certify that the Document hereunto annexed is a Duplicate of the Bill of Sale (or "of the copy of the Bill of Sale," as the case may be) and of the Affidavit, as filed in this Office on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ A. B.,  
 To the Registrar General. \_\_\_\_\_ Stipendiary Magistrate at \_\_\_\_\_

**FORM C.**

I, A. B., of \_\_\_\_\_ do swear that a Bill of Sale, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, and made between \_\_\_\_\_ and which said Bill of Sale [or "and a Copy of which said Bill of Sale," as the case may be] was filed in the Office of the Registrar General of Titles, or in the Office of the Stipendiary Magistrate or \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, and is still a subsisting security.

Subscribed to, and sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ A. B.

**FORM D.**

No.	By whom given, or against whom process issued.			To whom given.	Nature of Instrument.	Date of Instrument.	Date of Registration.	Date of filing Affidavit of Renewal.	Date of satisfaction entered.
	Name.	Residence.	Occupation.						



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. 17.

### An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Titles to Land throughout the Colony of British Columbia.

[1st June, 1870.]

**W**HEREAS it is expedient to establish a Registry of Titles to Real Estate throughout the Colony of British Columbia, and to assimilate the Law relating to the Transfer thereof, and for that purpose to repeal certain Acts and Ordinances hereinafter mentioned;

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

#### LAND REGISTRY OFFICE.

I. One calendar month after the passage of this Ordinance, there shall be established in Victoria, by notice in the *Government Gazette*, an Office for the Record of Instruments and the Registration of Titles affecting Real Estate, which shall be styled the "Land Registry Office."

II. The Governor shall, from time to time, appoint a fit and proper person to perform the duties of the said office, and such person shall be a Barrister or Solicitor, admitted to practise as such in the Supreme Courts of the Colony, and shall be styled the "Registrar General of Titles;" and it shall be lawful for the Governor to assign to him a Salary of not exceeding Two thousand four hundred and twenty-five Dollars per annum.

III. It shall be lawful for the Governor to establish, in such other parts of the Colony as he shall determine, District Offices for the Recording of Instruments and Registration of Titles affecting Real Estate situate within such Districts, and to appoint fit and proper persons, to be styled "Deputy Registrars," to perform the duties of such office; and in every such appointment the limits of the District shall be defined. Every act done by any Deputy Registrar shall have the like force and effect as if done by the Registrar General; and every such Deputy Registrar shall have and possess the like qualifications as are required of the Registrar General.

IV. The Registrar shall keep the Land Registry Office open for the transaction of business on every day, except such days as may be appointed by the Governor as a general or public holiday, or Christmas Day or Good Friday, from the hour of ten in the forenoon until the hour of four in the afternoon, and on Saturdays from the hour of ten in the forenoon until the hour of one in the afternoon; and it shall not be lawful for him whilst he holds office to practise within the Colony as a Barrister, Solicitor, or Conveyancer.

V. Every

*Land Registry Ordinance.*

Registrars to give security.

V. Every Registrar to be appointed as aforesaid, shall give security for the due performance of his duties, in such manner and to such amount, and shall take such oath on entering on his office, as the Governor shall deem fit.

Registrar may appoint a Deputy.

VI. The Registrar may, subject to the approval of the Governor, nominate a Deputy in his office, of the like qualification with the Registrar, and may remove him and appoint another in his place whenever he thinks it necessary; and in case of the death, resignation, removal, or forfeiture of office of the Registrar, the Deputy Registrar shall do and perform all and every act, matter, and thing necessary for the due execution of the said office, and such appointment shall be notified, from time to time, in the *Government Gazette*; and it shall not be lawful for any Deputy Registrar, whilst he holds the office, to practise within the Colony as a Barrister, Solicitor, or Conveyancer. Every Deputy Registrar, before he enters on the execution of his office, shall take the same oath appointed to be taken by the Registrar.

## REPEAL OF ACTS.

Repeal of former Acts.

VII. Immediately after the establishment of the said Land Registry Office, the "Land Registry Act, 1860," and the "Land Registry Amendment Act, 1865," of the former Colony of Vancouver Island; and, also, the "British Columbia Land Registry Act, 1861," and the "British Columbia Land Registry Extension Ordinance, 1864," shall be and are hereby repealed; save and except that all acts, matters, and things lawfully done thereunder shall not thereby be affected, and all rights and interests created by the said Acts and Ordinances, or any of them, shall be and are hereby expressly preserved and reserved in like manner as if this Ordinance had not been passed, and notwithstanding anything herein contained to the contrary; and in particular, the rights and emoluments of office enjoyed by or belonging to the Registrar General of British Columbia under the said "British Columbia Land Registry Act, 1861," and the "Crown Officers' Salaries Act, 1863," are hereby preserved and reserved. Upon the establishment of the said Office, all Records and Documents then being in the Land Registry Office, at New Westminster, shall be transmitted to the Land Registry Office, at Victoria, and form part of the Records of the said Office.

Records to be transmitted to head office.

## ACKNOWLEDGMENTS OF EXECUTION OF DEEDS.

All Deeds to be acknowledged.

VIII. Before any Deed or Instrument executed subsequently to the 8th day of October, 1865, other than a Decree, Judgment, or Order of a Court of Civil Jurisdiction, is recorded or registered, and to entitle the same to be so recorded or 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 Deed or Instrument.

Before whom acknowledgments to be made.

IX. The acknowledgment or proof of execution of all Instruments hereby authorized to be recorded or registered,

If acknowledged or proved within the Colony, may be made—

To the Registrar or Deputy Registrar,

Or, to any Stipendiary Magistrate of the Colony or of any Town or District thereof,

Or, to any Judge or Registrar of a Court having a Seal,

Or, to any Notary Public practising within the Colony;

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,

Or, to any person commissioned in that behalf by the Governor (who is hereby authorized to appoint such and so many persons as he may think fit);

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

*Land Registry Ordinance.*

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 to entitle the same to be recorded or registered, notwithstanding anything in this Ordinance contained to the contrary, and particularly the provisos in Section XI., hereinafter following.

X. 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.

Persons making acknowledgments to appear in person.

XI. Acknowledgments and proofs of the execution of Instruments entitled to be registered or recorded may, for the purposes of this Ordinance, be made by,

By whom acknowledgments may be made.

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.

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 X. of this Ordinance, 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 X. 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 X. of this Ordinance, 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 shall, in addition to what is required by Section X. 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 X. of this Ordinance 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 X. 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 X., 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 X. 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 X. of this Ordinance, 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

Recitals in acknowledgments.

Section



*Land Registry Ordinance.*

Section X. 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.

Instruments acknowledged may be read in evidence.

XII. Every Instrument which shall be acknowledged or proved and certified as in this Ordinance prescribed, shall, together with the Certificate of Acknowledgment or proof, be read in evidence in all Courts of Law and Equity, without further proof of execution, and in the case of a married woman without any other acknowledgment.

Where witness or grantor is dead.

XIII. When the Witness to any Deed or Instrument affecting Real Estate, or the grantor or other person divested of property therein named has died, or is absent from the Colony, or under disability, and neither such witness nor grantor is within the Colony, it shall be lawful for the Registrar, on being satisfied of the fact, and upon the testimony of any person acquainted with the signature of such witness, grantor or other person as aforesaid making affidavit of his belief that the signature is the writing of the person it purports to be stating his reasons therefor, to receive such Instrument for the purpose of Record or Registration, in like manner as if such signature had been acknowledged according to the foregoing provisions.

## TRANSCRIPT OF DEEDS.

Instruments may be recorded by copy.

XIV. It shall be the duty of the Registrar, when requested, and upon payment of the proper Fees, to Record in Books to be kept for that purpose, and to be called the "Record of Conveyances," the "Record of Pre-emption Claims," the "Record of Mortgages," the "Record of Wills," and in other Books with appropriate titles, all Deeds and Instruments in any manner affecting Real Estate or the title to any interest therein, by correctly transcribing or copying the same, together with every endorsement thereon or certificate attached thereto, word for word, letter for letter, figure for figure, sign for sign, and erasure for erasure.

Cross references.

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

Office copies may be received in evidence.

XVI. The Record of any such Instrument as aforesaid (except a Will or Codicil) or any copy of the same, duly certified by the Registrar may, in the absence of the original when the absence of such original is duly accounted for, 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 Documents in those cases when such production may be deemed necessary for the purpose of registering any Title thereunder, as hereinafter provided.

Transmission of records to district office.

XVII. Upon the opening of any District Office, a transcript of the Records and Registrations affecting Real Estate in such District, prior to such opening, shall be sent to the Registrar of such District by the Registrar General, and shall be kept in such District Office as part of the Records of such Office.

Endorsement of record.

XVIII. The Registrar shall endorse on every Instrument so recorded, a memorandum of the date of such Record, and a reference to the volume and page of the Record Book in which the transcript has been made.

## REGISTRATION OF TITLE.

Registration of Title to absolute fee.

XIX. Every person claiming to be the legal owner in fee simple of Real Estate may apply to the Registrar for Registration thereof, in the form marked A. in the First Schedule hereunto annexed, and the Registrar shall, upon being satisfied after the examination of the Title Deeds produced, that a *prima facie* Title has been established by the applicant, register the Title of such applicant in a Book to be called the "Register of Absolute Fees," in the form marked B. in the said First Schedule; and also, shall transcribe in another Book to be called the "Absolute Fees Parcels Book," a description of the land to which the Title relates, in the form marked C. in the said Schedule.

Registration of Title to other estates.

XX. Every person claiming any other or less Estate than the Absolute Fee, or any mortgage or other incumbrance upon, or any equitable interest whatever in Real Estate (other than a judgment, Crown debt, or leasehold interest in possession for a term not exceeding Three Years), may apply to the Registrar for Registration thereof, in the form marked D. in the said Schedule, and the Registrar shall, upon being satisfied after examination of the Title Deeds produced, that a *prima facie* Title has been established by the applicant, register the Title of such applicant in a Book to be called the "Register of Charges," in the form marked E. in the said

*Land Registry Ordinance.*

said Schedule; and shall transcribe in another Book to be called the "Charges Parcels Book," a description of the land to which the charge relates, in the form marked F. in the said First Schedule.

## APPLICATIONS FROM THE INTERIOR OF THE COLONY.

XXI. All Stipendiary Magistrates, other than those resident within the Town and District of Victoria, and until the appointment of Deputy Registrars as hereinbefore provided (when the powers hereby conferred on such Magistrates shall cease and determine), are hereby authorized and required to receive applications for Registration and Record from owners of land or any estate or interest therein situate within the District for which such Stipendiary Magistrate shall have been appointed.

Magistrates may receive applications for Registration, and transmit Documents to the Head Office.

1. Where a transcript only is required, the Magistrate shall endorse on each document of title a memorandum to the following effect, "Received for Record                      day of                      , 187 . at o'clock. (Signed) A. B., Stipendiary Magistrate at                      "

2. Where the title is required to be registered, the applicant shall fill up and sign the usual paper in the Form A. or D in the said First Schedule hereto provided, and thereon shall be endorsed the day and hour of receipt, as in the memorandum last mentioned.

All documents of title and other papers, shall thereupon be transmitted by the Magistrate, through the General Post Office, as a registered letter, without charge to the applicant, to the Registrar General at Victoria.

When registration or record has been effected, the necessary deeds and papers, together with a memorandum of the fees thereon, shall be returned by the Registrar General to the Magistrate, who upon receipt of the said fees shall deliver the same to the applicant.

No Magistrate or Registrar shall be responsible for any damage or loss occasioned by, or consequent upon, the transmission of documents as aforesaid, except the same shall occur from his own wilful neglect or default.

Not responsible for loss by transmission of Documents.

XXII. The limits of the Districts aforesaid shall be defined by the Governor, and varied from time to time, by notice in the *Government Gazette*, and thereupon all applications for Record and Registration may be made to the Stipendiary Magistrate of the District until a Deputy Registrar be appointed for such District as aforesaid, and then to such Deputy Registrar only.

Limits of Districts.

XXIII. The description of parcels shall in all cases where possible be that contained in the Instrument which vests the property in the person whose Title is Registered, and the Registrar shall have power to call for evidence of identity of any such parcels with the original grant or conveyance of such land before effecting Registration.

Description of parcels.

XXIV. The Registrar shall enter in the Absolute Fees Book a cross reference to the volume and folio of the Register of Charges in every case where the Title to the Absolute Fee has been Registered. The Registrar shall after Registration endorse on every Deed or Instrument produced by the applicant for proof of his Title a memorandum in the Form marked G. in the said First Schedule.

Cross references.

## PRODUCTION OF DOCUMENTS.

XXV. Whenever any document required for the proof of Title cannot be produced by the applicant, by reason of its being in the possession of a mortgagee or other person who refuses to produce the same, the Registrar shall, upon being satisfied that the applicant has a *prima facie* Title, first give notice in writing to the holder or owner of such document of his intention to register the same at the expiration of the time specified in the said notice, which shall be not less than one week and not more than three months, at the discretion of the Registrar. The said notice may be in the Form marked H. in the said First Schedule; and after proof by affidavit of service of the same on the holder or owner of the document aforesaid, or on his duly appointed attorney, the Registrar shall proceed to the Registration of the Title of the applicant.

On non-production of document notice to be given to holder.

XXVI. Upon every Registration of Title in favour of an owner in fee simple, mortgagee, or other person by right entitled to the possession of documents of title, the Registrar shall require the person requiring to be registered as owner in fee, mortgagee, or otherwise, to produce the Title Deeds of the property to which such registration may be intended to refer, unless the non-production of such Title Deeds, or any of them, be satisfactorily explained to the Registrar, on affidavit duly made.

Title Deeds to be produced unless non-production explained.

XXVII. The Registrar may effect Registration of the Absolute Fee as well at the instance of several persons, who together are entitled to the complement

Joint tenants, &c.

*Land Registry Ordinance.*

complement of the Absolute Fee, as also of any joint tenant or tenant in common.

husband co-owner  
with Wife.

XXVIII. The husband of any female Registered owner of an Absolute Fee shall be entitled to be registered as co-owner with his wife, but he shall be described on the register as co-owner in right of his wife, and on his death the original registry of the wife, with a change, if necessary, in the name, shall revive and confer the same rights as if her husband had never been registered as co-owner with her, save as to acts done in his lifetime with her consent and duly acknowledged.

Remainder-men.

XXIX. Where two or more persons are interested in distinct estates or interests in the same land, by way of remainder or otherwise, the first owner of an estate of inheritance shall be registered as the owner of the Absolute Fee, and the interests or estates of the others or other shall be registered by means of a charge or charges. Provided, however, that in any Certificate of Title granted by the Registrar under this Section the owner of such estate of inheritance shall not appear to be possessed of a larger or different estate than that to which he is by law entitled; and provided, also, that all subsequent estates or charges shall duly appear on such Certificate.

Future and contingent interests.

XXX. A charge may be registered as well in respect of a present and vested right, as of a future or contingent interest.

Acknowledgment by Married Women.

XXXI. Whenever any Instrument is produced for the purpose of Registration of any Title purporting to convey the Real Estate of a married woman, or of any interest therein, it shall be sufficient, so far as the execution of such Instrument is concerned, and in order to entitle the same to be Registered, that the married woman have made an acknowledgment of execution, in the manner and form provided in Section XI. of this Ordinance; and every Instrument so acknowledged by any married woman, and registered, shall be as effectual to all intents and purposes to pass all the estate, right, title, and interest of the married woman by whom the same is executed, in the land to which the same relates, as if she had been unmarried, any law, and in particular the Act of the 3rd and 4th year of King William the Fourth, Chapter 74, commonly known as the "Fines and Recoveries Act," to the contrary notwithstanding.

Certificate by Surveyor General.

XXXII. The Surveyor General may, and he is hereby required (when called upon) to, give a Certificate of Payment of all or any of the instalments due on lands purchased or pre-empted, in the form marked I. in the said First Schedule, and such Certificate shall be sufficient authority for the Registrar to enter up satisfaction, and cancel any charge registered against any such lands.

Equitable mortgage not to be registered

XXXIII. No equitable mortgage or lien created simply by a deposit of Title Deeds and memorandum thereof shall be deemed to entitle the person interested to Registration under this Ordinance.

Where disability of infancy, &c.

XXXIV. The Registrar may, on the application of the guardian of any minor, the Committee of any lunatic or person of unsound mind, or the next friend of any married woman, or the duly authorized agent of any minor, lunatic, or married woman, and on production of an order by some Court of competent jurisdiction for that purpose, enter a charge in his or her behalf, in respect of any interest in land held or possessed by him or her while under the disability of infancy, lunacy, unsoundness of mind, or coverture, upon being satisfied of such infancy, lunacy, unsoundness of mind, or coverture.

#### CERTIFICATE OF TITLE.

Certificate of Title.

XXXV. The Registrar shall, upon the Registration of every Absolute Fee, issue a Certificate of Title to the person who shall have effected Registration, in the form marked J. in the said First Schedule, and shall fill up a docket or memorandum thereof, and retain the same in his Office; and if any Certificate of Title shall be lost or destroyed, the Registrar may, upon being satisfied by affidavit of the applicant, or of some other person, of the truth thereof, and upon advertisement of his intention so to do, published for one month at least, in some one or more of the newspapers published in the Colony, (at the discretion of the Registrar) issue a fresh Certificate of Title in lieu of that so lost or destroyed. Such Certificate shall bear on the face of it that it is a duplicate, and reference shall be made therein to the affidavit upon which it has been granted. Every Certificate of Title shall be received as *prima facie* evidence in all Courts of Justice in the Colony, of the particulars therein set forth.

XXXVI. The

*Land Registry Ordinance.*

XXXVI. The registered owner of an Absolute Fee shall be deemed to be the *prima facie* owner of the land described or referred to in the Register for such an Estate of Freehold as he legally possesses therein, subject only to such registered charges as appear existing thereon, and to the rights of the Crown. Interest of registered owner of absolute fee;

XXXVII. The registered owner of a charge shall be deemed to be *prima facie* entitled to the estate or interest in respect of which he is registered, subject only to such registered charges as appear existing thereon, and to the rights of the Crown. of charge.

XXXVIII. The time at which application for Registration shall be deemed to have been made, shall be the time when the form of application referred to in Clauses XIX. and XX. of this Ordinance is filled up and signed by the applicant. Time of application.

## PRIORITY. NOTICE.

XXXIX. When two or more charges appear entered on the Register, affecting the same land, the charges shall, as between themselves, have priority according to the dates at which the applications respectively were made, and not according to the dates of the creation of the estates or interests. Priority of registration creates priority of title.

XL. No purchaser for valuable consideration of any registered Real Estate, or registered interest in Real Estate, shall be affected by any notice express, implied, or constructive of any unregistered title, interest, or disposition affecting such Real Estate, other than a leasehold interest in possession for a term not exceeding three years, any rule of law or equity notwithstanding. No purchaser for value affected by any notice not on the Register.

XLI. The Registration of a charge shall give notice to every person dealing with the Real Estate against which such charge has been registered, of the estate or interest in respect of which such charge has been registered, but not of the contents of such Instrument. Notice conveyed by charge.

XLII. In every case in which any Instrument shall have been executed by Attorney, the Power of Attorney, or duly certified copy thereof, shall be filed in the Office of the Registrar, and the application for Registration shall not be deemed to have been made until such Power of Attorney, or duly certified copy thereof, shall have been delivered to the Registrar for that purpose. Powers of Attorney to be filed.

XLIII. All Powers of Attorney, or duly certified copies thereof, filed in the Office of the Registrar shall be numbered by him in rotation, and he shall endorse thereon the day and time when filed, and an appropriate Index, to be called the "Index of Powers of Attorney," shall be kept by the Registrar, in which references shall be made by him to each Power of Attorney, or duly certified copy thereof, filed in his Office, and the distinguishing number thereof. Index of Powers of Attorney to be filed.

## TRUST ESTATES.

XLIV. Whenever any land, or any estate or interest therein, is vested in any Trustee or Trustees, no entry of the Trusts created or declared in respect of the same shall be made in the Register, but the Title of the Trustee or Trustees shall be registered in like manner as if he or they were beneficially entitled. It shall be lawful, however, for any person entitled to any estate or interest in the land so vested in Trustees, to apply to the Registrar, and the Registrar is hereby authorized and required to enter against the Registration of the Title of such Trustees the words "no survivorship;" and whenever such words shall be so entered, it shall not be lawful for any less number of Trustees than the number named in the Instrument, to sell, transfer, or otherwise dispose of the land, estate, or interest, without obtaining the sanction of the Court, by order or petition of course, under the provisions hereinafter contained; and the Court is hereby authorized to make such order in the premises as to the appointment of new Trustees, or otherwise, and for the Registration of the Title to such land, as shall be just and proper. Protection of Trust Estates.

## TRANSFERS.

XLV. When any conveyance or transfer is made of any Registered Real Estate, or interest therein, the Transferee or Grantee shall be entitled to be registered as the owner of the same estate or interest then held by or vested in the Transferor or Grantor; and in the case of an Absolute Fee, a new Certificate of Title shall be issued to such Transferee or Grantee, on the production and cancellation of the former Certificate. Where a portion only of the Real Estate included in any Certificate of Title has been transferred, a memorandum of such transfer shall be endorsed thereon. Transfer of Registered Estates.

XLVI. Every transfer or conveyance, in the form marked K. in the Schedule hereto, shall confer upon the person to whom it is made, his heirs and Short form of transfer.

*Land Registry Ordinance.*

and assigns (or to his executors, administrators, and assigns, as the case may be) all the estate and interest of the Transferor or Grantor, whether legal or equitable at the date thereof, subject, however, to any charge that may appear on the Register against the same; and, also, to any unregistered leasehold interest in possession, for a term not exceeding three years, and the same transfer or conveyance shall pass to the Transferee or Grantee, his heirs and assigns (or executors, administrators, and assigns, as the case may be) the full and entire benefit of all covenants and agreements in respect of, and all powers, provisions, and conditions of entry, sale, leasing (if any) over the Real Estate, the subject matter of the transfer to which the Transferor was entitled and which may be thereby intended to be transferred at the time of such transfer; and if the estate or interest so transferred be that of a Mortgagee, such transfer shall also confer on the Transferee, his executors, administrators, and registered assigns the full benefit of and right to sue upon any covenant for payment of the mortgage moneys and interest thereon.

## INDEFEASIBLE TITLE.

Application for certificate of Indefeasible Title.

XLVII. The owner in fee of any land, the title to which shall have been registered for the space of seven years, may apply to the Registrar for a Certificate of Indefeasible Title; but he shall first,

Make an affidavit, that to the best of his knowledge, information, and belief, all deeds and documents, maps, plans, and papers (with a list thereof annexed) relating to the title to the land in question have been produced to the Registrar, or the cause of the non-production of any fully and fairly explained, and that all facts material to the title have been fully and fairly disclosed, and where no plan is registered a plan shall be produced and filed with the Registrar.

The applicant shall also make an affidavit of, and state fully, all incumbrances, estates, rights, and interests (if any) which in any manner affect his title, and subject to which he seeks to have a Certificate of Indefeasible Title granted.

The Registrar shall, upon being satisfied of the truth of the statements made in the said affidavits, cause an advertisement to be inserted in the *Government Gazette* and in one or more of the newspapers published in the Colony, and elsewhere if necessary, for a space of not less than three months, stating his intention of issuing the Certificate of Indefeasible Title applied for, on a day to be named in such advertisement, unless a valid objection thereto be made, in the meantime, to him in writing, by any person having an estate or interest in the land sought to be included in such Certificate, or any part thereof.

Form of certificate,

XLVIII. If no valid objection be made, the Registrar shall issue a Certificate of Indefeasible Title to the applicant, in the form marked L. in the said First Schedule, a duplicate of which shall be retained by the Registrar.

and effect thereof.

XLIX. The Certificate of Indefeasible Title shall be conclusive evidence in all Courts of Justice that the person therein named is the absolute owner of an Indefeasible Fee Simple in the Real Estate therein mentioned against the whole world (the Crown only excepted), but subject as therein is expressly set forth; and no such Certificate shall be impeached or defeasible on account of any error, omission, or informality in the Registration of Title, or any proceeding connected therewith; and, notwithstanding the existence in any other person of any estate or interest in the land, and except in the case of fraud, the registered owner thereof, or of any estate or interest therein, in respect of which a Certificate of Indefeasible Title has been granted, shall hold the same, subject only to such incumbrances, liens, estates charges, or interests as appear on the Register, but absolutely free from all other incumbrances, liens, estates, charges, and interests whatsoever, except any lease in possession for a term not exceeding three years, and excepting the rights of the Crown.

In case of Title under a Will, Probate must first be granted.

L. Whenever any property shall have been devised or bequeathed by Will or Codicil, and the person claiming Title thereto through or under the testamentary disposition shall apply for Registration of the testamentary disposition, or of any Instrument affecting the property executed subsequent to the decease of the Testator, the application for Registration shall not be deemed to have been made until the testamentary disposition shall have been proved in the Supreme Court of the Colony, or letters of administration with the testamentary disposition annexed shall have been granted by the said Court, or by some other Court of competent jurisdiction, and the probate or letters of administration, or an official copy thereof, respectively shall have been produced to the Registrar.

## CONTESTED TITLES.

Title may be contested by filing an issue.

LI. Any person interested in Real Estate, the title to which has been registered, and desirous of contesting such Registration may file an Issue, in the form marked M. in the said First Schedule. The Registrar shall thereupon enter a memorandum of such Issue against the Real Estate or interest referred to, in like manner as charges are entered, and within three months thereafter

*Land Registry Ordinance.*

after the person filing such Issue shall bring an action, or file a bill (as the case may require) against the person whose title is contested, and the Court shall make such order, or give such judgment thereon, as to the cancellation or amendment of such Registration, or otherwise, as the nature of the case shall require.

LII. If such bill or action be not filed or brought as aforesaid, the Registrar may cancel such Issue on the application of the person whose title is contested, and such person shall be entitled to recover all costs, charges, damages, and expenses which he may have sustained by reason thereof against the party who has filed the said Issue. Cancellation of Issue.

**JUDGMENTS.**

LIII. The Registrar shall, on the application of any person in whose favour a judgment has been obtained in any Court of Civil Jurisdiction in the Colony, register a charge in respect thereof, in manner aforesaid, against the Real Estate of the Judgment Debtor, on delivery to him of a Certificate under the hand of the Registrar of the Supreme Court, or under the hand of a Judge or Registrar of any County Court of British Columbia. Every such Judgment shall, so soon as it has been duly registered, affect and bind all the Lands belonging to the Judgment Debtor at the time of the registering thereof, or at any time afterwards, and shall operate as a charge upon and shall affect and bind all Lands of or to which such Person was at the time of registering such Judgment, or at any time afterwards became, seised, possessed, or entitled for any estate or interest whatever, at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person had, at the time of registering such Judgment, or at any times afterwards, any deposing power which he might without the assent of any other person exercise for his own benefit, and shall be binding upon the person against whom Judgment has been so entered and registered, and against all persons claiming under him after such Judgment and registry, and shall also be binding as against the issue of his body, and all other persons whom he might without the assent of any other person cut off and debar from any remainder, reversion, or any other interest in or out of the said lands, tenements, or hereditaments, and every Judgment Creditor shall have such and the same remedies in a Court of Equity against the Lands so charged as aforesaid, as he would be entitled to in case the Judgment Debtor had power to charge and had charged the same with the amount of such judgment debt and interest, and all such Judgments shall be claimed and taken to be valid and effectual according to the priority of Registering such Certificates. Every Judgment so Registered as aforesaid, shall cease to be a charge on or to affect lands or any interest therein, on the expiration of Three Years from the day on which Registration was effected, unless Registration thereof be renewed in manner hereafter provided. The Registration of any Judgment so Registered as aforesaid, may be renewed from time to time, and when renewed it shall continue in force for a period of Three Years from the day on which the last renewal shall have been effected. The Registrar shall from time to time, on delivery to him of an application in writing under the hand of the Plaintiff in any action, or of other the person entitled to receive the Judgment Debt or any part thereof, or his Attorney, before the expiration of Three Years from the day on which the Registration, or the renewal, or last renewal of Registration (as the case may be) of any Judgment shall have been effected, permit such Registration to be renewed by transcribing on the Register of Judgments a copy of the original entry, and it shall be the duty of the Registrar to mark and sign in the margin of the Register of Judgments and opposite the transcription, "Renewed this                      day of                      A. D. 18                      " Judgments to be re-registered, in order to bind lands.

LIV. Any person who shall have filed a Bill, or commenced an action in respect of any Real Estate, may register a *Lis Pendens* against the same by means of a charge. Lis Pendens.

LV. The Attorney General may, in behalf of the Crown, register a Crown debt against the Real Estate of any debtor to the Crown, in like manner as other charges are registered, and no Crown debt shall affect any Lands or Real Estate of a Crown debtor unless and until the same be registered. Crown debts to be registered.

**REFERENCE TO THE COURT.**

LVI. Whenever from any special circumstances, or on account of the Title being doubtful, the Registrar declines to effect registration thereof, or to do any act or thing liable to be done under the provisions of this Ordinance, and deems it desirable that the matter be heard and decided by the Court, he shall notify the same to the applicant in writing, stating briefly the reasons therefor, and the applicant is thereupon and hereby authorised to petition the Court or Judge in a summary way, praying that his Title and Interest may be declared, and that the Registrar may be ordered to effect registration thereof, and for such other relief as the nature of the case may require; and the Court or any Judge thereof is hereby authorised and empowered to hear such petition, and make such order thereon after such notices, and on such terms as it or he shall think fit. Registrar may refer matters to Court.

LVII. The

*Land Registry Ordinance.*

Affidavits to be filed in support.

LVII. The petition aforesaid shall be supported by the affidavit of the applicant, and of other persons if necessary, stating fully and fairly all the material facts of the case, and that to the best of the information, knowledge and belief of the deponent, all the facts and things material to the Title, have been fully and fairly disclosed to the Court or Judge.

*Caveat* may be issued.

LVIII. The Court or any Judge thereof may, on the application of any person interested in Real Estate, or on any application made on behalf of the owner of a future or contingent interest, by petition or otherwise, make an order, or issue a *caveat*, inhibiting any Dealing with, or Registration of, such Real Estate, and annex thereto any terms and conditions it or he may think fit.

Service of order on Registrar.

LVIX. The service upon the Registrar of any copy of any order of the Supreme Court, or any Judge thereof, or of any order, decree, rule, judgment, or any other proceeding, touching the Registration of Real Estate, shall, without more, be sufficient authority for him to act in compliance therewith.

Effect of registration under order of Court.

LX. All registrations of absolute fees or charges made in pursuance of any such order as aforesaid, shall stand in precisely the same position, and shall have such force and no other, as registrations of the absolute fee or charges made under the ordinary provisions of this Ordinance.

Attendance of Registrar in Court.

LXI. The Registrar shall attend upon the Court or Judge whenever his evidence may be deemed necessary, but his costs and expenses shall be borne by the person making application for or requiring his attendance.

#### CANCELLATION OF CHARGES.

Cancellation of charges

LXII. When any Crown debt, judgment, charge, or issue has been satisfied or discharged in whole or in part, or any interest in land surrendered or released, the Registrar shall, upon satisfactory proof thereof, enter the particulars in a book to be called "The Satisfaction Book," in the Form marked N. in the said First Schedule, and shall also cancel the entry thereof on the Register of Charges, by writing thereupon a memorandum in the Form marked O. in said First Schedule, and shall also cancel the entry made against the registration of the absolute fee, by writing over the same the word "Cancelled" (in whole or in part).

Effect of cancellation

LXIII. In every case of cancellation of a charge, Crown debt, or judgment, the Estate or Interest, in respect of which such charge, Crown debt, or judgment shall have been registered, shall be deemed to be discharged and released from the date of the satisfaction or discharge and release of the same, and not from the date of entry thereof on the Register; and in those cases where a reconveyance, surrender or transfer, would have been otherwise necessary, such memorandum of satisfaction and entry of particulars as aforesaid, shall operate as a reconveyance, surrender or transfer, and the charge, Crown debt, or judgment shall no longer affect the Real Estate in respect of which it was registered.

#### MAPS.

Registrar may require map to be deposited or appended to Deed

LXIV. When any person applies for Registration of the whole or 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 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.

LXV. 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 Public Official Maps in his custody, duly authenticated by his signature.

Authority of Registrar to require production of documents;

LXVI. It shall be lawful for the Registrar to exercise the following powers (that is to say): He may require any person desiring to effect any registration or cancellation of registration, or any other act, matter, or thing, to produce any grant, certificate of title, conveyance, bill of sale, mortgage, deed, lease, will, or any other instrument in his possession or within his control affecting such land or the title thereto; and he may, for the purposes of this Ordinance, administer oaths, or in lieu of administering an oath, may require any person examined by him to make and subscribe a declaration of the truth of the statement made by him in his examination. And it shall further be lawful for the Registrar, upon such evidence as shall appear to him sufficient in that behalf, to correct errors in entries made, and supply entries omitted to be made under the provisions of this Ordinance. Provided, always, that in the correction of any such entry, he shall not erase or render illegible the original entry, and shall in correcting or supplying any entry,

*Land Registry Ordinance.*

entry, affix his initials thereto, and the date of such correction, and correction so made and omission so supplied shall have the like validity and effect as if such error had not been made, or such entry omitted, except as regards any registration, or filing which may have been entered in any of the Register Books previously to the actual time of correcting the entry, or supplying the omitted entry.

LXXVII. All Acknowledgments, Affidavits, Oaths and Declarations necessary for the purposes of this Ordinance, may be taken by and made before the Registrar. Acknowledgments, &c., may be made before Registrar.

LXXVIII. Applications for Registration or Record may be made by the Counsel, Solicitor, Attorney, or duly authorised agent of any person on his behalf, and such agent may do all other acts and things according to the provisions of this Ordinance, as lie within the scope of the authority given to him. Applications by Agents.

## INDEX BOOKS.

LXXIX. The Registrar shall keep separate Index Books of the owners of absolute fees and charges in alphabetical order, with a reference opposite each name to the volume and page of the Register where the Estate or Interest is Registered. Index of absolute fees and charges.

LXX. The Registrar shall keep Indices arranged under appropriate headings, as to Towns and Districts, of all lands registered, in which reference shall be made to all sections and lots, in numerical order, and the entries in the Register affecting each particular section or lot shall be posted in the proper index against the land to which they relate. List of Land registered.

LXXI. The Registrar shall also keep an Index of all Records which shall be made under Section XIV. both as to the property and owner, in like manner as in the two last Sections are provided. Index of Records to be kept.

LXXII. The Registrar shall keep a separate Index of every Judgment, Crown Debt, and *Lis Pendens* registered, arranging in alphabetical order the names of the persons against whom the same has been registered. Index of Judgments, &c.

LXXIII. Maps or plans, and Instruments of Title, relating to Real Estate, may be deposited with the Registrar from time to time for safe keeping, on payment of the proper fee; and the Registrar shall keep an index of all maps or plans and Instruments of Title so deposited, specifying the name of the Depositor, the parcels to which the map or plan, or instrument relates, and the volume and page of the Parcels Book in which the Real Estate is described, and shall also endorse on the map or plan, or instrument deposited, a memorandum containing a distinguishing number and the date of deposit. Maps and Deeds may be deposited.

## OFFICIAL SEAL.

LXXIV. The Registrar shall have an Official Seal inscribed with the words "The Land Registry Office of British Columbia," and the seal of a Deputy Registrar shall have in addition the name of the District inscribed thereon. Every paper, writing or instrument issued by the Registrar, shall be impressed with the Seal, and shall thereupon be admissible in evidence without proof of such sealing. Seal.

## FEES.

LXXV. The fees mentioned in the Second Schedule hereto annexed, shall be taken by the Registrar, and paid into the Colonial Treasury, for the use of Her Majesty, Her heirs and successors. Provided, always, that it shall be lawful for His Excellency the Governor, from time to time to direct that the fees which shall be received under the authority of this Ordinance, shall be applied under such regulations as he shall appoint in payment of the current or incidental expenses of the said Land Registry Office or any of them. All fees received by any Magistrate for acknowledgment of Deeds or any other matter or thing done under the provisions of this Ordinance, shall be paid into the Colonial Treasury for the uses as aforesaid, and duly accounted for. Fees.

LXXVI. The per-centage to be paid on the Registration of an Absolute Fee, shall be calculated on the market value of the property at the time of application for registration, and in case of dispute, the value shall be settled by the Registrar, upon such proof as he may deem sufficient. Per-centage, how reckoned.

LXXVII. If the deeds constituting a Title have been Registered, and are allowed to remain in the Office for six month thereafter, the same fee shall be charged as if they had been deposited. When Deeds are left in the Office.

LXXVIII. Any person dissatisfied with any decision or act of the Registrar, may obtain a rule from the Court for the Registrar to show cause why he should not do or omit the thing complained of, but in every instance the costs shall be in the discretion of the Court or Judge. Persons dissatisfied may obtain rule to show cause.

LXXIX. The



*Land Registry Ordinance.*

No personal liability of Registrar.

LXXIX. The Registrar individually shall not, save as aforesaid, nor shall any person acting under his authority, be liable to any action, suit, or proceeding for, or in respect of any act or matter *bona fide* done, or omitted to be done, in the exercise or supposed exercise of the powers of this Ordinance.

## FORGERY, &amp;c.

Punishment of fraud

LXXX. If any person wilfully make any false declaration, or fraudulently procure, or assist in fraudulently procuring, or be privy to the fraudulent procurement of any order or rule of the Court, or of any fraudulent entry on the Register, or any alteration or erasure of such entry, he shall be guilty of a misdemeanor, and any order or rule procured by fraud, and any act consequent on such order, and any entry, alteration, or erasure so made by fraud shall be void as between all parties or privies to such fraud.

Of false statements.

LXXXI. If in any proceeding to obtain the Registration of any title to land or otherwise, or in any transaction relating to land, which is, or is proposed to be put on the Register, 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 any Judge or Registrar, or any person employed by, or assisting the Registrar, any material document, fact or matter of information, every person so acting shall be guilty of a misdemeanor; and the act or thing done or obtained by means of such fraud or falsehood, shall be null and void to all intents and purposes, except as against a purchaser for valuable consideration without notice.

Conviction.

LXXXII. Any person convicted of a misdemeanor under either of the last two preceding sections, shall be liable to imprisonment for any term not exceeding Three Years with or without hard labor, or to be fined such sum as the Court by which he is convicted shall think just.

Not to affect civil rights.

LXXXIII. No proceedings 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.

Forgery of Seal.

LXXXIV. If any person forge or procure to be forged, or assist in forging the Seal of the Registrar's Office, or the hand writing of any officer therein, he shall be guilty of felony.

Criminal liability not to protect against giving evidence.

LXXXV. Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court of Civil Judicature, but no answer to any such bill, question, or interrogatory shall be admissible against any such person in evidence, in any criminal proceeding.

## RULES AND ORDERS.

Rules and Orders by the Court,

LXXXVI. The Judge or Judges of the Supreme Court may make such Rules and Orders as may be necessary in relation to any matters to be brought before the Court under the provisions of this Ordinance, and establish a scale of fees to be taken on all petitions, motions, applications, and other proceedings authorised by this Ordinance to be taken and preferred.

and Registrar.

The Registrar General may from time to time make such Rules and Orders, Forms and Directions, for carrying out the provisions of this Ordinance as may be necessary.

But all such Rules and Orders, Forms and Directions, whether made by the Judge or Registrar as aforesaid, shall be first approved by the Governor, and may from time to time be varied, repealed, or amended.

A copy of all such Rules and Orders, Forms and Directions shall be affixed to the walls of the Registrar's Office for public information.

## INTERPRETATION OF TERMS.

Interpretation.

LXXXVII. In the construction of this Ordinance the following words and expressions shall have the meanings hereby assigned to them, unless the same be repugnant to, or inconsistent with the context (that is to say), the words "The Court," shall mean the Supreme Court of British Columbia; the word "Judge," shall mean any Chief Justice or Judge of the said Court; the word "Registrar," shall mean the Registrar General of Titles or any Deputy Registrar; the expression "Absolute Fee," shall mean and comprise the legal ownership of an estate in fee simple; the expression "Charge," shall mean and comprise any less Estate than an absolute fee or any equitable interest whatever in Real Estate, and shall include any incumbrance, Crown debt, judgment, mortgage, or claim, to or upon any Real Estate; the word "Judgment," shall mean and include any Decree or Order of any Court of Equity, and any Judgment or Order of any Court of Law, whereby any sum of money is payable to any person, or whereby the possession of land is given to,

*Land Registry Ordinance.*

or any estate vested in any person, by virtue thereof; the word "Person," and words applying to any person or individual, shall apply to and include Corporations, and words importing the singular number or masculine gender only, shall be understood to include several matters, as well as one matter, and several persons, as well as one person, and females as well as males, and words importing the plural number, shall be understood to apply to one matter, as well as more than one; the words "Real Estate," or "Land," shall extend to and mean Lands, Messuages, Mines, and all other hereditaments whatsoever; the word "Governor," shall mean the Governor of the Colony, or any other Officer Administering the Government of the Colony for the time being; the words "Surveyor General" shall mean the Officer for the time being acting as Chief Commissioner of Lands and Works and Surveyor General.

LXXXVIII. This Ordinance may be cited as "The Land Registry Ordinance, Short Title: 1870."

*Passed the Legislative Council the 20th day of April, A. D. 1870.*

CHARLES GOOD,  
*Clerk of the Council.*

PHILIP J. HANKIN,  
*Presiding Member.*

*Assented to, in Her Majesty's name, this 1st day of June, 1870.*

A. MUSGRAVE,  
*Governor.*

FIRST SCHEDULE.

FORM A.

No. \_\_\_\_\_ Date \_\_\_\_\_ 18 .  
I [or We] \_\_\_\_\_  
of \_\_\_\_\_ declare that I [or we] am [or are]  
the owner in Fee of the Real Estate hereunder described, and \_\_\_\_\_ claim  
to be registered accordingly.

DESCRIPTION OF REAL ESTATE.

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

LIST OF INSTRUMENTS.

Date.	Parties.	Character of Deed.

And I [or we] \_\_\_\_\_ declare that to the best of  
knowledge the value of the said Real Estate is \_\_\_\_\_ Dollars.  
Received for Registration at \_\_\_\_\_ the \_\_\_\_\_ day of [A. B.]  
o'clock, at \_\_\_\_\_ at  
C D., Stipendiary Magistrate.

FORM B.

*Land Registry Ordinance.*

**FORM B.**

No.	Name of Owner of Absolute Fee.	Parcels, Short Description.	Parcels Book, Vol. Fol.	Date of Application.	Date of Registration.	List of Instruments.	Charge, Issue, &c., if any.

**FORM C.**

No.	Absolute Fees Book, Vol. Fol.	Description.

**FORM D.**

No. \_\_\_\_\_ Date \_\_\_\_\_ 18 .  
 I [or We] \_\_\_\_\_  
 of \_\_\_\_\_ declare that I [or we] am [or are]  
 entitled to a \_\_\_\_\_ over the Real Estate hereunder described,  
 and claim Registration of a charge accordingly.  
 The Absolute Fee is registered at Vol. \_\_\_\_\_ Fol. \_\_\_\_\_ of Absolute Fees Book.

**DESCRIPTION OF REAL ESTATE.**

Town or District	Lot or Section.

**LIST OF INSTRUMENTS.**

Date.	Parties.	Character of Deed.

And \_\_\_\_\_ declare that to the best of \_\_\_\_\_ knowledge and belief the value  
 of said interest is \_\_\_\_\_ Dollars.

Received for Registration at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18 , at  
 o'clock, at \_\_\_\_\_ C. D., Stipendiary Magistrate.

**FORM E.**

No.	Absolute Fees Book, Vol. Fol.	Owner of Charge.	Parcels, Short Description.	Parcels Book, Vol. Fol.	Date of Application.	Date of Registration.	List of Instruments.	Charge, Issue &c., if any.

**FORM F.**

*Land Registry Ordinance.*

FORM F.

No.	Charge Book, Vol. Fol.	Description.

FORM G.

No. Registered the Book, Vol. day of 18, in Folio, [A. B.] Registrar General.

FORM H.

To Land Registry Office, Date, 18. I hereby give you notice that I shall proceed to the Registration of the title of to in respect of that piece of land known as, notwithstanding the non-production of a certain deed (describing the same), within from the date hereof, unless you object in writing thereto. [E. F.] Registrar General.

FORM I.

I hereby certify that Instalment due in respect of, ha been paid, and that there remains a Balance of unpaid. To The Registrar General. (A. B.) Surveyor General.

FORM J.

CERTIFICATE OF TITLE.  
No.

Certificate of Title..... No ..... Date.....18 ..... Name ..... Absolute Fees Book, Vol. ... Fol. Property..... (A. B.) Registrar General.	Name of Owner.	Absolute Fees Book Vol. Fol.	Date of Registration.	Parcels, Short Description.
LIST OF INSTRUMENTS.				

(A. B.) Registrar General:

FORM K.

I, A. B., of, in consideration of the sum of Dollars, do hereby grant and convey (or transfer and assign) unto C. D., of, and to his heirs (or executors administrators) and assigns, all that piece of land together with all my rights, powers, estate and interest therein, as Registered in the Register of Absolute Fees (or charges) Vol. , Folio , No. Dated this day of 18. Signed, sealed and delivered, in the presence of E. F. A. B. FORM L.

*Land Registry Ordinance.*

**FORM L.**

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 No. \_\_\_\_\_, (subject however to) \_\_\_\_\_  
 In witness whereof, I have hereunto set my Hand and Seal of Office, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
 (C. D.) Registrar General.

**FORM M.**

I. A. B., take issue on the Registration effected by \_\_\_\_\_ of the Land known as \_\_\_\_\_ in the \_\_\_\_\_ Book, Vol. \_\_\_\_\_ of Folio No. \_\_\_\_\_ (A. B.)

**FORM N.**

No. \_\_\_\_\_ Register of \_\_\_\_\_ Vol. \_\_\_\_\_ Folio \_\_\_\_\_ satisfied (in whole or in part) and the particulars of such satisfaction are as follows:

**FORM O.**

Cancelled (in whole or in part) the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ See Satisfaction Book, Vol. \_\_\_\_\_ Folio \_\_\_\_\_ (A. B.) Registrar General.

**SECOND SCHEDULE.**

**FEES.**

Inspection or search 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 Interest covered by the Charge.	
Every Certificate of Search for each Title.....	1 00
Filing any Issue.....	2 00
Sealing any Document, other than a Certificate.....	25
Cancellation of any Charge, &c.....	1 00
Filing any Document other than Issue.....	50
Every Notice.....	50
Every Deposit of Map or Title Deeds.....	2 50
For every Transcript or Record of any Deed or Instrument, as provided for in Section XIV. of this Ordinance, 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 including Oath.....	25
For administering an Oath.....	50
Every Certificate of Indefeasible Title.....	5 00

*Land Registry Ordinance.***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

**FOR MARRIED WOMEN.**

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 examination, 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 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

**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 hereunto set my Hand and Seal of Office, at this day of in the year of Our Lord One thousand eight hundred and

**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

NOTE.—Where the person making the acknowledgment is not personally known to the Officer taking the same, instead of the words "personally known to me," insert the words "proved by the evidence on oath (or affirmation) of E. F."

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



# BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. 18.

## An Ordinance to amend and consolidate the Laws affecting Crown Lands in British Columbia.

[June 1st, 1870.]

**W**HEREAS it is expedient to amend and consolidate the Laws affecting Crown Lands in British Columbia; Preamble.

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

I. In the construction and for the purposes of this Ordinance (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them: "The Governor" shall mean the Governor of British Columbia, or any person for the time being lawfully exercising the authority of a Governor of British Columbia; Interpretation.

"Chief Commissioner of Lands and Works and Surveyor General" shall mean and include the Chief Commissioner of Lands and Works and Surveyor General and any person for the time being lawfully acting in that capacity.

"Commissioner" shall mean the Chief Commissioner of Lands and Works and Surveyor General of this Colony, or the person acting as such for the time being, and shall include every Stipendiary Magistrate for the time being in charge of any District, and every person duly authorized by the Governor to act as and for the Chief Commissioner of Lands and Works and Surveyor General, as Assistant Commissioner of Lands and Works in any District in which the Land that may be referred to lies, other than that in which the Chief Office of the Lands and Works Department is situated, and any other District or Districts for which no such Assistant Commissioner of Lands and Works as aforesaid has been appointed.

"Supreme Court" shall mean the Supreme Court of British Columbia;

"The Crown" shall mean Her Majesty, Her Heirs and Successors;

"Crown Lands" shall mean all Lands of this Colony held by the Crown in fee simple;

"Act" shall mean any Proclamation or Ordinance having the force of Law in this Colony;

Words importing the singular number shall include more persons, parties, or things than one, and the converse.

II. The

*Land Ordinance.*

Repeal of former Acts.

II. The following Acts, Ordinances, and Proclamations relating to the disposal and regulation of the Crown Lands of the Colony are hereby repealed:—

- An Act dated February 14th, 1859;
- An Act dated January 4th, 1860;
- An Act dated January 20th, 1860;
- The "Pre-emption Amendment Act, 1861;"
- The "Country Land Act, 1861;"
- The "Pre-emption Purchase Act, 1861;"
- The "Pre-emption Consolidation Act, 1861;"
- The "Mining District Act, 1863;"
- The "Land Ordinance, 1865;"
- The "Pre-emption Ordinance, 1866;"
- The "Pre-emption Payment Ordinance, 1869;" and
- The "Vancouver Island Land Proclamation, 1862;"

Saving existing rights.

but such repeal shall not prejudice or affect any rights acquired, or payments due, or forfeitures or penalties incurred prior to the passing of this Ordinance in respect of any Land in this Colony.

### PRE-EMPTION.

Who may Pre-empt as of right.

III. From and after the date of the proclamation in this Colony of Her Majesty's assent to this Ordinance, any Male person being a British Subject, of the age of eighteen years or over, may acquire the right to pre-empt any tract of unoccupied, unsurveyed, and unreserved Crown Lands (not being an Indian Settlement) not exceeding Three Hundred and Twenty Acres in extent in that portion of the Colony situated to the Northward and Eastward of the Cascade or Coast Range of Mountains, and One Hundred and Sixty Acres in extent in the rest of the Colony. Provided that such right of pre-emption shall not be held to extend to any of the Aborigines of this Continent, except to such as shall have obtained the Governor's special permission in writing to that effect.

How much,

and who by special permission.

IV. Any Chartered or Incorporated Company may acquire such right by obtaining a special permission in writing from the Governor to that effect, but not otherwise; and the Governor may grant or refuse such permission at his discretion.

Application to locate.

V. Any person desiring to Pre-empt as aforesaid, shall first apply to and obtain from the Commissioner permission in writing to enter upon such Land, which must be fully described in writing by the applicant, and a plan thereof, must be deposited with the Commissioner, and such description and plan shall be in duplicate.

Entry and application to record.

VI. After such permission has been obtained, and within such time, not exceeding thirty days thereafter, as shall be specified by the Commissioner in such permission, such person shall enter into possession of the Land so described, and place at each corner thereof a post marked with his name or other distinguishing sign, and thereupon shall apply in writing to the said Commissioner to have his claim recorded to such tract of Land not exceeding Three hundred and twenty Acres or One hundred and sixty Acres, as the case may be, as hereinbefore provided.

Pre-emption record. Form A.

VII. If such Land has not been previously recorded, the Commissioner shall, upon the fulfilment by the applicant of the preceding requirements, and upon payment by him of a fee of Two Dollars, record such Land in his favour as a Pre-emption Claim, and give him a Certificate of such Pre-emption Record, in the Form A. in the Schedule hereto; and such Record shall be made by the Commissioner in triplicate, the original to be handed to the Pre-emptor, a duplicate to be retained by the Commissioner for local reference, and the triplicate to be forwarded forthwith to the head office of the Lands and Works Department, to be there examined, and if found in all respects (or if necessary after having been amended by the Chief Commissioner of Lands and Works and Surveyor General so as to be) in accordance with the provisions of this Ordinance, to be finally registered in the Land Office Pre-emption Register.

VIII. Every



*Land Ordinance.*

VIII. Every piece of Land sought to be acquired as a Pre-emption Claim under the provisions of this Ordinance shall, save as hereinafter excepted, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds of the length of the longest line. Such lines shall run as nearly as possible North and South, and East and West. Rectangular shape of Claim.

IX. Where such Land is in whole or in part bounded by any mountain, rock, lake, river, swamp, or other natural boundary, or by any public highway, or by any pre-empted or surveyed Land, such natural boundary, public highway, pre-empted or surveyed Land, may be adopted as the boundary of such Land; and it shall be sufficient for the claimant to shew to the Commissioner that the form of the Land conforms as nearly as circumstances permit to the provisions of this Ordinance. Natural boundary.

X. The Chief Commissioner of Lands and Works and Surveyor General may, however, in carrying out any Government Survey, if in his opinion circumstances require it, survey Pre-emption Claims or Purchased Lands recorded previous to the date of this Ordinance, by such metes and bounds as he may think proper; and every survey so made and certified by him in writing shall be binding upon all parties affected thereby, and the survey so certified shall be deemed in any Court of this Colony to have been done in compliance with the provisions of this Ordinance. Rectification of survey.

XI. A Pre-emptor shall be entitled to receive from the Commissioner a Certificate, to be called a "Certificate of Improvement," in the Form B. in the Schedule hereto, upon his proving to the Commissioner, by the declarations in writing of himself and two other persons, that he has been in occupation of his Pre-emption Claim from the date of the Record thereof, and has made permanent improvements thereon, to the value of Two Dollars and Fifty Cents per Acre. Such Certificate shall be in triplicate, the original to be handed to the Pre-emptor, the duplicate retained by the Commissioner for local reference, and the triplicate transmitted forthwith to the head office of the Lands and Works Department; and it shall be the duty of the Commissioner to note the issue of such Certificate on the original Pre-emption Record, which must be produced to him at the time of applying for the Certificate by the Pre-emptor, and on the duplicate thereof retained in the Commissioner's Office. Certificate of Improvement. Form B.

XII. Every such declaration shall be subscribed by the person making the same, and shall be filed with the Commissioner, who is hereby fully authorized and empowered to take the same, and such Declaration shall be in the Form C. in the Schedule, and shall be made before such Commissioner, under and subject to the provisions and penalties of the "Oaths Ordinance, 1869." Declaration. Form C.

XIII. After the grant of the Certificate of Improvement, but not before, the Pre-emption right to the Land referred to in such Certificate may be transferred to any person entitled to hold a Pre-emption Claim under this Ordinance, subject, however, to the continuance of all the provisions of this Ordinance as to occupation, forfeiture, and payment of purchase money due or to become due to the Crown. Right may be transferred.

XIV. Every such transfer must be made in writing, signed by the person making the same, or his attorney in fact, in the Form D. in the Schedule, or in words to that effect, and in the presence of the Commissioner, and if not so made shall be void; and such transfer shall be in triplicate, the original to be retained by the person in whose favour the transfer is made, the duplicate to be retained as a record in the Office of the Commissioner, and the triplicate forwarded forthwith to be registered in the head office of the Lands and Works. Upon the examination of such transfer in the manner and form so prescribed, and on payment of the fee of Two Dollars the Commissioner shall cancel the previous Record of such Pre-emption Right, and Record the same anew in the manner prescribed in Section VII. in the name of the Mode of transfer. Form D.

*Land Ordinance.*

the person in favour of whom such transfer shall have been made, subject to the completion of the period of occupation required by this Ordinance, and to all other the terms and conditions thereof.

Cessation of occupation cancels claim.

XV. Whenever any Pre-emptor shall permanently cease to occupy his Pre-emption Claim, save as hereinafter provided, the Commissioner may in a summary way, upon being satisfied of such permanent cessation of occupation, cancel the claim of the Pre-emptor so permanently ceasing to occupy the same, and all Deposits paid, and all Improvements and Buildings made and erected on such land, shall be absolutely forfeited to the Crown, and the said land shall be open to Pre-emption and may be Recorded anew by the Commissioner as a Pre-emption Claim, in the name of any person satisfying the requirements in that behalf of this Ordinance.

Meaning of occupation.

XVI. The occupation herein required, shall mean a continuous *bona fide* personal residence of the Pre-emptor on his Pre-emption Claim.

Provided, however, that the requirement of such personal occupation shall cease and determine after a period of Four Years of such continuous occupation shall have been fulfilled.

Leave of absence for two months.

XVII. Every holder of a Pre-emption Claim shall be entitled to be absent from his claim for any one period not exceeding Two Months during any One Year. As an ordinary rule he shall be deemed to have permanently ceased to occupy his claim when he shall have been absent, continuously, for a longer period than Two Months, unless leave of absence have been granted by the Commissioner, as hereinafter provided.

Special leave for four months.  
Form E.

XVIII. If any Pre-emptor shall show good cause to the satisfaction of the Commissioner, such Commissioner may grant to the said Pre-emptor leave of absence for any period of time, not exceeding Four Months in any One Year, inclusive of the Two Months' absence from his claim, provided for in Clause XVII. Such leave of absence shall be in the Form E. in the Schedule hereto, and shall be made out in duplicate, the original to be handed to the Pre-emptor, and the duplicate to be retained of record in the office of the Commissioner.

License to substitute.  
Form F.

XIX. If any Pre-emptor shall show good cause to the satisfaction of the Commissioner, he may grant him a "License to Substitute," for any period not exceeding six calendar months, in the Form F. in the Schedule hereto, in duplicate, the original to be handed to the Pre-emptor, and the duplicate to be retained of record in the Office of the Commissioner. The continuous personal residence of the person named in such License (such person not being or becoming subsequently to the date of the License a claimant of land under any Law or Proclamation regulating the Pre-emption of land within the Colony) shall, during the continuance of the License, and after the record thereof with the Commissioner, be as effectual as the continuous personal residence of the claimant himself.

One Claim to be held at a time.

XX. No person shall be entitled to hold, at the same time, Two Claims by Pre-emption; and any person so pre-empting more than One Claim shall forfeit all right, title, and interest to the prior claim recorded by him, and to all improvements made and erected thereon, and deposits of money paid to Government on account thereof; and the Land included in such prior claim shall be open for Pre-emption.

Purchase of Claim when surveyed.

XXI. When the Government shall survey the land included in a Pre-emption Claim, the person in whose name the said claim stands registered in the Pre-emption Register of the Land Office, shall, provided a Certificate of Improvement shall have been issued in respect of such land, and that the condition of Four Years occupation required by this Ordinance has been duly fulfilled, shall be entitled to purchase the said land at such rate not exceeding One Dollar per acre as may be determined upon by the Governor for the time being, payable by four equal annual instalments, the first instalment

*Land Ordinance.*

instalment to be paid to the Commissioner at his office within three calendar months from the date of the service on the said Pre-emptor of a notice from the Chief Commissioner of Lands and Works and Surveyor General requiring payment for the said land, or within six calendar months after the insertion of a notice to such effect to be published for and during such period in the *Government Gazette*, or in such other newspaper published in the Colony, as the Commissioner may direct.

If the purchase money for such land be not paid according to the terms of such notice, the Pre-emption Claim over such land may at the discretion of the Commissioner be cancelled, and all such land and the improvements thereon, and any instalments of the purchase money paid thereon, may be forfeited absolutely to the Crown.

XXII. The Crown Grant to a Pre-emption Claim will not be issued unless it shall have been proved to the Commissioner that written or printed notices of the intended application for such Grant have been posted for a period of Sixty Days prior to such application, upon some conspicuous part of the said Pre-emption Claim, and upon the adjacent claims (if any), and upon the Court House of the District wherein the Land lies.

Notice of intention to apply for Crown Grant.

XXIII. Upon payment of the whole of the purchase money for such land, and upon production to the Chief Commissioner of Lands and Works and Surveyor General of a Certificate in Form G. in the Schedule hereto, from the Commissioner of the District in which such land is situated, that the notices of intended application for a Crown Grant of such land have been duly posted as required in the previous Section without any objection to the issue of such grant having been substantiated, a Crown Grant or Conveyance in the Form H. of the Schedule hereto of the fee simple of the said land shall be executed in favor of the purchaser.

Certificate of payment.  
Form G.

Crown Grant may issue.  
Form H.

Provided that every such Crown Grant shall be deemed to include among the reservations therein contained, a reserve in favor of the Crown, its assignees, and licensees, of the right to take from any such land without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any Roads, Ferries, Bridges, or other Public Works.

Reservation to the Crown.

XXIV. In the event of the death of any Pre-emptor under this Ordinance, his heirs or devisees (as the case may be) if resident in the Colony, shall be entitled to a Crown Grant of the Land included in such Pre-emption Claim if lawfully held and occupied by such Pre-emptor at the time of his decease, but subject to payment of the full amount of purchase money for such land then due or to become due; but if such heirs or devisees be absent from the Colony at the time of such decease, the Chief Commissioner of Lands and Works and Surveyor General is hereby authorized and empowered to make such disposition of the Pre-emption Claim, and such provision for the person (if any) entitled thereto or interested therein, as he may deem just and proper.

Heirs of Pre-emptor entitled to Crown Grant.

XXV. Every person lawfully occupying a Pre-emption Claim situated to the Northward and Eastward of the Cascade or Coast Range of Mountains, at the date of the passing of this Ordinance, if less than Three hundred and twenty Acres, may, with the permission of the Commissioner, pre-empt Land liable to pre-emption, and immediately contiguous to or abutting on his said existing claim, so as to make up the total amount of his claim to Three hundred and twenty Acres, and thereupon such total claim shall be deemed to have been and to be taken up and held under the provisions of this Ordinance.

Extent of Claim N. and E. of Cascade Range.

**LEASES.**

XXVI. Leases of any extent of unpre-empted and unsurveyed Land may be granted for pastoral purposes by the Governor in Council, to any person or persons whomsoever, being *bona fide* Pre-emptors

Leases for pastoral purposes.

*Land Ordinance.*

emptors or Purchasers of Land in the vicinity of the Land sought to be leased, at such Rent as such Governor in Council shall deem expedient. But every such Lease of Pastoral Land shall, among other things, contain a condition making such Land liable to Pre-emption, Reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, without compensation, save by a proportionate deduction of Rent; and to a further condition, that the Lessee shall, within Six Months from the date of such Lease, stock the property demised in such proportion of animals to the One hundred Acres, as shall be specified by the Commissioner.

## Hay Leases.

XXVII. Leases of unoccupied and unsurveyed Land, not exceeding Five hundred Acres in extent, may be granted by the Governor in Council, for the purpose of cutting Hay thereon, to any person or persons whomsoever, being *bona fide* Pre-emptors or Purchasers of Land, at such Rent as such Governor in Council shall deem expedient. The term of such Lease shall not exceed Five Years; but every such Lease shall, among other things, contain a condition making such Land liable to Pre-emption, Reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, with such compensation for improvements made thereon, to be paid to the Leaseholder, as shall be fixed by the Commissioner of the District.

## Timber Leases.

XXVIII. Leases of any extent of unpre-empted Crown Lands may be granted by the Governor in Council, to any person, persons, or corporation duly authorized in that behalf, for the purpose of cutting spars, timber, or lumber, and actually engaged in those pursuits, subject to such rent, terms, and provisions as shall seem expedient to the Governor in Council; provided, however, that any person may hereafter acquire a Pre-emption Claim to or upon any part of such Leased Land, by complying with the requirements of this Ordinance. Such Pre-emptor shall, however, only be entitled to cut such timber as he may require for use upon his claim; and if he cut timber on the said Land for sale, or for any purpose other than for such use as aforesaid, or for the purpose of clearing the said Land, he shall absolutely forfeit all interest in the Land acquired by him, and the Commissioner shall cancel his claim thereto.

## Applications for Leases.

XXIX. The application for any such Lease must be in writing, in duplicate, addressed to the Commissioner, who shall retain the original in his office, and transmit the duplicate through the head office of the Lands and Works, to the Governor in Council, who shall alone decide on any such Lease.

## WATER.

## Pre-emptors may utilize water.

XXX. Every person lawfully entitled to hold a Pre-emption under this Ordinance and lawfully occupying and *bona fide* cultivating Lands, may divert any unrecorded and unappropriated water from the natural channel of any stream, lake, or river adjacent to or passing through such Land, for agricultural and other purposes, upon obtaining the written authority of the Commissioner of the District to that effect, and a record of the same shall be made with him, after due notice as hereinafter mentioned, specifying the name of the applicant, the quantity sought to be diverted, the place of diversion, the object thereof, and all such other particulars as such Commissioner may require; for every such record the Commissioner shall charge a fee of Two Dollars; and no person shall have any exclusive right to the use of such water, whether the same flow naturally through or over his land, except such record shall have been made.

## Notice to be given.

XXXI. Previous to such authority being given, the applicant shall, if the parties affected thereby refuse to consent thereto, post up in a conspicuous place on each person's Land through which it is proposed that the water should pass, and on the District Court House, notices in writing, stating his intentions to enter such Land, and through and over the same to take and carry such water, specifying all particulars relating thereto, including direction, quantity, purpose, and term.

XXXII. Priority

*Land Ordinance.*

XXXII. Priority of right to any such water privilege, in case of dispute, shall depend on priority of record. Priority of right.

XXXIII. The right of entry on and through the Lands of others, for carrying water for any lawful purpose upon, over, or under the said Land, may be claimed and taken by any person lawfully occupying and *bona fide* cultivating as aforesaid, and (previous to entry) upon paying or securing payment of compensation, as aforesaid, for the waste or damage so occasioned, to the person whose Land may be wasted or damaged by such entry or carrying of water. Compensation for damage,

XXXIV. In case of dispute, such compensation or any other question connected with such water privilege, entry, or carrying may be ascertained by the Commissioner of the District in a summary manner, without a Jury, or if desired by either party, with a Jury of Five men. may be assessed by a Jury.

XXXV. Water privileges for mining or other purposes, not otherwise lawfully appropriated, may be claimed, and the said water may be taken upon, under, or over any Land so pre-empted or purchased as aforesaid, by obtaining a Grant or Licence from the Commissioner of the District; and, previous to taking the same, paying reasonable compensation for waste or damage to the person whose Land may be wasted or damaged by such water privilege, or carriage of water. Water for Mining or other purposes.

XXXVI. All Assignments, Transfers, or Conveyances of any Pre-emption Right, heretofore or hereafter acquired, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges in any manner attached to or used in the working of the Land pre-empted. Transfer of Pre-emption right transfers water.

XXXVII. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water taken by him; and if he shall wilfully take and waste any unreasonable quantity of water, it shall be lawful for the Commissioner to declare all rights to the water forfeited. Not to waste water.

**EJECTMENT.**

XXXVIII. Any person lawfully occupying a Pre-emption Claim, or holding a Lease under this Ordinance may, in respect thereof, institute and obtain redress in an action of ejectment or of trespass in the same manner and to the same extent as if he were seised of the legal estate in the Land covered by such claims: but either party thereto may refer the cause of action to the Stipendiary Magistrate of the District wherein the Land lies, who is hereby authorized to proceed summarily, and make such order as he shall deem just. Provided, however, that if requested by either party, he shall first summon a Jury of five persons to hear the cause, and their verdict or award on all matters of fact shall be final. Ejectment by summary process. Jury.

**JURY.**

XXXIX. It shall be lawful for any Magistrate, by an order under his hand, to summon a Jury of five persons for any purpose under this Ordinance, and in the event of non-attendance of any persons so summoned he shall have the power to impose a fine not exceeding Twenty-five Dollars. Jury how summoned.

**APPEAL.**

XL. Any person affected by any decision of a Magistrate or Commissioner under this Ordinance may within One calendar month after such decision but not afterwards, appeal to the Supreme Court in a summary manner, and such appeal shall be in the form of a petition, verified by affidavit, to any Judge of such Court, setting out the points relied upon; and a copy of such petition shall be served upon the Commissioner whose decision is appealed from, and such time shall be allowed for his answer to the said petition as to the Judge of the Supreme Court may seem advisable; but no such appeal shall be allowed except from decisions on points of law. Appeal to Supreme Court.

XLI. Any

*Land Ordinance.*

Security to be given.

XXI. Any person desirous of appealing in manner aforesaid, may be required, before such appeal be heard, to find such security as may be determined by the Commissioner whose decision is appealed from, and such appeal shall not be heard until after security to the satisfaction of the Commissioner shall have been given for the due prosecution of such appeal and submission thereto.

## SURVEYED LANDS.

Reserves.

XLII. The Governor shall at any time, and for such purposes as he may deem advisable, Reserve, by notice published in the *Government Gazette*, or in any newspaper of the Colony, any Lands that may not have been either sold or legally pre-empted.

Price of Land.

XLIII. The upset price of Surveyed Lands, not being reserved for the Sites of Towns or the Suburbs thereof, and not being reputed to be Mineral Lands, shall be One Dollar per Acre; and the upset price of Town and Suburban Lots shall be such as the Governor may in each case specially determine.

Land offered for sale by public competition.

XLIV. Except as aforesaid, all the Land in British Columbia will be exposed in lots for sale by public competition, at the upset price above mentioned, after the same shall have been surveyed and made ready for sale. Due notice shall be given of all such sales; notice at the same time shall be given of the upset price and terms of payment when they vary from those above stated, and also of the rights specially reserved (if any) for public convenience.

Unsold Lands by private contract.

XLV. All Lands which shall remain unsold at any such auction may be sold by private contract at the upset price and on the terms and conditions herein mentioned, on application to the Chief Commissioner of Lands and Works and Surveyor General, or other person for the time being duly authorized by the Governor in that behalf.

Land sold subject to Roads, &amp;c.

XLVI. Unless otherwise specially notified at the time of sale, all Crown Lands sold shall be subject to such public rights of way as may at any time after such sale be specified by the Chief Commissioner of Lands and Works and Surveyor General, and to the right of the Crown to take therefrom, without compensation, any stone, gravel, or other material to be used in repairing the public roads, and to such private rights of way, and of leading or using water for animals, and for mining and engineering purposes, as may at the time of such sale be existing.

Conveyance includes trees, mines, &amp;c.

XLVII. Unless otherwise specially announced at the time of sale, the conveyance of the land shall include, except as provided in Section XXIII, all trees and all mines and minerals within and under the same (except mines of gold and silver.)

## FREE MINERS' RIGHTS.

Free Miners may search for minerals.

XLVIII. Nothing herein contained shall exclude Free Miners from entering upon any land in this Colony, and searching for and working minerals; provided that such Free Miner prior to so doing shall give full satisfaction or adequate security to the satisfaction of the Commissioner, to the Pre-emptor or Tenant in fee simple, for any loss or damage he may sustain by reason thereof. If the amount of compensation (if any) cannot be agreed upon, the Stipendiary Magistrate or Gold Commissioner of the District wherein the land lies, with the assistance, if desired by either party, of a Jury of Five persons to be summoned by him, shall decide the amount thereof, and such decision and award shall be final. If there be no such Stipendiary Magistrate or Gold Commissioner in the said District, the Supreme Court shall have jurisdiction in the matter.

## FREE GRANTS.

Free Grants for immigrants, &amp;c.

XLIX. It shall be lawful for the Governor in Council to make such special Free or partially Free Grants of the unoccupied and unappropriated Crown Lands of the Colony, for the encouragement of immigration or other purposes of public advantage, with and under such provisions, restrictions, and privileges, as to the Governor in Council may seem most advisable for the encouragement

Land Ordinance.

agement and permanent settlement of Immigrants, or for such other public purposes as aforesaid.

L. Nothing in this Ordinance contained shall be construed so as to interfere prejudicially with the rights granted to Free Miners under the "Gold Mining Ordinance, 1867." Saves Miners rights.

LI. The Schedule hereto shall form part of this Ordinance. Schedule.

LII. Each Commissioner appointed under this Ordinance, shall keep a book or books in which he shall enter the date and particulars of every Pre-emption Record, Certificate of Improvement, License to Substitute, Transfer, or other document relating to or in any manner affecting any Pre-emption Claim within his District. Books to be kept.

LIII. All fines and fees payable under this Ordinance shall be deemed to be made payable to the use of the Crown. Application of fines and fees.

LIV. This Ordinance shall not take effect until Her Majesty's assent thereto shall have been proclaimed in the Colony. Suspending Clause.

LV. This Ordinance may be cited for all purposes as the "Land Ordinance, 1870." Short Title.

*Passed the Legislative Council the 22nd day of April, A. D. 1870.*

CHARLES GOOD,  
Clerk of the Council.

PHILIP J. HANKIN,  
Presiding Member.

*Assented to, in Her Majesty's name, this 1st day of June, 1870.*

A. MUSGRAVE,  
Governor.

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SCHEDULE.

FORM A.

"CERTIFICATE OF PRE-EMPTION RECORD."

ORIGINAL. (To be retained by the Pre-emptor.) [No. in District Register ]  
COUNTRY LAND.

BRITISH COLUMBIA.

PRE-EMPTION CLAIM.

District of  
Name of Pre-emptor (in full)  
Date of Pre-emption Record  
Number of Acres (in words)  
Where situated  
Description of boundaries of Claim

Signature of Commissioner.

N. B.—Plan of the Claim to be drawn on the back of this Sheet.

FORM B.

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*Land Ordinance.*


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## FORM B.

LAND ORDINANCE, 1870.

District of

## CERTIFICATE OF IMPROVEMENT.

I hereby certify that \_\_\_\_\_ has satisfied me by evidence of (naming the witnesses and detailing their, and any other, evidence upon which the Commissioner has come to his judgment) that \_\_\_\_\_ of \_\_\_\_\_ has been in occupation, as required by the said Ordinance, of his Pre-emption Claim, recorded as No. \_\_\_\_\_ in this District, from the date of such record to the present time, and that he has made improvements to the extent of Two Dollars and Fifty Cents an acre on \_\_\_\_\_ acres of Crown Land situated at \_\_\_\_\_

Signed,

this \_\_\_\_\_ day of \_\_\_\_\_

## FORM C.

"DECLARATION."

LAND ORDINANCE, 1870.

District of

I, (A. B.) of \_\_\_\_\_ do solemnly and sincerely declare that \_\_\_\_\_ [here detail specifically the improvements and facts declared to as having been made by the Pre-emptor on his Claim, which define] and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within named \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, before me \_\_\_\_\_ Commissioner.

Place for signature of declarant.

## FORM D.

"TRANSFER OF INTEREST."

I, (A. B.) of \_\_\_\_\_ being the Registered holder of Pre-emption Claim No. \_\_\_\_\_, on the Pre-emption Register of the Land Office, hereby transfer to (C. D.) all my right, title, and interest therein absolutely, but subject to the same conditions under which I hold the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_ (A. B.)  
Witness \_\_\_\_\_

## FORM E.

"LEAVE OF ABSENCE."

I hereby grant (A. B.) of \_\_\_\_\_ Leave of Absence from his Pre-emption Claim, Registered as No. \_\_\_\_\_ in the Pre-emption Register, for the space of \_\_\_\_\_ from the date hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

(E. F.)  
Commissioner.

## FORM F.

"LICENSE TO SUBSTITUTE."

I hereby License (A. B.) of \_\_\_\_\_, to occupy for the space of \_\_\_\_\_ months, the Pre-emption Claim Registered as No. \_\_\_\_\_ in the Pre-emption Register, in the stead of (C. D.) the present holder thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

(E. F.)  
Commissioner.

## FORM G.

"CERTIFICATE OF NOTICE."

I hereby certify that (A. B.) has posted, for a period of Sixty (60) days, on a conspicuous part of the Pre-empted Claim, No. \_\_\_\_\_ and also upon the adjacent land, and upon the Court House of the District, a notice for the period of Sixty Days, that he intends to apply for a Crown Grant of the land comprised in such Claim, and that no objection to the issue of such Crown Grant has been substantiated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

(C. D.)  
CommissionerTo the Chief Commissioner }  
of Lands and Works. }

FORM H.



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*Land Ordinance.*


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## FORM H.



COLONY OF }  
 BRITISH COLUMBIA. }

No.

VICTORIA by the Grace of God of the United Kingdom of Great Britain  
 and Ireland and of the Colonies and Dependencies thereof in Europe  
 { L. S } Asia Africa America and Australasia Queen Defender of the Faith  
 and so forth to all to whom these presents shall come greeting

Know ye that we do by these presents for Us Our Heirs and Successors in con-  
 sideration of the sum of \_\_\_\_\_ to Us paid give and grant unto  
 h \_\_\_\_\_ heirs and assigns all that parcel or Lot of Land situate  
 and numbered \_\_\_\_\_ on the official Plan or Survey of the said  
 in the Colony of British Columbia to Have and to Hold the said parcel or Lot of  
 Land and all and singular the premises hereby granted with their appurtenances  
 unto the said \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns for ever

Provided nevertheless that it shall at all times be lawful for Us Our Heirs and  
 Successors or for any person or persons acting in that behalf by our or their  
 authority to resume any part of the said lands which it may be deemed necessary  
 to resume for making roads canals bridges towing paths or other works of public  
 utility or convenience so nevertheless that the lands so to be resumed shall not  
 exceed one-twentieth part of the whole of the lands aforesaid and that no such  
 resumption shall be made of any lands on which any buildings may have been  
 erected or which may be in use as gardens or otherwise for the more convenient  
 occupation of any such buildings

Provided also that it shall at all times be lawful for Us Our Heirs and Suc-  
 cessors or for any person or persons acting under Our or their authority to enter  
 into and upon any part of the said lands and to raise and get thereout any gold  
 or silver ore which may be thereupon or thereunder situate and to use and enjoy  
 any and every part of the same land and of the easements and privileges thereto  
 belonging for the purpose of such raising and getting and every other purpose  
 connected therewith paying in respect of such raising getting and use reasonable  
 compensation

Provided also that it shall be lawful for any person duly authorised in that  
 behalf by Us Our Heirs and Successors to take and occupy such water privileges  
 and to have and enjoy such rights of carrying water over through or under any  
 parts of the hereditaments hereby granted as may be reasonably required for  
 mining or agricultural purposes in the vicinity of the said hereditaments paying  
 therefor a reasonable compensation to the aforesaid \_\_\_\_\_ h \_\_\_\_\_ heirs or assigns

Provided also that it shall be at all times lawful for any person duly authorized  
 in that behalf by Us Our Heirs and Successors to take from or upon any parts of  
 the hereditaments hereby granted the right to take from any such land without  
 compensation any gravel sand stone lime timber or other material which may be  
 required in the construction maintenance or repair of any Roads Ferrics Bridges  
 or other Public Works

In testimony whereof we have caused these Our Letters to be made patent and  
 the Great Seal of Our Colony of British Columbia to be hereunto affixed witness  
 Our right trusty and well-beloved \_\_\_\_\_ Governor and Commander-  
 in-Chief of Our Colony of British Columbia and its Dependencies at Our Govern-  
 ment House in Our City of Victoria this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of Our Lord One Thousand Eight Hundred and \_\_\_\_\_  
 and in the \_\_\_\_\_ year of Our Reign.

By Command

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 VICTORIA, B. C.:

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