



# ORDINANCES

PASSED BY THE

## LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM JANUARY TO APRIL,

1865.



PRINTED AT THE GOVERNMENT PRINTING OFFICE,  
NEW WESTMINSTER.

## LIST OF ORDINANCES.

- No. 1. An Ordinance to extend the term of the Steam Traction Engine Ordinance, 1864 ;
- No. 2. An Ordinance to amend the Law of Evidence ;
- No. 3. An Ordinance to amend the Duties of Customs ;
- No. 4. An Ordinance in aid of the Trustees' Relief Act ;
- No. 5. An Ordinance to encourage the construction of a line of Telegraph, connecting the Telegraphs of British Columbia with the Telegraph lines of Russia, the United States, and other Countries, and for other purposes ;
- No. 6. An Ordinance for the construction of a Toll Bridge across Thompson River at Lytton ;
- No. 7. An Ordinance to amend the First Telegraph Ordinance, 1864 ;
- No. 8. An Ordinance to establish a Decimal system of Accounts in the Colony of British Columbia ;
- No. 9. An Ordinance to apply the sum of £225,946 12s 8d sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1865 ;
- No. 10. An Ordinance to amend the Dues leviable at the Port of New Westminster ;
- No. 11. An Ordinance for the formation and regulation of Municipalities in British Columbia ;
- No. 12. An Ordinance to amend the Excise Laws ;
- No. 13. An Ordinance for imposing a duty on Gold ; \*
- No. 14. An Ordinance to amend and consolidate the Gold Mining Laws ;<sup>1</sup>
- No. 15. An Ordinance for the regulation of the Harbours of British Columbia ;
- No. 16. An Ordinance to prohibit the sale or gift of intoxicating Liquors to Indians ;
- No. 17. An Ordinance to prohibit the unseasonable destruction of Game ;
- No. 18. An Ordinance to exempt certain articles from Road and Ferry Tolls, and for other purposes ;
- No. 19. An Ordinance to prevent the violation of Indian Graves ;
- No. 20. An Ordinance to amend the Law relating to Bankruptcy and Insolvency in British Columbia ;
- No. 21. An Ordinance respecting Marriage in British Columbia ;
- No. 22. An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice, from Suitors therein ;
- No. 23. An Ordinance respecting Arrest and Imprisonment for Debt ;
- No. 24. An Ordinance respecting the Salary of the Office of Governor ;
- No. 25. An Ordinance to facilitate the creation of Ports of Entry in British Columbia ;
- No. 26. An Ordinance to declare the limitation of Foreign Suits and Actions ;
- No. 27. An Ordinance for regulating the acquisition of Land in British Columbia ;
- No. 28. An Ordinance further to facilitate the construction of the Overland Telegraph.

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\* Since Repealed.

# BRITISH COLUMBIA.

H.



B.

## No. 1. An Ordinance to extend the term of the Steam Traction Engine Ordinance, 1864.

[7th February, 1865.]

**W**HEREAS it has been found necessary for the Public service to extend the period for the enjoyment of the exclusive portion of the privileges granted by the "Steam Traction Engine Ordinance, 1864."

Preamble.

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

I. The period in Clauses 3, 4, and 6, of the "Steam Traction Engine Ordinance, 1864," limited for the enjoyment of the exclusive privileges thereby conferred up to the 1st May, 1866, shall be and is hereby extended to the 31st day of December, 1866.

Extends exclusive privileges to 31st December, 1866.

II. Instead of the 1st May, 1865, in Clause 3, of the said Act mentioned, the 1st May, 1866, shall be the day by which three Traction Engines, with suitable waggons and carriages shall be introduced into the Colony.

1st May, 1866, day for introduction of three Engines.

III. In addition to the consent required in Clause 2, of the said Act, the written consent of the Governor shall be necessary for the purposes there mentioned.

Governor's consent required for use of Engines below Lytton and Lillooet.

IV. This Ordinance may be cited as "The Traction Engine extension Ordinance, 1865."

Short Title.

Passed the Legislative Council this 19th day of January, A. D. 1865.

CHARLES GOOD,  
Clerk.

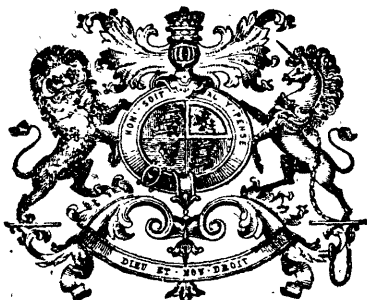
ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this seventh day of February, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



B.

## No. 2. An Ordinance to amend the law of Evidence.

[8th February, 1865.]

**W**HEREAS doubts have arisen as to the competency of the Ab-origines to give evidence in Courts of Law in the Colony, by reason of their imperfect comprehension of the obligations now necessary to give validity to their testimony, and whereas it is expedient for the ends of Justice, and the removal of such doubts, to enable such testimony to be taken:

Preamble.

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

I. In any civil action, or upon any inquest, or upon any inquiry into any matter or complaint or otherwise, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Coroner, Gold or other Commissioner, or Justice of Peace, in the discretion of such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, to receive the evidence of any Aboriginal Native, or Native of the half-blood, of the Continent of North America, or the Islands adjacent thereto, being an uncivilized person, destitute of the knowledge of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Aboriginal Native or Native of the half-blood as aforesaid, but upon his affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, or in such other form as may be approved by such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace.

Aboriginals and Natives of the half-blood, may be examined in all civil and criminal proceedings.

II. Provided that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of any such person as aforesaid shall be reduced to writing, and signed by a mark by the person giving the same, and verified by the signature or mark of the person acting as interpreter, if any, and of the Coroner, Justice of the Peace, or person before whom such information or evidence shall have been given.

Preliminary examination to be in writing, duly certified.

III. The Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, shall before taking any such evidence, information or examination, caution every such Aboriginal Native or Native of the half-blood, that he will be liable to incur punishment if he do not, so as aforesaid, tell the truth.

Preliminary caution to be given to Native.

Whose written declaration or examination may be taken in evidence.

IV. The written declaration or examination, made, taken and verified in manner aforesaid, of any such Aboriginal Native, or Native of the half-blood as aforesaid, being one of such uncivilized persons as hereinbefore described, may be lawfully read and received as evidence, upon the trial of any cause Civil or Criminal in the said Colony, when under the like circumstances the written affidavit, examination, deposition or confession of any person, might be lawfully read and received as evidence.

False evidence punished as perjury.

V. If any such Aboriginal Native or Native of the half-blood as aforesaid, making such affirmation or declaration aforesaid, in lieu of an oath, shall be convicted of having wilfully, or corruptly, affirmed or declared any matter or thing, which, if the same had been made upon oath in the usual form would have amounted to wilful and corrupt perjury, he shall incur the same penalties and forfeitures as by Law are enacted against persons convicted of wilful and corrupt perjury.

Persons having a proper religious belief, not to give unsworn evidence.

VI. Nothing herein contained shall be deemed or taken to authorize any Court, Judge, Coroner, Gold or other Commissioner or Justice of the Peace, to take or admit the unsworn testimony of any person who shall upon examination by such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, declare that he believes in a God, a future state of rewards and punishments, or the obligation of an oath.

Short Title.

VII. This Ordinance may be cited for all purposes as "The Native Evidence Ordinance, 1865."

Passed the Legislative Council this 26th day of January, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eighth day of February, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



B.

## No. 3. An Ordinance to amend the Duties of Customs.

[15th February, 1865.]

**W**HEREAS it is expedient in some respects to alter the duties of Customs Preamble.  
as now by law established in British Columbia, and to make further  
provision for the levying thereof;

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

I. From and after the passing of this Ordinance, the duties of Customs Former duties repealed.  
hitherto chargeable on goods, animals, and articles imported into and landed in  
British Columbia, shall be and are hereby repealed.

II. In lieu thereof, from and after the passing of this Ordinance, there shall To be substituted,  
be levied, assessed, collected, and paid to the use of Her Majesty, Her heirs  
and successors:

a. Upon all goods, wares, merchandize, animals, and things imported into Ad valorem duties in Sche-  
and landed in British Columbia, and more particularly mentioned in Schedule dule A,  
A. hereto, and according to the value thereof, the several *ad valorem* duties in  
such Schedule set opposite the respective articles therein named.

b. And (in addition to the *ad valorem* duties leviable on certain of the same And specific duties in Sche-  
articles) upon all goods, wares, merchandize, animals and things imported into and dule B.  
landed in British Columbia, the several specific duties of customs more par-  
ticularly mentioned in Schedule B hereto, and set opposite the respective articles  
therein named.

c. And so long as the Proclamation made and passed on the 10th day of Tonnage dues on imports  
December, A. D. 1859, is in force and the dues thereby leviable shall be levied by Southern Boundary.  
upon wares, goods, and merchandize transported from New Westminster to any  
place in British Columbia, there shall be so levied, collected, and paid as afore-  
said upon every ton of wares, goods, and merchandize imported into the Colony  
by way of the Southern Boundary, the sum of twelve shillings, and so on for  
a greater or less quantity, and on cattle, horses, mules and asses so imported by  
way of the Southern Boundary, the sum of two shillings and one penny per  
head beyond the specific duties charged on animals in Schedule B hereto.

d. The articles mentioned in Schedule C hereto shall be admitted into British Free list in Schedule C.  
Columbia free of duty.

III. With the Bill of Entry of any goods, there shall be produced to the Collector Invoice to be produced.  
of Customs an invoice of the goods, and the Bill of Entry shall also  
contain a statement of the value for duty of the goods therein mentioned, and  
shall be signed by the person making the entry, and verified if required by his  
declaration to the truth thereof, and no entry shall be deemed perfect unless a  
sufficient invoice of the goods to be entered has been produced to the Collector.

IV. If any person passes or attempts to pass through the Custom House any Penalties for fraudulent in-  
false or fraudulent invoice, or makes out or passes, or attempt to pass a Bill of voice.  
Entry of any goods at a value below the fair market value of such goods, in the  
Country from which such goods were last directly shipped or exported, or in  
any way by undervaluation, or otherwise attempts to defraud the Revenue of  
any part of the duty on any goods or things liable thereto, every such person  
shall on conviction (in addition to any other penalty or forfeiture to which he  
may be subject for such offence) be liable to a penalty not exceeding £100, and  
the goods so under valued shall be and be taken and deemed to be forfeited.

Appraisers how appointed.

V. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to *ad valorem* duties as may protect the Revenue and the fair trader against fraud by the undervaluation of any such goods, therefore the Governor may from time to time, and when he deems it expedient, appoint fit and proper persons to be appraisers of goods at the port of entry, and every such appraiser shall before acting as such take and subscribe the following oath of office, before some Justice of the Peace for this Colony, and deliver the same to the Collector. Every such appraisalment shall be final:

Oath to be taken by appraiser.

I, A. B. having been appointed an appraiser of goods, wares and merchandize, and to act as such at the port of (or as the case may be) do solemnly swear (or affirm) that I will faithfully perform the duties of the said office, without partiality, fear, favour or affection, and that I will appraise the value of all goods submitted to my appraisalment, according to the true intent and meaning of the laws imposing duties of Customs in this Colony; and that I will use my best endeavours to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, wares or merchandize on which any duty is chargeable, so help me God.

A. B.

Appraiser for (as the case may be).

Sworn before me, this            day of            186 .

E. F.

J. P. for (as the case may be).

Collector when to act as appraiser.

VI. If no appraiser is appointed to any port of entry, the collector there shall act as appraiser, but without taking any special oath of office as such; and the Governor may at any time direct any appraiser to attend at any port or place, for the purpose of valuing any goods, or of acting as appraiser there during any time which such appraiser shall accordingly do, without taking any new oath of office, and every appraiser shall be deemed an officer of the Customs.

Value of goods to be fair market value.

VII. In all cases where any duty is imposed on any goods or things imported into this Colony according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the Country whence the same were last shipped or exported direct to this Colony, and the Collector and Appraiser shall, by all reasonable ways and means in their power, ascertain the fair value of such goods as aforesaid, and estimate the value for duty accordingly.

Duties to be collected as Customs Duties.

VIII. 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, 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, 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.

Penalties for evasion.

IX. 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 by this Ordinance imposed, be prosecuted and punished in the manner prescribed by the said Customs Consolidation Acts.

Short Title.

X. This Ordinance shall be cited as "The Customs Amendment Ordinance, 1865."

Passed the Legislative Council this 15th day of February, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this fifteenth day of February, 1865.

FREDERICK SEYMOUR.

Governor.



**SCHEDULE A.**  
**AD VALOREM CUSTOMS DUTIES.**

Everything not enumerated under Schedules A, B, and C, shall be subject to a duty of 12½ per cent.

Ale and Porter .....	20 per cent.	Hardware & Ironmongery..	12½ per cent.
Axes .....	12½	Harness and Saddlery.....	12½
Bacon .....	15	Iron and Steel .....	12½
Barley .....	12½	Lard .....	15
Beans .....	20	Leather.....	12½
Beef (salt) .....	12½	Lime .....	12½
Billiard & Bagatelle Tables	12½	Meat (preserved) .....	12½
Bitters.....	40	Molasses .....	12½
Blankets.....	20	Nails .....	12½
Boots and Shoes .....	15	Nuts and Almonds .....	12½
Bread .....	15	Oils .....	15
Bricks .....	12½	Oats.....	12½
Butter.....	15	Opium.....	50
Candles .....	20	Paints .....	12½
Camphene .....	12½	Potatoes .....	12½
Cheese .....	15	Pork (salt).....	10
Chocolate .....	12½	Quicksilver .....	12½
Cider .....	12½	Rice.....	20
Clothing.....	15	Rope and Cordage .....	12½
Coffee, green .....	15	Shot .....	12½
Do. manufactured .....	20	Soap .....	12½
Confectionery .....	12½	Stationery .....	12½
Cordials .....	12½	Sugar .....	20
Drugs and Chemicals .....	20	Tar and Pitch .....	12½
Dried Fish .....	30	Tea .....	25
Dry Goods .....	15	Tin and Tinware .....	12½
Earthenware .....	12½	Tobacco .....	30
Fish (preserved) .....	12½	Vegetables .....	12½
Fire Arms .....	12½	Do. (preserved) ...	12½
Flour.....	15	Waggons .....	12½
Fruits (preserved).....	12½	Wheat.....	10
Furniture (excepting that as provided for in Sched- ule C.) .....	12½	Window Sashes and Doors	10
Glass and Glassware .....	12½	Wine—Champagne .....	40
Groceries (not otherwise provided for .....	12½	"    Claret .....	25
Gunpowder .....	15	"    Various .....	25
		Woodware .....	12½
		Yeast Powders .....	12½
		Playing Cards .....	50

**SCHEDULE B.**  
**AD VALOREM AND SPECIFIC.**

Spirits and Distilled Li- quors of all kinds, for every gallon Imperial measure, of full strength or less than full strength of proof by Syke's Hy- drometer, .....	6s.	And on the value thereof at the place from whence last imported.	20 per cent.
And so on in proportion for any greater strength than proof.		Cigars and cheroots, pr 100	4s. 2d.
And on the value thereof at the place from whence last imported.....	20 per cent.	And on the value thereof at the place from whence last imported.....	20 per cent.
Chinese Medicated Wine and Spirits, per gallon ..	6s.		
		<b>SPECIFIC.</b>	
		Bulls, Cows, Calves, Oxen, Horses, Asses, and Mules per head .....	4s. 2d.
		Sheep, Goats, and Hogs, per head .....	2s. 1d.

**SCHEDULE C.**  
**ARTICLES FREE OF DUTY.**

All material required for ship or boat building, all kinds of Machinery, Pig Iron, Agricultural Implements, Coin, Fresh Fish, Fruit, Poultry alive or dead, Seeds and bulbs and roots of plants to be used in agriculture and not as food, Coal, Eggs, Hay, Salt, Lumber, empty Gunny Sacks, Printed and Manuscript Books and Papers, Baggage and Apparel, Household Furniture which has been in use, belonging to and arriving with *bona fide* immigrants and professional apparatus of passengers. And also all goods, animals and articles whatsoever, imported for the public service, or uses of the Colony of British Columbia, or for the use of Her Majesty's Land or Sea Forces, or of any person holding any command or appointment in Her Majesty's Forces aforesaid: Provided always that all articles so excepted from duty as above mentioned, are the property of passengers and officers, for use, and not for making a profit by the sale thereof.

# BRITISH COLUMBIA.

H.



R.

## No. 4. An Ordinance in aid of the Trustees' Relief Act.

[18th February, 1865.]

**WHEREAS**, by an Act of the Imperial Parliament passed in the Session holden in the 10th and 11th years of the reign of Her present Majesty, in force in this Colony, and intituled an Act for better securing trust funds, and for the relief of Trustees; it was among other things enacted that the receipt of one of the Cashiers of the Bank of England, for money paid by Trustees or other persons as therein directed, to the account of the Accountant General of the High Court of Chancery, should be a sufficient discharge to such Trustees or other persons for the money so paid in;

Preamble.

Recites 10 and 11 Vict., c. 96.

And whereas, difficulties have arisen in the application of the said Act in this Colony, by reason that there is no branch of the Bank of England established here, but the Banking business of the Government which in England is transacted by or through the Bank of England, is here transacted by or through the Bank of British Columbia;

Recites no branch Bank of England here.

And whereas, it is highly expedient to remove all doubts, as well in cases which have already occurred, as in those which may hereafter occur;

Necessity for enactment.

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

I. All payments and transfers which by the said recited Act, ought in cases within the jurisdiction of the High Court of Chancery in England, to be made at the Bank of England, may, in cases within the jurisdiction of the Supreme Court of Civil Justice in this Colony, be made in the name of the person acting as Accountant General of the said Court here, at the said Bank of British Columbia, or other the Bank for the time being employed to transact the Banking business of the Government of this Colony.

In lieu of the Bank of England payments may be made by Trustees to Government Bank-er here.

II. And all payments heretofore made shall be deemed to have been lawfully made within the statute; and the receipt of the Cashier of the Bank of British Columbia or other Bank in this Colony, employed as aforesaid by the Colonial Government, shall be and be deemed to be in all cases within the jurisdiction of the Supreme Court of Civil Justice of British Columbia, as full and complete a discharge for the money therein specified to be received, as the receipt of a Cashier of the Bank of England, in cases within the jurisdiction of the High Court of Chancery in England.

Receipt of Cashier of Government Banker a sufficient discharge.

III. This Ordinance shall be cited as the "Trustees' Relief Ordinance, 1865."

Short Title.

Passed the Legislative Council this 13th day of February, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eighteenth day of February, 1865.

FREDERICK SEYMOUR.

Governor.

# BRITISH COLUMBIA.

U.



R.

## No. 5. An Ordinance to encourage the construction of a line of Telegraph, connecting the Telegraphs of British Columbia with the Telegraph lines of Russia, the United States and other Countries, and for other purposes.

[21st February, 1865.]

**W**HEREAS, PERRY MACDONOUGH COLLINS, a citizen of the United States of North America, has obtained from the Governments of Russia, and the United States, the right to make and maintain a line of Electric Telegraph through their respective territories, Preamble.

And, whereas, Her Majesty's Government desires cordially to co-operate with the United States and Russia, in the establishment and maintenance of such continuous line of International Telegraph;

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

I. From and after the date of this Ordinance, it shall be lawful for the said Perry Macdonough Collins, his associates and assigns, to survey and, the consent of the Government of British Columbia having been first obtained to the general direction so chosen therefor, construct and maintain a line or lines of telegraph, from any point or points on the line of the said proposed International Telegraph in Russian America, to any point or points on the said line in the United States, over or across any unappropriated and unoccupied Crown or tidal lands in the said Colony of British Columbia and its Dependencies, and along or across any public street or highway therein (not obstructing such street or highway), and to lay down a telegraph cable or cables along the said proposed line, through or across any stream, creek, river, strait, bay, gulf, water, or water course, within the said Colony of British Columbia and its Dependencies (but so as not thereby to impede navigation or other public rights), and, with the consent aforesaid, to have and to hold all such other rights of way, in connection with the said telegraph line, over the lands aforesaid as are necessary for its construction and maintenance. Grants power to make Telegraph. Over unappropriated Crown Lands. Public streets or highways. Waters.

II. There is hereby granted to the said Perry Macdonough Collins, his associates and assigns, the power to make and erect all stations, block-houses, and defensive posts which may, in the opinion of the said Government, be necessary for the proper use or defence of the said International Telegraph line against Native tribes within the said Colony or its Dependencies. Power to erect stations and defensive posts.

Provided that it shall be lawful for the Government of British Columbia in case of any emergency arising, sufficient in the opinion of the said Government to warrant such action, to take possession of and freely use any such block-houses or defensive posts. When Government may take possession thereof.

Grants use of unappropriated Crown Lands.

III. And it shall be further lawful for the said Perry Macdonough Collins, his associates and assigns, for the purpose of establishing and maintaining such line, and without compensation, to use so much of the unappropriated Crown lands in the Colony, not reserved for Indians, as may be necessary for such Stations, so long only as the same may be used for the said purpose; with full power to the said Perry Macdonough Collins, his associates and assigns, without compensation, to take from such part or parts of the said unappropriated Crown lands in the neighbourhood of the line, as the said Government shall, from time to time indicate in that behalf, any wood, timber, stone, sand, and lime, for the purpose of making any buildings or works necessary, in or for the construction, maintenance, repair, or due working of such telegraph, or the stations or defensive posts thereof.

And of any wood, lime, stone, sand &c.

No right of soil conveyed.

IV. Provided that this grant shall convey a right of use of the said land for the purpose aforesaid, and not a right to the soil, which shall remain vested in the Crown.

Saving of Crown Rights.

Provided, also, that nothing herein contained shall be construed to affect, limit, or abridge the jurisdiction or prerogative rights of the Queen, Her heirs or successors, over the said lands, or Her or their right of using, selling, or otherwise disposing thereof, as far as the same may be done without interfering with the construction or working of the said line.

Power to construct Telegraph over private lands.

V. The said Perry Macdonough Collins, his associates and assigns, are hereby also authorized to place, construct, and maintain a line or lines of telegraph in the direction so to be settled as aforesaid of the said proposed International Telegraph, over any private lands in the said Colony or its Dependencies, upon the payment of a reasonable compensation therefor, and may, with the sanction in writing of the Chief Commissioner of Lands and Surveyor General, purchase or lease, fence in and occupy any cultivable land or other property in British Columbia, necessary or convenient for stations, or for the maintenance, repair, or working of the International Telegraphic line herein provided for, or for effectually carrying on the telegraphic business in connection therewith, but not further or otherwise.

Term of Grant to be from passage of this Ordinance to A. D. 1903.

VI. This Ordinance is passed, and the rights and privileges herein mentioned are, subject as herein mentioned, granted to the said Perry Macdonough Collins, his associates and assigns, for the term commencing from the date hereof until the expiration of thirty-three years from the first day of January, A. D. one thousand eight hundred and seventy. Nevertheless, upon and subject to all and singular the express conditions following, that is to say:—

Conditions.

To commence by 1st January, 1867

(a) That the said Perry Macdonough Collins, his associates and assigns, shall, on or before the first day of January, A. D. one thousand eight hundred and sixty-seven, effectually commence the operations necessary for the construction and maintenance of the works of the said International Telegraph line, in the manner herein provided for;

To complete by 1st day of January, 1870.

(b) And shall, on or before the first day of January, A. D. one thousand eight hundred and seventy, complete, or cause to be thoroughly completed, and put into continuous operation, a continuous line or lines of telegraph, the direction of which shall be settled by the said Perry Macdonough Collins, his associates or assigns, subject to the written approval of the Chief Commissioner of Lands and Surveyor General, from the City of New Westminster, in the said Colony, so as to connect directly with the existing telegraph systems of the United States on the South, and the telegraph system of Russia on the North, along the line of the Pacific Coast, so as to place and maintain the said City of New Westminster and the British Columbia system of telegraphs in complete and continuous telegraphic communication with the whole telegraphic systems of the United States and Russia, and all other countries whose telegraphic systems

are or may be hereafter brought into connection with any of those countries or places, respectively.

(c) And upon this further condition, also, that he and they shall and will at his and their own expense, and within the time, and with the concurrence, and in the manner, and subject to the conditions aforesaid, place, construct, erect, and hereafter maintain all stations, block-houses, and defensive posts, and other works requisite for the due maintenance and regular working of the said proposed line.

To construct all necessary stations, defensive posts, &c.

(d.) And upon this further condition, that the said Perry Macdonough Collins, his associates or assigns, after the said completion and, setting in operation of the said line, shall not fail (unless prevented by repairs, storms, breakages of cables or other unavoidable accident) for any continuous period of one calendar month during the said term, to keep the said through International Telegraph line in working order, and open for public use, between New Westminster and the said United States, to the eastern coasts thereof and Russia, and the other lines in connection with the said International line.

To keep up constant Telegraphic communication save when prevented by accident.

(e) And upon this further condition that all despatches and messages that shall be sent by or on behalf of Her Majesty's Government, and the Government of British Columbia, shall have precedence over all other despatches whatsoever along the said proposed International line within the said Colony and its Dependencies.

Government messages to have precedence in the Colony.

(f.) And upon this further special and express condition, that the general arrangements of the said telegraph throughout the said International line from end to end, and in whichever hemisphere, and of all such other lines as may be or come in connection therewith, shall be such as to place English, Russian, and United States messages upon an equal footing, in regard to the use of the said International Telegraph.

English, Russian and United States messages to be on an equal footing.

VII. On failure of the said Perry Macdonough Collins, his associates or assigns, effectually to commence and complete the portion of the said International line contained within the said Colony and its dependencies, within the respective times, and in manner herein mentioned, and to fulfil and keep all and singular the conditions in this Ordinance specified, the powers, rights and privileges hereby granted shall cease and determine, and this Ordinance become absolutely void.

Forfeiture in default of performing conditions.

VIII. Upon the completion of the said International Telegraph line, hereinbefore more particularly mentioned and described, within the time and manner, and subject to the several conditions in this Ordinance specified, there is hereby granted to the said Perry Macdonough Collins, his associates and assigns, the right of sending and receiving messages by telegraph, and making a reasonable charge for the same, subject as herein mentioned, between any place within the said Colony, and to and from Russia, and the United States, or any other Countries or place beyond the limits thereof respectively, for the period of thirty-three years, from and after the said first day of January, A. D. one thousand eight hundred and seventy.

Rights of grantees as to sending messages.

Charges.

IX. This Ordinance shall not be construed to prevent, or in any manner interfere with any other line or lines of telegraph whatever, nor to limit the right of any person, corporation or company fully to establish and work any other telegraph line or lines anywhere within, to, or from the said Colony, either in or not in connection with the said International line.

No exclusive rights granted.

X. The Government of British Columbia shall at all times have the right to connect the said line or lines by telegraph with any Military or Civil posts of Her Majesty's Government, and to use the same for Government purposes.

Government may connect Civil and Military Posts with the Telegraph.

XI. Subject to the right of prior use by the Government as aforesaid, the said line or lines shall be at all times open to the public, and to any Telegraph Company, upon the payment of the regular charges for transmission of despatches, and (save as aforesaid) all despatches received, shall be transmitted over the said line or lines in the order of their reception at any Telegraph Office connected

Subject to the priority of Government, the line to be open to the public.

with the said line; and the answers to the said despatches shall be delivered as may be directed by the senders.

Limitation of rate of charges.

XII. The rate of charges for public or private messages on the line or lines, shall not exceed the average usual rates in Europe and North America for the same service, or such rates as shall be ascertained and fixed by a convention between Great Britain, Russia, and the United States.

The Company to be Registered.

XIII. The Company to be formed by the said Perry Macdonough Collins, his associates or assigns, to carry on the undertaking hereby authorized, shall be duly registered and incorporated as a Joint Stock Company, under the laws of the Colony in that behalf, upon or before the effective commencement of the said telegraph works.

Malicious injury to Telegraph a misdemeanour. How punished.

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

Telegraph materials admitted duty free.

XV. Subject to the due observance by the said Perry Macdonough Collins his associates or assigns, of the conditions and provisions of this Ordinance, the wire, submarine cables, and materials necessary and *bona fide* intended for the construction, maintenance or repair, of the said telegraph line or lines, (of which the Collector of Customs, or officer deputed by him in that behalf, shall be final and sole judge) shall be admitted free of duty at any port of entry in British Columbia, up to the first day of January, A. D. one thousand eight hundred and seventy.

Special Ports of Entry may be appointed.

XVI. To facilitate the operations of the said Perry Macdonough Collins his associates and assigns, in the International work aforesaid, it shall be lawful for the Government by an order published in the *Government Gazette*, to appoint any port or ports, place or places in the said Colony or its Dependencies, for the entry duty free of the wire, submarine cables, and materials mentioned in the preceding clause, and to allot ample and exclusive room there for storing the same, but with, under, and subject to such precautions and restrictions for the protection of the Revenue, as the said Government may from time to time deem expedient.

Short title.]

XVII. This Ordinance shall be cited as "The International Telegraph Ordinance 1865."

Passed the Legislative Council this 26th day of January, A. D. 1865.

CHARLES GOOD,  
Clerk

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-first day of February, 1865.  
FREDERICK SEYMOUR.

Governor.

# BRITISH COLUMBIA.



## No. 6. An Ordinance for the construction of a Toll Bridge across Thompson River, at Lytton.

[22nd February, 1865.]

**W**HEREAS Louis Hautier, Louis Lemeure, L. B. Romano and Robert <sup>Preamble.</sup> Smith have applied to the Government of British Columbia for permission to erect a Bridge at their own expense, across the Thompson River at Lytton, and at a point in the vicinity of the present ferry at the mouth of Thompson River, upon condition of having secured to them certain tolls upon goods, passengers, vehicles and animals, to the extent, and in manner hereinafter appearing.

And whereas the said Government hath approved of such application;

And whereas it is expedient to afford all proper facilities for the construction of works of communication within the said Colony;

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

I. From and after the due completion by the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators or assigns, certified as hereinafter mentioned, of a substantial wooden bridge across the Thompson River, within the time and manner hereinafter mentioned, it shall be lawful for the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, for and during the date of ten years from the date of the certificate of completion hereinafter mentioned, to assess, levy, and collect from all persons whomsoever by way of toll, the sums following, that is to say:

Creates Tolls on goods, &c., crossing Bridge.

For every 100lbs avoirdupois of merchandize, stores, productions, and chattels, other than those hereinafter excepted, which shall respectively be carried over or across the said Bridge, or over or across the said Thompson River, within a distance of five miles above and three hundred yards below the said Bridge, the sum of eight pence sterling.

And for every horse, ox, cow, or mule, other than those hereinafter excepted, so as aforesaid crossing or carried, the sum of one shilling per head.

And for every pig, sheep, calf, goat, other than those hereinafter excepted, so taken, crossing or carried, the sum of six-pence half-penny per head.

For every vehicle (save as hereinafter excepted) drawn by four or more horses, or other animals so taken, crossing, or carried, the sum of four shillings and two pence.

For every vehicle (save as hereinafter excepted) drawn by two or less than four horses, so taken, crossing or carried, the sum of two shillings and one penny.

For every passenger so crossing, or carried, over the said Bridge, the sum of one shilling.

Exemptions from Toll enumerated.

II. Provided, nevertheless, that such tolls shall not be demanded upon passengers, goods, chattels, vehicles or animals for the time being belonging to or employed in the service of the Government, or on farm utensils, or farming implements in use upon any farm within the Colony, or on lumber or manure, or on machinery for steamboat purposes, or on passengers' personal baggage, not exceeding fifty pounds weight for each passenger on horseback or in vehicle, or on miners' ordinary packs or personal baggage of the weight aforesaid, carried or borne by passengers respectively using, taken or carried along, or over the said Bridge, or passing (within the said distance of from three hundred yards below to five miles above) such Bridge across the said Thompson River, or upon passengers, goods or chattels transported in boats or canoes up or down the River Fraser, which said boats or canoes shall, by reason of the current of the said River Fraser, be brought within the mouth of the River Thompson, and within the said distance of three hundred yards below the said Bridge.

Tolls not to commence until completion of Bridge.

III. Provided also that none of the said tolls shall be demandable unless and until the Commissioner of Lands and Surveyor General of British Columbia or other officer duly appointed or authorized in that capacity, or behalf, by the Governor, or other officer for the time being administering the Government of the said Colony, shall have given to the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators and assigns, a certificate under his hand that the said Bridge has been, and its approaches, duly and satisfactorily completed in all respects for public traffic.

Certificate of completion.

IV. Any such certificate shall state that the said Bridge and its approaches have been duly completed, within the time allowed by this Charter, fit for wagon traffic, and in accordance with such plans and specifications as may be approved of by the Chief Commissioner of Lands and Works, or his Agent, or other officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government, and which plans and specifications shall be lodged with the aforesaid Chief Commissioner of Lands and Works within two months of the passing of this Ordinance.

Conditions of grant.

V. Provided, that in case the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, shall not before the 1st day of January, 1866, make a *bona fide* commencement of the work on the said Bridge, and shall not have completed the said Bridge by the 1st day of June, 1866, then and in that case all and singular the rights, tolls, privileges and powers hereby conferred, shall be forfeited and revert to the use of Her Majesty, her heirs and successors absolutely. Provided also, that the tolls, privileges and remedies, on the part of the Government, and under or by virtue of this Act accorded, are conferred upon this express condition, that on any failure of said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, during said term, (except while prevented by inevitable accident or repairs,) well and substantially to maintain and keep the said Bridge and its approaches in perfect order and thorough repair, to the satisfaction of such Commissioner of Lands and Surveyor General, or other officer, for the time being appointed as aforesaid, and in compliance with any requisition from him from time to time in that behalf. Then upon notice to that effect, and any default of the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, for one calendar month thereafter, to comply with the requirements of such notice, (of which default such Commissioner of Lands and Surveyor General, or other officer as aforesaid, shall be sole judge, any rule of law or equity to the contrary notwithstanding,) then all and singular such tolls, privileges, powers, &c., so acquired as aforesaid, and the said Bridge and all improvements thereto, shall *ipso facto* be forfeited, and revert to the use of Her Majesty, her heirs and successors absolutely, and such moneys, less the cost of collection, shall be deemed and accounted for as part of the Public Revenue, and the powers, remedies, and privileges herein contained, shall thereupon be exercised by and on behalf of Her Majesty, her heirs and successors.



VI. None of the said Tolls shall be demandable whenever, during Tolls to cease while out of repair. the said term, the said Bridge and its approaches as aforesaid, or any part thereof respectively, whether from accident or otherwise, shall, in the opinion of such Commissioner, or other officer, expressed in a notice, be in a condition unfit or dangerous for public traffic.

VII. It shall be lawful for such Commissioner, or other officer, Necessary improvements may be ordered. as aforesaid, at any time or times during the said term, whenever the state of the traffic passing at or near the point where the said Bridge shall be constructed, shall require it, to order such improvements to be made in such Bridge or approaches, at the expense of the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators and assigns, as shall be necessary for the accommodation of such traffic.

VIII. It shall be lawful for the said Commissioner, or other officer Regulation of traffic. as aforesaid, by notice from time to time, to make such regulations for the safety of the traffic across the said Bridge, or the said Bridge and its approaches, as he shall deem expedient.

IX. Nothing herein contained shall be construed so as to limit or Saving of Crown rights and other rights. abridge the prerogative rights of Her Majesty, her heirs, or successors, in respect of the said Bridge, or any right of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, or any other persons whomsoever, to infringe any existing private rights, or any existing or future public rights.

X. It shall be lawful for the Government at any time within five Redemption by Government. years from the date of this Ordinance, to redeem the said Bridge and Works, and the privileges hereby conferred, at a price to be fixed by such one Arbitrator as shall be mutually agreed upon by the said grantees and the Surveyor General, within one calendar month after publication of any notice to that effect by the Surveyor General in the *Government Gazette*, or, in case of dispute, by such Arbitrator as shall be fixed by the Judge of the Supreme Court, on the *ex parte* application of either party, and the decision of such Arbitrator shall be final.

XI. Any person, directly or indirectly, evading, or attempting to Evasion of Toll penalty. evade, the payment of any of the duties or tolls hereby imposed, shall, for every such offence, be fined treble the amount of toll, or any sum not exceeding one hundred pounds, and with or without imprisonment for any term not exceeding three calendar months, at the discretion of the Magistrate convicting.

XII. Any person wilfully infringing any regulation authorized by Penalties on breaches of Bridge regulations. Clause VIII, shall, for each such offence, be liable to a fine of not exceeding ten pounds, and with or without imprisonment, for any term not exceeding seven days, at the discretion of the Magistrate convicting.

XIII. Any penalty under this Act may be recovered before any Penalties, how recoverable. Magistrate in British Columbia in a summary way, and any fines levied hereunder, shall be paid to the use of the person or persons entitled for the time being to receive the said Tolls.

XIV. Every notice required, or authorized by this Act, to be given, Notice. shall mean a notice in writing, under the hand of the Commissioner of Lands and Surveyor General, or other officer appointed or authorized as aforesaid, and affixed to some conspicuous part of the said Bridge or approaches, and every such notice shall be good and sufficient notice for all purposes whatsoever of all matters and things therein contained, to all persons therein mentioned or referred to.

XV. This Ordinance shall be cited as "The Lytton Bridge Toll Short Title. Ordinance, 1865."

Passed the Legislative Council this 10th day of February, 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-second day of February, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



## No. 7. An Ordinance to amend the "First Telegraph Ordinance, 1864."

[22nd February, 1865.]

**WHEREAS**, it is contrary to the policy of Her Majesty's Government to grant exclusive telegraphic privileges; Preamble.

And, whereas such privileges have been granted by the Legislature of this Colony under the "First Telegraph Ordinance, 1864," to the President of the California State Telegraph Company, his successors and assigns;

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

I. So much of clauses 5 and 6 of the "First Telegraph Ordinance, 1864." as renders, or may be construed to render exclusive, any of the telegraphic privileges by that Ordinance conferred on the said President, his successors and assigns, shall be and is hereby repealed. Repeals monopoly granted to California State Telegraph Company.

Provided that the powers and privileges by that Ordinance conferred shall not in any way be prejudiced or affected save as to such exclusiveness. Saving of other privileges.

II. This Ordinance shall be cited as the "Telegraph Amendment Ordinance, 1865." Short Title.

Passed the Legislative Council this 30th day of January, A. D. 1865.

CHARLES GOOD,  
Clerk

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-second day of February, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

H.



R.

## No. 8. An Ordinance to establish a Decimal system of Accounts in the Colony of British Columbia.

[4th March, 1865.]

**WHEREAS**, it is expedient to facilitate the monetary transactions of this Colony, by the adoption of a Decimal system of Accounts;

Preamble.

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

I. On and after the first day of January, A. D. one thousand eight hundred and sixty-six, the Public Accounts shall be kept in Dollars and Cents; and all accounts to be rendered to the Government, or to any Public Office or Department in the said Colony, by any Officer or Functionary, or by any person, receiving aid from the Colony, or being otherwise accountable to the Government thereof, shall be so rendered in Dollars and Cents.

Public Accounts to be kept in Dollars and Cents.

II. The Pound Sterling shall be held to be equivalent to Four Dollars and Eighty-five Cents, and the aliquot parts of a Pound shall be of a proportionate value; provided that it shall be lawful, on any emergency, for the Governor, by an order in Council published in the *Government-Gazette*, from time to time to vary such relative value.

Equivalent moneys of Account.

III. Any Sterling Gold Coin of the weight and fineness prescribed by law for the Coins of the United Kingdom, shall pass current and be a legal tender for sums in Dollars and Cents, equal, according to the proportionate value aforesaid, to their Sterling value.

Sterling Coins.

IV. In payments in silver, the British crown piece shall be a legal tender for one dollar and twenty-five cents; the British half-crown shall be a legal tender for sixty-two and a half cents; the florin shall be a legal tender for fifty cents; the shilling shall be a legal tender for twenty-five cents; the sixpence shall be a legal tender for twelve and a half cents; the three penny piece shall be a legal tender for six cents.

British Silver Coins.

V. The Gold Eagle of the United States of America, coined after the eighteenth day of January, A. D. one thousand eight hundred and thirty-seven, and of the weight and fineness then prescribed, shall pass current and be a legal tender in this Colony for Ten Dollars; and Gold Coins of the said United States, being multiples or halves of the said Eagle, and of like date, weight, and fineness, shall pass current, and be a legal tender in this Colony for proportionate sums.

United States Gold Coins.

VI. The Silver Coins of the United States of America, denominated Half Dollar, Quarter Dollar, and Dime shall pass current, and be a legal tender in this Colony for Fifty Cents, Twenty-five Cents, and Ten Cents, respectively.

United States Silver Coins.

VII. Provided always, that Silver Coins shall not be a legal tender to the amount of more than Ten Dollars; and the holder of Notes, or other Documents purporting to be evidence of debt, of any person or persons, or body corporate, to the amount of more than Ten Dollars, shall not be bound to receive more than that amount in Silver Coins in payment of such Notes or other Documents as aforesaid, if they are presented for payment at one time, although each or any of such Notes or other Documents be for a less sum than Ten Dollars.

Tender of Silver Coins limited.

VIII. Provided that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been proclaimed in this Colony.

Suspending Clause.

IX. This Ordinance shall be cited as "The Decimal Currency Ordinance, 1865."

Short Title.

Passed the Legislative Council this 6th day of February, A. D. 1865.

CHARLES GOOD,  
Clerk

ARTHUR N. BIRCH,  
Pr. siding Member.

Assented to, in Her Majesty's name, this fourth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



## **No. 9. An Ordinance to apply 'the sum of Two hundred and twenty five thousand, nine hundred and forty six pounds, twelve shillings and eight pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty five.**

[17th March, 1865.]

**M**OST Gracious Sovereign, we, Your Majesty's most dutiful and loyal subjects, the Legislative Council of the Colony of British Columbia, during its present Session, in order to make good the supply, which we have cheerfully granted to Your Majesty, have resolved to grant unto Your Majesty the sum hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted and be it enacted by His Excellency the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. That there may be issued and applied for or towards making good the supply granted to Her Majesty, for the year One thousand eight hundred and sixty five, the sum of Two hundred and twenty five thousand, nine hundred and forty six pounds, twelve shillings, and eight pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the purposes specified in the Schedule hereto, and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to give and apply the same accordingly.

Passed the Legislative Council the 14th day of March, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this seventeenth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# SCHEDULE.

ESTABLISHMENTS DETAILED.	REGISTRAR GENERAL.
CIVIL.	
<b>HIS EXCELLENCY THE GOVERNOR.</b>	
SALARIES. Fixed Establishment	SALARIES. Fixed Establishment.
Governor .....	Registrar General .....
Private Secretary .....	..... 500
Messenger .....	CONTINGENCIES.
..... 23,000	Stationery, Office Cleaner, &c. ....
..... 350	..... 50
..... 100	Temporary Assistance .....
CONTINGENCIES.	..... 50
Stationery &c. ....	..... 50
..... 50	<b>HARBOUR MASTER.</b>
<b>COLONIAL SECRETARY.</b>	SALARY. Fixed Establishment.
SALARIES. Fixed Establishment.	Harbour Master .....
Colonial Secretary .....	..... 400
Chief Clerk .....	CONTINGENCIES.
Clerk .....	Stationery &c. ....
Clerk .....	..... 20
..... 800	<b>POST OFFICE.</b>
..... 400	SALARIES. Fixed Establishment.
..... 350	Postmaster General .....
..... 300	Deputy Postmaster, Williams Creek .....
Printing Branch	Clerk .....
Superintendent .....	Messenger .....
Two Printers £200 each .....	..... 52
One Assistant Printer .....	CONTINGENCIES.
Messenger .....	Stationery, Fuel, &c. ....
..... 100	..... 100
CONTINGENCIES.	<b>LEGISLATIVE COUNCIL.</b>
Extra Assistance in office .....	SALARY. Fixed Establishment.
Advertising in public Newspapers .....	Clerk .....
Stationery, Fuel &c. ....	..... 200
..... 300	CONTINGENCIES.
..... 100	Stationery, Fuel, Messenger &c. ....
..... 150	..... 250
..... 100	<b>INSPECTOR STEAM VESSELS.</b>
<b>TREASURER.</b>	SALARY. Fixed Establishment.
SALARIES. Fixed Establishment.	Inspector .....
Treasurer .....	..... 300
Chief Clerk .....	CONTINGENCIES.
Clerk .....	Stationery &c. ....
Clerk .....	..... 20
..... 750	<b>JUDICIAL.</b>
..... 400	SALARIES. Fixed Establishment.
..... 300	Judge of Supreme Court .....
..... 250	Puisne Judge .....
..... 220	Registrar .....
..... 120	..... 800
CONTINGENCIES.	..... 400
Stationery Fuel &c. ....	Provisional and Temporary.
..... 100	Registrar .....
<b>ASSAY AND REFINERY OFFICE.</b>	..... 40
SALARIES. Fixed Establishment.	CONTINGENCIES.
Superintendent of Assay .....	Stationery Fuel &c. ....
Assistant Assayer .....	..... 100
Chief Melter .....	<b>ATTORNEY GENERAL.</b>
Assistant in Office .....	SALARIES. Fixed Establishment.
..... 150	Attorney General .....
CONTINGENCIES.	Clerk .....
Stationery, Chemicals &c. ....	..... 500
..... 200	..... 250
<b>AUDITOR GENERAL.</b>	CONTINGENCIES.
SALARIES. Fixed Establishment.	Stationery, Fuel &c. ....
Auditor General .....	..... 50
Clerk .....	<b>POLICE INCLUDING PRISONS AND GAOLS.</b>
..... 300	SALARIES. Police. Fixed Establishment.
CONTINGENCIES.	Police Magistrate and Chief Inspector ...
Stationery &c. ....	High Constable .....
..... 25	3 Constables at £144 each .....
<b>COMMISSIONER OF LANDS AND SURVEYOR GENERAL</b>	..... 432
SALARIES. Fixed Establishment.	<b>GAOL.</b>
Chief Commissioner of Lands & Surveyor Gen. ....	Warden .....
..... 800	2 Gaolers at £144 each .....
Assistant Surveyor .....	..... 300
Clerk of Works .....	..... 288
Clerk of Correspondence .....	Medical Attendant .....
Draughtsman .....	..... 100
Clerk (Accountant) .....	CONTINGENCIES.
Messenger .....	Stationery &c. ....
..... 100	..... 50
CONTINGENCIES.	<b>ASSISTANT GOLD COMMISSIONER AND STIPENDIARY</b>
Stationery, Maps, Instruments &c. ....	<b>MAGISTRATE.</b>
..... 250	<b>CARIBOO EAST.</b>
<b>CUSTOMS.</b>	SALARIES. Fixed Establishment.
SALARIES. Fixed Establishment.	Assistant Gold Commissioner, &c, .....
Collector of Customs .....	Clerk .....
Chief Clerk .....	..... 400
Clerk .....	Chief Constable .....
Messenger .....	..... 400
Pilot .....	2 Constables at £300 each .....
..... 650	..... 600
..... 400	Allowances.
..... 300	To Magistrate, owing to the high price of provisions .....
..... 96	..... 200
..... 100	CONTINGENCIES.
Provisional and Temporary.	Stationery, Fuel, &c. ....
Customs Officer North West Coast .....	..... 150
..... 300	
Out door Department Fixed Establishment.	
Revenue Officer .....	
..... 350	
1st Landing Waiter .....	
..... 300	
2nd Landing Waiter .....	
..... 250	
2 Boatmen .....	
..... 288	
CONTINGENCIES.	
Stationery Fuel &c. ....	
..... 50	

**GOLD COMMISSIONER, STIPENDIARY MAGISTRATE AND DEPUTY COLLECTOR OF CUSTOMS.**

**KOOTENAY.**

SALARIES.	Fixed Establishment.	
Gold Commissioner .....	800	
Clerk to the Gold Commissioner .....	450	
Clerk to Collector of Customs .....	350	
Chief Constable, Magistrate's Department .....	300	
Constable Do. Do. ....	240	
2 Constables, Customs Department £250 each	500	

**ALLOWANCES.**

To Magistrate, owing to the high price of provisions	200
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**CONTINGENCIES.**

Stationery, Fuel, &c.	200
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**ASSISTANT GOLD COMMISSIONER AND STIPENDIARY MAGISTRATE.**

**CARIBOO WEST or QUESNEL.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner &c. ....	500	
Clerk .....	350	
Chief Constable .....	300	
Constable .....	250	

**ALLOWANCES.**

To Magistrate, owing to the high price of provisions	200
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**CONTINGENCIES.**

Stationery, Fuel &c.	150
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**ASSISTANT GOLD COMMISSIONER AND STIPENDIARY MAGISTRATE.**

**LYTTON.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner .....	500	
Chief Constable .....	240	
Constable .....	192	
1 Toll Collector .....	300	
1 Check taker .....	200	

**ALLOWANCES.**

To Magistrate, owing to the high price of provisions,	50
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**CONTINGENCIES.**

Stationery, Fuel &c.	100
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**ASSISTANT GOLD COMMISSIONER AND STIPENDIARY MAGISTRATE.**

**YALE and HOPE.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner .....	500	
Chief Constable .....	250	
2 Constables at £192 each .....	384	
1 Toll Collector .....	192	
1 Constable at Hope .....	192	

**CONTINGENCIES.**

Stationery, Fuel &c.	100
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**ASSISTANT GOLD COMMISSIONER AND STIPENDIARY MAGISTRATE.**

**LILLOOET.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner .....	500	
Chief Constable .....	240	
1 Constable .....	192	
1 Toll Collector .....	300	
1 Constable and check taker, Clinton .....	200	

**ALLOWANCES.**

To Magistrate, owing to the high price of provisions	50
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**CONTINGENCIES.**

Stationery, Fuel, &c.	100
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**ASSISTANT GOLD COMMISSIONER AND STIPENDIARY MAGISTRATE.**

**DOUGLAS.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner .....	500	
Chief Constable .....	192	
Constable .....	192	
1 Toll Collector .....	250	

**CONTINGENCIES.**

Stationery, Fuel &c.	50
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**ASSISTANT GOLD COMMISSIONER, STIPENDIARY MAGISTRATE & DEPUTY COLLECTOR OF CUSTOMS.**

**FORT SHEPHERD and OSOYOOS.**

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner .....	500	
Clerk and Constable .....	300	
Constable .....	240	
2 Constables, Fort Shepherd .....	480	

**CONTINGENCIES.**

Stationery, Fuel &c.	50
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**REVENUE SERVICES, Exclusive of Establishments.**

Arrest and prosecution of smugglers at New Westminster and Southern Boundary	... 400
Travelling expenses of officers on duty	... 100

**ADMINISTRATION OF JUSTICE, Exclusive of Establishments.**

Summoning Jurors and Witnesses	... 50
Prosecution, and Interpreters' Fees, &c.	... 350
Expenses of Judge and Registrar while on circuit	1000
Expenses attending the holding of Inquests, &c., at New Westminster	... 30

**CHARITABLE ALLOWANCES.**

In aid of Hospital, New Westminster	500
Do. Do. Cariboo	... 1200
Do. Do. Kootenay	... 500
In aid of the destitute poor and sick	... 50

**EDUCATION.**

For aid in the establishment and maintenance of Schools throughout the Colony	... £1000
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**POLICE AND GAOLS, Exclusive of Establishments.**

**NEW WESTMINSTER.**

Provisions and other necessaries for Prisoners	1100
Clothing, bedding, and furniture	... 200
Working implements for Chain Gang	... 120
Witnesses and Interpreters	... 100

**CARIBOO EAST.**

Keep of prisoners and other police expenditure at this station	... 500
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**KOOTENAY.**

Keep of prisoners, &c., at this station	... 400
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**CARIBOO WEST, OR QUESNEL.**

Keep of prisoners, &c., at this station	... 200
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**FORT SHEPHERD AND OSOYOOS.**

Keep of prisoners, &c., at this station	... 150
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**LYTTON.**

Keep of prisoners, &c., at this station	... 150
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**YALE AND HOPE,**

Keep of prisoners, &c., at this station	... 160
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**LILLOOET.**

Keep of prisoners, &c., at this station	... 150
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**DOUGLAS.**

Keep of prisoners, &c., at this station	... 150
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**RENT.**

Of Court House and Gaol, Kootenay	... 150
Do., Do., Cariboo West or Quesnel	... 150
Do., Do., Lillooet	... 150
Of Post Office, Williams Creek	... 150

**TRANSPORT.**

HIS EXCELLENCY THE GOVERNOR.	
Expenses of tours in the Interior, &c	... 1000

COLONIAL SECRETARY.	
Expenses of tours in the Interior, &c.	... 250

**TREASURER.**

Freight upon remittance of treasure	... 50
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**ASSAY AND REFINERY OFFICE.**

Transport of Assay materials, &c. to Kootenay	1000
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**AUDITOR GENERAL.**

Travelling Expenses, inspecting accounts	... 100
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**CHIEF COMMISSIONER OF LANDS AND SURVEYOR GENERAL.**

Keep of Government horses	... 150
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**HARBOUR MASTER.**

Occasional hire of boatmen	... 25
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<b>GOLD, ASSISTANT GOLD COMMISSIONERS AND STIPENDIARY</b>	
<b>MAGISTRATES.</b>	
Travelling Expenses, Magistrates attending Council	350
Actual travelling expenses of officers on duty	800
Keep of horses at the different stations throughout the Colony	500
<b>GOLD COMMISSIONER, &amp;c., KOOTENAY.</b>	
Travelling expenses of officers on duty	500
<b>INSPECTOR STEAM VESSELS.</b>	
Travelling expenses of Inspector testing boilers	100
<b>WORKS AND BUILDINGS.</b>	
<b>GOVERNMENT HOUSE AND GROUNDS.</b>	
Repairs and Improvements thereto	300
<b>GOVERNMENT BUILDINGS.</b>	
Repairs to Buildings at the seat of Government	300
Do. Do. Cariboo	300
Do. Do. Lytton	100
Do. Do. Yale	200
Do. Do. Douglas	100
Sundry repairs to Government Buildings throughout the Colony.	300
<b>NEW WORKS.</b>	
Building Court House and Gaol, Kootenay	600
Do. Do. Cariboo West or Quesnel	1,000
Building a Gaol at Osoyoos	100
Building a Court House & Gaol at Lillooet (a re-vote)	1,000
Public Buildings, New Westminster	2,000
Building School House, New Westminster	250
Town Clock, New Westminster	200
<b>BUOYING SAND HEADS, FRASER RIVER.</b>	
Buoying Fraser River, including the purchase of Buoys and Moorings in England.	1,200
<b>LIGHT SHIP, FRASER RIVER.</b>	
Building a Light Ship for the mouth of Fraser River, including Stores and Provisions	4,000
Grant in aid of Naval Survey of Coast	500
Surveying and assisting Settlers to take up Land	1,000
Exploring in the Interior	6,000
<b>ROADS, STREETS, AND BRIDGES.</b>	
<b>ROADS, NEW.</b>	
Making Road, Alexandria to Quesnelmouth	12,000
Road from Cottonwood to Williams Creek	15,000
Making Road from Camerontown to Richfield	1,200
Making Roads and Trails towards Kootenay and North Bend of Columbia River	30,000
New Trail from 36 mile post, Cut-off to Williams Lake	250
Quesnelmouth to Cottonwood River, last payment under G. B. Wright's contract due 1st July, (a re-vote)	3,513 3 0
Completion of Douglas Street Road, New Westminster to Burrard Inlet (a re-vote)	1,640 4 0
Telegraph Trail, Semiahmoo Bay to Mud Bay	240 5 7
<b>REPAIRS.</b>	
Repairs to Harrison-Lillooet Road.	3,793 9 5
Do. Yale to Clinton Road.	5,627 5 9
Do. Lillooet to Alexandria.	2,000 0 0
Do. Trail, Harrison Slough to Douglas	200 0 0

<b>STREETS, REPAIRS.</b>	
Improvements to New Westminster Streets	2,500
<b>BRIDGES.</b>	
Bridge over Cottonwood River, last payment due 1st July, (a re-vote)	463 18 4
In aid of sum expended by the Hudson Bay Co., in placing in repair last year, the Trail from Fort Shepherd to Kootenay Valley	155 0 0

<b>MISCELLANEOUS SERVICES.</b>	
Furniture for Government House	800
Insurance of do.	46 10
Aid to Library, New Westminster	300
Do. Cariboo	300
Do. Kootenay	300
Presents to Indian Chiefs	100
Entertaining Indian Tribes	300
Loss on sale of Gold Dust received as Revenue after assay	100
Water Frontage Rentals to Municipal Council, New Westminster	150
Testimonials to Commanders of Bentinck Arm and Alexandria Expeditions	425
Commission on purchase of Drafts for Remittances to England	200

<b>INTEREST.</b>	
Interest on Loan of 1862	3,000
Do. 1863	3,000
Do. 1864	6,000
Interest on Temporary Loans.	1,500
Interest on Roads' Bonds	600

<b>DRAWBACKS AND REFUNDS.</b>	
Of Deposit on account of Land sales at Bentinck Arm	400
Of Customs Duties	100
Of other Taxes	50

<b>IMMIGRATION.</b>	
For the purposes of Free and Assisted Immigration	3,000

<b>REDEMPTION OF BONDS.</b>	
Cook's Ferry and Clinton Road Bonds due 30th September, 1865. Nos. 86 to 170	4,250
Roads Bonds (Act of 1863,) due 31st December, 1865	2,150

<b>SINKING FUND.</b>	
In Redemption of £50,000 Loan of 1862	4,500
Do. Do. 1863	2,000
Do. £100,000 1864	2,250

<b>TEMPORARY LOANS.</b>	
Repayment of sum due to the Bank of British Columbia.	27,210

<b>HOME GOVERNMENT ACCOUNT.</b>	
Due to Her Majesty's Government for the Buildings at the Camp, New Westminster	£10,704 16 7

# BRITISH COLUMBIA.



## No. 10. An Ordinance to amend the Dues leviable at the Port of New Westminster.

[18th March, 1865.]

**W**HEREAS, it is expedient to alter the rate of Dues at present leviable on Sailing Vessels above thirty tons, at the Port of New Westminster; Preamble.

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

I. So much of the Proclamation of the 15th June, 1859, as requires the payment of 3d. per ton on Sailing Vessels, is hereby repealed. In lieu thereof, from and after the passing of this Ordinance, there shall be assessed, levied, and collected at the Port of New Westminster, in the Colony of British Columbia, for the use of Her Majesty, Her heirs and successors, as and for Entrance and Clearance Fees, on all Sailing Ships or Vessels of above thirty tons register, either entering or leaving the said Port, 2d. per ton register. Port dues on Sailing Vessels reduced to 2d. per ton.

II. Such Dues shall be duties of Customs, and collected, managed, levied, and enforced in the manner by the said Proclamation prescribed. Port dues duties of Customs.

III. This Ordinance shall be cited as "The Harbour Dues Amendment Ordinance, 1865." Short Title.

Passed the Legislative Council the 14th day of March, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eighteenth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.



# BRITISH COLUMBIA.

U.



R.

## No. 11. An Ordinance for the formation and regulation of Municipalities in British Columbia.

[22nd March, 1865.]

**W**HEREAS, the creation of Municipal Institutions would be productive of great local improvements in the several Towns of the Colony, and it is expedient to promote the same; Preamble.

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

I. It shall be lawful for the Governor, on the petition of, in his opinion, a sufficient proportion of the residents in any Town or place in the Colony, praying for Municipal Institutions, to grant the same by Charter under the Great Seal of the Colony. The Governor may grant Municipal Institutions.

II. In every such Charter the Governor may

Powers of Governor.

(a) Define the limits of such Borough or Municipality, and

(b) Its subdivision into Wards;

(c) Provide for the Election of Borough Officers, their qualification, duties, term and change of office;

(d) And for Meetings of all kinds;

(e) The qualification of Voters or Burgesses at the Election of such Officers;

(f) Confer such corporate powers, with or without limitation, and with or without the right of suing and being sued in a corporate name, or the name of an Officer, and with a Common Seal, and with the right of holding land for strictly Municipal purposes;

(g) Provide for raising, by by-law, a Municipal Revenue, by taxes and rates leviable on the property within the Borough bounds, and by Municipal fines and penalties for breach of local regulations. Provided that in such case the Charter shall fix a definite clear and not excessive limit to any such taxation, and to any borrowing power thereby conferred, and specify the Municipal objects to which alone the same may be applied;

(h) And for the passage and enforcement of by-laws, for the prevention of fires, the supply of light and water, the abatement of nuisances, for internal improvements and works of all kinds, for social and sanitary objects, and any other local purposes connected with such Borough.

Provided that every such by-law, passed in accordance with such Charter, shall not be contrary to law, and may be repealed or varied as in such Charter may be prescribed; and every such by-law for the time being in force shall have the force of law, and be enforceable as law in any Court in the Colony.

III. Every such Charter shall contain a provision reserving power to the Governor, with the consent of such parties resident in a Borough established under this Ordinance, as shall be prescribed by the Charter creating the same, from time to time to alter, vary, or accept a surrender of the Charter of any such Borough, and grant a new charter with similar formalities. Charters how to be altered.

IV. And a further provision for the cessation of each such Charter, whenever a general Municipal law, applicable to the whole Colony, shall be duly established in lieu thereof. Cessation of Charters.

V. And such other and further provisions as to the Governor shall seem meet and just in the premises. General provisions.

VI. This Ordinance shall be cited as "The Borough Ordinance, 1865." Short Title.

Passed the Legislative Council this 17th day of March, A. D. 1865.

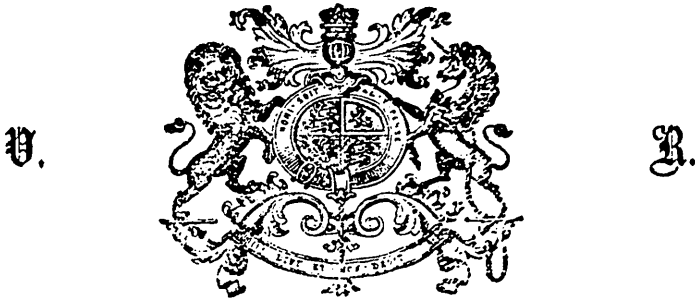
CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-second day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



## No. 12. An Ordinance to amend the Excise Laws.

[22nd March, 1865.]

**W**HEREAS, it is expedient to amend the Distillers' Excise Act, 1861; Preamble.

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

I. From and after the passing of this Ordinance, in lieu of the duty of Levying a duty on spirits two shillings per gallon levied on spirits, by "The Distillers' Excise Act, of 3s. per gallon, 1861," there shall be assessed, levied, and collected, from all persons whomsoever, to the use of Her Majesty, on all spirits in such Act mentioned and thereby made liable to duty, a duty at the rate of three shillings per gallon of such spirits.

II. It shall be lawful for any distiller to bond any spirits manufactured under the said Act in this Colony, and to export the same in bond from the Colony, nevertheless with, under, and subject to all such regulations and restrictions for the protection of the Revenue, as shall from time to time be prescribed by the Collector of Customs in that behalf.

III. This Ordinance shall be cited as one Ordinance with the said Short Title. Act, under the short title of "The Distillers' Ordinance, 1865."

Passed the Legislative Council the 20th day of March, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-second day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



R.

## No. 13. An Ordinance for imposing a duty on Gold.

[25th March, 1865.]

**W**HEREAS, it is expedient to levy a duty upon gold exported from British Columbia;

Preamble.

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

I. For the purposes of this Ordinance, the term "Gold" shall mean and include gold in its natural state, whether mixed with any other substance or not, gold dust, and all other gold whether wrought or un-wrought, except coined gold issued from the Royal Mint at London or any branch thereof, or of any Foreign State, articles of plate, jewellery or ornament actually worn or intended to be actually worn, upon the person, made elsewhere than in the Colony.

Interpretation clause:

The verb "Export" shall mean and include transmission or removal from British Columbia or its Dependencies, whether by sea or land.

II. From and after the first day of April, now next, there shall be levied, collected and paid to Her Majesty, Her heirs and successors, for the public uses of this Colony and in support of the Government thereof a duty of customs at the rate of two shillings upon every ounce, troy weight, of gold previous to its being exported from British Columbia or its Dependencies.

Imposes a duty of 2s. an ounce on exported gold.

III. Provided, always, that no gold entered at the Customs for exportation shall be liable to duty, which shall be accompanied by a certificate either from any officer in charge for the time being of a Government Assay Office in this Colony, that such gold has been assayed at such office, and has paid the Government charge for such assay, and a duty at the rate of one shilling and sixpence per ounce, troy weight, of such gold, or by a certificate under the hand of any officer acting as Gold or Assistant Gold Commissioner that a duty at the rate of two shillings per ounce on such gold, has been paid to the Government. For the collection of such Revenue, each such officer shall be deemed an officer of Customs.

Gold assayed at a Government Assay Office pays a duty of only 1s. 6d. an ounce.

IV. The duties hereby imposed shall be deemed to be Customs duties, 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 Customs Consolidation Act, 1853, and the Supplemental Customs Consolidation Act, 1855, or either of them, or any other Act 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.

Duties under this Ordinance to be Customs Duties.

V. Any evasion or attempt at evasion, whether directly or indirectly, of the payment of any duty hereby made payable, shall subject the person, vessel, or thing concerned or employed therein, or otherwise offending in the premises, to all the penalties of fine, forfeiture, and otherwise, by the said Customs Acts imposed on persons, vehicles, and things concerned or employed in smuggling.

Forfeiture.

Reserve on 49th Parallel.

VI. There is hereby reserved on behalf of the Government, as a Government Reserve, a strip of land or water along the forty-ninth parallel of latitude, from West to East, in and through British Columbia, of the uniform width of two miles. Any person found, seen, or detected on the aforesaid Government Reserve, within two miles of the United States frontier line, having any such said gold in his possession without a proper clearance, or permit from the Customs, shall be deemed guilty of smuggling, unless he shall prove to the contrary, to the satisfaction of the Magistrate before whom he may be brought. No person shall be allowed to reside or squat on the said Reserve, without the express authority of the Government in that behalf.

How ports and quays for exports are to be declared.

VII. The Governor of the Colony, by proclamation in the *Government Gazette* and by advertisement in the local newspapers, shall declare at what port, wharf or quay Gold may be shipped for exportation, and shall in the same manner declare across what point on the Government Reserve aforesaid Gold may be conveyed out of the Colony, and all Gold which shall be shipped or (unless when descending Harrison Lake or River, or Fraser River) water-borne to be shipped, found in any ship, boat, canoe, or other vessel, or in any cart, carriage, waggon, or other conveyance, or upon any horse, or other animal, or in possession or custody of any person whomsoever, being conveyed towards the sea coast or frontier of this Colony, or any part thereof, unless towards those ports or points declared by the Governor as aforesaid, or towards or upon any quay or wharf, without being accompanied by a clearance, may be deemed to be conveyed, or attempted to be conveyed, for the purpose of exportation or removal from this Colony, and with the intention of evading the payment of the export duty, unless the contrary be proved to the satisfaction of the Magistrate before whom the case may be brought, and such Gold shall be forfeited.

Evasions how punishable.

Penalties.

VIII. Any penalty under this Ordinance may be recovered and enforced before any Magistrate in British Columbia in a summary way.

Short Title.

IX. This Ordinance shall be cited as the "Gold Export Ordinance, 1865."

Passed the Legislative Council this 13th day of February, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-fifth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



R.

## No. 14. An Ordinance to amend and consolidate the Gold Mining Laws.

[28th March, 1865.]

**W**HEREAS it has been found expedient to revise, amend, classify and consolidate the Proclamations, Rules and Regulations, and Ordinances respecting the Mining Laws of this Colony;

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

1. From and after the passing of this Ordinance, all former Proclamations, and the Rules and Regulations made thereunder, and all Ordinances passed for regulating the Gold Mining interests of this Colony, are hereby repealed, and in lieu thereof, the Clauses following shall be substituted:

2. In the construction of this Ordinance, the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context.

The words "Her Majesty" or "The Crown" shall mean Her Majesty, Her Heirs and Successors.

The word "Governor" shall mean and include any person administering the Government of this Colony.

"Gold Commissioner" shall include Chief Gold Commissioner, Assistant Gold Commissioners and others lawfully acting as Gold Commissioners, either under special authority or the authority of this Ordinance.

The word "Mine" shall mean any locality in which any vein, stratum or natural bed of auriferous earth or rock shall be mined; and the verb "to mine" shall include any mode or method whatsoever of working the same, for the purpose of obtaining gold therefrom.

The word "Claim" shall mean the personal right of property or interest in any mine; and in the term "Mining Property" shall be included every claim, mine, ditch or water privilege used for mining purposes, and all other matters and things thereto belonging, or used in the working thereof.

"Bar Diggings" shall mean every mine over which a river extends when in its flooded state.

"Dry Diggings" shall mean any mine over which a river never extends.

The mines on benches shall be known as "Bench Diggings," and shall for the purpose of ascertaining the size of claims therein be excepted out of the class of "Dry Diggings."

"Streams and Ravines" shall include water-courses, whether usually containing water or not, and all rivers, creeks and gulches.

"Hill Claims" shall include all claims located on the surface of any hill.

"Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

"Ditch Head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.

"Free Miner" shall mean a person named in, and lawfully possessed of, a valid existing free miner's certificate, and no other. And words in the singular number shall include the plural, and the masculine gender shall include the feminine gender.

Interpretation clause.

Her Majesty, the Crown.

Governor.

Gold Commissioner.

Mine.

Claim.  
Mining property.

Bar Diggings.

Dry Diggings.  
Bench Diggings.

Streams and Ravines.

Hill Claims.  
Ditch.

Ditch Head.

Free Miner.

Record, &c.

The words "Record," "Register," and "Registration" as hereinafter used shall be synonymous.

Ordinance divided into 12 parts.

3. This Ordinance shall be divided into Twelve Parts :

The First Part relating to The Appointment of Gold Commissioners and their Jurisdiction;

The Second Part to Free Miners and their Privileges;

The Third Part to the Registration of Claims and Free Miner's General Rights;

The Fourth Part to the Nature and Size of Claims;

The Fifth Part to Bed-Rock Flumes;

The Sixth Part to the Drainage of Mines;

The Seventh Part to Mining Partnerships and Limited Liability;

The Eighth Part to Administration;

The Ninth Part to Leases;

The Tenth Part to Ditches;

The Eleventh Part to Mining Boards and their Constitution;

The Twelfth Part to the Penal and Saving Clauses.

### PART I.

#### APPOINTMENT OF GOLD COMMISSIONERS AND THEIR JURISDICTION.

Gold Commissioner to be appointed by the Governor.

4. The Governor may from time to time appoint such persons as he shall think proper to be Chief Gold Commissioner or Gold Commissioners either for the whole Colony, or for any particular districts therein, and from time to time in like manner fix and vary the limits of, and sub-divide such districts, and make and revoke all such appointments.

Mining Court in each District.

5. Within every such district or districts there shall be a Court to be called "The Mining Court" in which the Gold Commissioner of the District shall preside.

Jurisdiction of Gold Commissioner.

6. The power and jurisdiction of a Gold Commissioner shall be as follows:

Judge of law and fact.

a. He shall hear and determine without a Jury, all mining disputes arising within his district, and make such order as to damages, costs or other matter as he shall think fit; and in proceedings before him, and in enforcing his decision, he shall have and exercise, save as hereinafter excepted, the same power and authority as are now exercised in the Supreme Court of Civil Justice of British Columbia. Provided that the Gold Commissioner, if desired by either party, may in cases of unliquidated damages, summon a jury of five free miners to assess the amount thereof.

Same powers as Judge of the Supreme Court in enforcing decision.

b. No prescribed forms shall be necessary, provided that the substance of the matter complained of be properly expressed in writing, and embodied in a Summons to be issued from the Court, and served on the opposite party, or as may be directed, and such Summons may by leave of the Gold Commissioner be amended if requisite by either party upon such terms as he shall impose, and the sum of £2 shall be charged for every Summons so issued.

Prescribed forms unnecessary.

Jurisdiction beyond district in certain cases.

c. Where disputes arise concerning mining property, portions whereof are situated in adjoining and different districts, the Gold Commissioner of either of such districts before whom the dispute is first brought shall determine it.

Mining Surveyor.

d. The Gold Commissioner may, in cases of disputed boundaries or measurements, employ a Surveyor to mark and define the same, and cause the reasonable expense thereof to be paid by either or both of the parties interested therein.

Laying over claims.

e. He shall also have the power to lay over any or all claims within his district, for such period and under such circumstances as he may think proper.

Protection against dangerous works.

f. He shall have power to order any mining works to be so carried on as to ensure the safety of the public, or protect the interests of adjacent claim holders; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence then upon such terms as he shall deem expedient.

Plots for Traders and gardens.

g. It shall be lawful for him upon being so requested, to mark out for business purposes or gardens, on or near any mining ground, a plot of land of such size as he shall deem advisable; subject however to all the existing rights of Free Miners then lawfully holding such mining ground, and their assignees. And any building erected, or improvements made thereon for any such purposes, shall in every such case be erected and made at the risk of the persons erecting and making the same; and they shall not be entitled to any compensation for damage done thereto by such Free Miners so entitled in working their claims *bonâ fide*.

7. It shall be lawful for him, upon being so requested, to mark out for business purposes or gardens, on or near any mining ground not previously pre-empted, a plot of land of such size as he shall deem advisable, to be held subject to all the rights of Free Miners to enter upon and use such lands for mining purposes, upon reasonable notice to quit being given to the occupier, such notice to be subject to the approval of the Gold Commissioner; and further upon the payment of due compensation for any crops thereon, and for the buildings and improvements erected on such plots; such compensation to be assessed by the Gold Commissioner previous to entry, with or without a jury of not less than three.

A monthly rent of twenty shillings shall in every such case be payable by the grantees of such plot, or their assignees, to the Gold Commissioner.

Rent for same.

7. The Judge of the Supreme Court of Civil Justice may, with the advice and consent of the Chief Gold Commissioner or of any two Gold Commissioners, from time to time make, repeal and alter such rules and regulations for the conduct of the business before the Gold Commissioner for the times of proceedings, and also such lists of costs of proceedings as he shall think fit.

Forms of proceeding costs, &c.

8. Where any mining cause, wherein the sum of damages sought to be recovered shall be less than £50, is brought in the first instance before the Supreme Court of Civil Justice of British Columbia, it shall be lawful for the Court after issue joined to direct the cause to be tried before any particular Gold Commissioner, upon such terms as the Court shall think fit.

Causes under £50.

9. All jurors and witnesses summoned under and by virtue of the powers contained in this Ordinance, shall be entitled, for their attendance, to receive such compensation as the Court may direct.

Jurors and witnesses' fees.

10. Where, in civil cases, the subject matter in dispute is in value more than £50, an appeal shall lie from the judgment of the Gold Commissioner to the Supreme Court of Civil Justice, provided that notice thereof be given in writing to the opposite party within four days after the decision complained of and not afterwards, and also security be given, to be approved of by the Gold Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment. And the said Court of Appeal may make such order as it shall think fit, or try the cause *de novo*, and such appeal may be in the form of a case settled and signed by the parties, their Counsel, or their Attornies.

Appeal in civil cases over £50.

PART II.

WHO MAY BE FREE MINERS, AND THEIR PRIVILEGES.

11. Every person over but not under sixteen years of age shall be entitled to hold a claim. Minors who shall become Free Miners shall as regards their mining property and liabilities contracted in connexion therewith be treated as adults.

Who may be a free Miner.

12. Every Gold Commissioner, upon payment of the sums hereinafter mentioned, shall deliver to any person applying for the same, a Certificate, to be called a Free Miner's Certificate which may be in the following form:

Free Miners under age to be treated as adults. Miners' Certificate.

BRITISH COLUMBIA.

FREE MINER'S CERTIFICATE.

Date, Not transferable. No. Valid for years.

This is to certify that A. B. of \_\_\_\_\_ day, the sum of \_\_\_\_\_ and is entitled to all the rights and privileges of a Free Miner, for \_\_\_\_\_ year from the date hereof.

has paid me this

and is entitled to all the rights and

year from the date hereof.

(Signed) G. B.

Chief Gold Commissioner, or Assistant Gold } as the case }  
Commissioner. } may be.

13. Such Free Miner's Certificate shall, at the request of the applicant, be granted and continue in force for a period of one year or three years from the date thereof, upon payment by such applicant to the use of Her Majesty of the sum of One pound for one year, and Three pounds for three years. Such Certificate shall not be transferable, and only one person shall be named therein. And every holder of a certificate shall have three clear days after the expiration thereof, and no longer, to renew the same.

Certificate for one, or three years.

14. If any Free Miner's Certificate shall be accidentally destroyed or lost, the same may, upon evidence thereof, and upon payment by the applicant of ten shillings, be replaced by a true copy thereof, signed by the Gold Commissioner of the district wherein the original certificate was issued. Every such new certifi-

Three days grace to renew certificate.

Lost Certificates.

cate shall be marked "substituted certificate." And unless some material irregularity be shown, in respect thereof, every original or substituted Free Miner's certificate shall be evidence of all the matters therein contained.

- Right to enter and mine.** 15. Every Free Miner shall, during the continuance of his certificate, and no longer, have the right to enter and mine upon any of the waste lands of the Crown, not for the time being occupied by any other person.
- Compensation to prior occupants.** 16. In the event of such entry being made upon lands already lawfully occupied for other than mining purposes, previously to entry full compensation shall be made to the occupant for any loss or damages he may sustain by reason of any such entry; such compensation to be determined by the nearest Stipendiary Magistrate or Gold Commissioner, with or without a jury of not less than five.
- Must be a Free Miner in certain cases.** 17. No person shall be recognized as having any right or interest in or to any mining claim or ditch, or any of the gold therein, unless he shall be, or in case of disputed ownership unless he shall have been at the time of the dispute arising, a Free Miner.

### PART III.

#### REGISTRATION OF CLAIMS AND FREE MINER'S GENERAL RIGHTS.

- Registration of claim.** 18. Every Free Miner locating a claim, must record the same at the Office of the Gold Commissioner of the district within which the same is situated, within three days after the location thereof, if located within ten miles of the said Office. One additional day shall be allowed for such record for every additional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose, in which shall be inserted the name of the claim, the name of each locator, the number of his certificate, the locality of the mine, the date of his recording the same, and such other matters and things as may be deemed requisite by the Gold Commissioner.
- Re-registration.** 19. All claims must be re-registered annually.
- Production of certificate prior to registration.** 20. It shall be lawful for the Gold Commissioner to demand from any miner applying to record a claim, the production of his certificate, and upon his neglect or refusal to produce the same, to refuse to record such claim or interest therein.
- Priority of rights recognized according to priority of registration.** 21. In case of any dispute, the title to claims will be recognized according to the priority of registration, subject only to any question which may be raised as to the validity of the record itself.
- Transfers must be in writing and registered.** 22. No transfer of any claim, or of any interest therein shall be enforceable, unless the same, or some memorandum thereof, shall be in writing, signed by the transferrer, or by his lawfully authorized agent and registered with the Gold Commissioner.
- General fee on recording mining matter.** 23. For every record made, and leave of absence granted, or any other matter or thing whatever relating to mining for which a special fee shall not have been provided, the Gold Commissioner shall charge a registration fee of ten shillings as herein defined.
- Fee for search.** 24. The books of record shall, during reasonable hours, be open to public inspection; and the sum of one dollar, and no more, shall be charged for every search made therein.
- Certified copy of any record to be evidence.** 25. Every copy of, or extract from, any record or register kept under this Ordinance, and certified to be a true copy or extract under the hand of the Gold Commissioner, or other person entrusted to take and keep such record or register, shall, in the absence of the original register, be receivable in any judicial proceeding as evidence of the matters and things therein contained; and the sum of five shillings shall be charged for each copy of a record so certified.
- Charge therefor.** 26. Every free miner shall be allowed to hold at the same time any number of claims acquired by purchase, but only two claims by pre-emption in the same locality, save as hereafter provided, viz: one quartz claim and one other claim, subject however to the laws as to record, occupation, and otherwise for the time being in force. And every free miner may sell, mortgage or dispose of the same. He shall also be entitled, in addition to the above, to hold a pre-emption claim on each (but not on the same) hill, creek, ravine, or bench, provided the same be not less than ten miles apart.
- Miners' interest in mining property a chattel.** 27. The interest which a free miner has in a claim shall be deemed and taken to be a chattel interest equivalent to a lease, for such period as the same may have been recorded, renewable at the end thereof, and subject to the conditions



as to forfeiture, working, representation, registration and otherwise, for the time being in force, with respect to such claim.

28. Every free miner shall, during the continuance of his certificate, have the exclusive right of entry upon his own claim for the minerlike working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, provided that his claim be duly registered, and faithfully and not colourably worked; but he shall have no surface rights therein.

Provided, also, that the Gold Commissioner may, upon application made to him, allow adjacent claim holders such right of entry thereon as may be absolutely necessary for the working of their claims, and upon such terms as may to him seem reasonable.

29. In addition to the above rights, every registered free miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated as shall, in the opinion of the Gold Commissioner, be necessary for the due working thereof.

30. No claim located and recorded in any district, within 14 days before or after the claims therein shall have been laid over till the ensuing season or other specific date, shall be deemed to be so laid over, unless so much work shall have been *bonâ fide* expended thereon by the holder thereof, as shall, in the opinion of the Gold Commissioner, fairly entitle him to have such claim laid over.

31. A claim shall be deemed to be abandoned and open to the occupation of any Free Miner, when the same shall have remained unworked by the registered holder thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shewn; Sundays, and such holidays as the Gold Commissioner may think fit to proclaim, are to be omitted in reckoning the time of non-working.

32. Every full sized claim, as defined in this Ordinance, shall be represented and *bonâ fide* worked by the owner thereof, or by some person on his behalf.

33. The Gold Commissioner shall have the power to regulate the number of miners who shall be required to work in prospecting a claim, or set of claims, until gold in paying quantities is found.

34. Every forfeiture of a claim shall be absolute, any rule of law or equity to the contrary notwithstanding.

35. Where any undivided mining interest in a Company shall be claimed by any Free Miner, by reason of any defect in the title or representation thereof, which defect shall be first established to the satisfaction of the Gold Commissioner, the Company shall be bound

Either to admit the claimant as a member of the Company to the extent of such defective interest,

Or to stake off, to the separate use of the claimant, any portion of ground in the joint ground of the Company, equal in extent to such defective interest. In such latter event the claimant shall not be entitled to any interest whatever in the remaining ground of the Company, or be considered a member thereof, by reason of such appropriation.

In either case the Company shall pay all costs and expenses incurred by reason of allowing the non-representation aforesaid. The Gold Commissioner may make such order as to costs as he may deem just.

#### PART IV.

##### NATURE AND SIZE OF CLAIMS.

36. From and after the date hereof, the size of claims shall be as follows:

For "Bar Diggings" a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

37. For "Dry Diggings," one hundred feet square.

38. Creek Claims shall be 100 feet long, measured in the direction of the general course of the stream, and extending in width from base to base of the hill on each side. Where the bed of the stream or valley is more than 300 feet in width, each claim shall be only 50 feet in length, extending 600 feet in width. Where the valley is not 100 feet wide, the claims shall be 100 feet square.

39. "Bench Claims" shall be 100 feet square.

40. The Gold Commissioner shall have authority, in cases where benches are narrow, to mark the claims in such a manner as he may think fit, so as to include an adequate claim.

41. Every claim situated on the face of any hill, and fronting on any natural stream or ravine, shall have a base line, or frontage of 100 feet, drawn parallel to the main direction thereof. Parallel lines drawn from each end of the base line, at right angles thereto, and running to the summit of the hill, shall constitute the side lines thereof. Posts of the legal size shall be planted, 100 feet apart, on both the base line and the side lines. The whole area included within such boundary lines shall form a Hill Claim.

Definition of a miner's right in a claim.

Right of entry to adjacent claim-holders.

One record covers not only the claim, but a fair share of the necessary water to work it.

Claims recorded in close season when laid over.

Claims when deemed abandoned.

Full sized claims must be worked.

In prospecting leave granted to work with less than full complement.

Forfeiture absolute.

Undivided interests in a Company when not represented Company to elect.

To admit claimant as a member,

or stake off claim for him.

Company to pay costs, except otherwise ordered.

Size of claim.  
Bar Diggings.

Dry Diggings.  
Creek Claims.

Bench Diggings.

Hill Claims.

- Tunnelling under hills.** 42. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunnelling from the main frontage.
- Gold Commissioner may refuse to record certain Tunnel Claims.** 43. The Gold Commissioner shall have power to refuse to record any hill or tunnel claim on any creek, which claim or any part thereof shall include or come within one hundred feet of any gulch or tributary of such creek.
- Forfeiture of Claim involves Tunnel, &c.** 44. Tunnels and shafts shall be considered as appurtenant to the claim to which they are annexed, and be abandoned or forfeited by the abandonment or forfeiture of the claim itself.
- Quartz Claims.** 45. For the more convenient working of back claims on benches or slopes, the Gold Commissioner may, upon application made to him, permit the owners thereof to drive a Tunnel through the claims fronting on any creek, ravine, or watercourse, and impose such terms and conditions upon all parties as shall seem to him expedient.
- Regulations for working.** 46. Quartz Claims shall be 150 feet in length, measured along the lode or vein, with power to follow the lode or vein and its spurs, dips, and angles, anywhere on or below the surface included between the two extremities of such length of 150 feet, but not to advance upon or beneath the surface of the earth more than 100 feet in a lateral direction from the main lode or vein, along which the claim is to be measured.
- Discoverer's Claim.** 47. In quartz claims and reefs, each successive claimant shall leave three feet unworked, to form a boundary wall between his claim and that of the last previous claimant, and shall stake off his claim accordingly, not commencing at the boundary peg of the last previous claim, but three feet further on. If any person shall stake out his claim contrary to this rule, the Gold Commissioner shall have power to remove the first boundary peg of such wrong doer three feet further on, notwithstanding that other claims may then be staked out beyond him; so that such wrong doer shall then have but one hundred and forty-seven feet. And if such wrong doer shall have commenced work immediately at the boundary peg of the last previous claim, the Gold Commissioner may remove his boundary peg six feet further on than the open work of such wrong doer; and all such open work, and also the next three feet of such space of six feet shall belong to and form part of the last previous claim, and the residue of such space of six feet shall be left as a boundary wall. Every such boundary shall be deemed the joint property of the owners of the two claims between which it stands, and may not be worked or injured, save by the consent of both owners.
- Claims low marked.** 48. If any Free Miner, or party of Free Miners, shall discover a new mine, and such discovery shall be established to the satisfaction of the Gold Commissioner, the first discoverer, or party of discoverers if not more than two in number, shall be entitled to a claim double the established size of claims in the nearest mines of the same description, (i.e. dry, bar, or quartz diggings.) If such party consist of three men, they shall collectively be entitled to five claims of the established size on such nearest mine; and if of four or more men, such party shall be entitled to a claim and a half per man, in addition to any other claims legally held by pre-emption or otherwise. A new stratum of auriferous earth or rock, situated in a locality where the claims are abandoned, shall, for this purpose, be deemed a new mine, although the same locality shall have been previously worked at a different level. And dry diggings discovered in the vicinity of Bar Diggings shall be deemed a new mine, and *vice versa*. A discoverer's claim shall for all purposes be reckoned as one ordinary claim.
- Measurement.** 49. All claims shall be as nearly as possible in rectangular forms, and marked by four pegs, at least four inches square, standing not less than four feet above the surface, and firmly fixed in the ground. No boundary peg shall be concealed, moved, or injured without the previous permission of the Gold Commissioner. Any tree may be used as a stake, provided that it be cut down to at least the legal height, and the stump squared as above.
- Deposit of leavings.** 50. In defining the size of claims, the same shall be measured horizontally, irrespective of inequalities on the surface of the ground.
51. The Gold Commissioner may, where deemed desirable, mark out a space in the vicinity, for deposits of leavings and deads from any tunnel, claim, or mining ground whatsoever, upon such terms and conditions as he may impose.

## PART V.

## BED-ROCK FLUMES.

- Grant for not more than 5 years.** 52. It shall be lawful for the Gold Commissioner upon the application hereinafter mentioned, to grant to any Bed-rock Flume Company for any term, not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining Bed-rock Flumes.
- Three or more constitute a company.** 53. Three or more Free Miners may constitute themselves into a Bed-rock Flume Company, and every application by them for such grant shall be in writing, and shall state the names of the applicants, and the nature and extent of the privileges sought to be acquired. Ten clear days' notice thereof shall be given between the months of June and November, and between the winter months of November and June one months' notice shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's Office of the district. Prior to such application, the ground included therein shall be marked out by posts of the legal size, placed at intervals of 150 feet along the proposed main line or course of the Flume, with a notice affixed thereto, stating the number of feet of ground claimed on either side of such main line. And it shall be
- Notice of 10 days.**
- Main line of Flume to be staked off.**
- Protest.**

competent to any Free Miner to protest before the Gold Commissioner within such times as aforesaid, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded if the application be refused, and if the application shall be entertained then such sum of twenty-five pounds shall be retained and paid into the Colonial Treasury for the use of Her Majesty, whether the application be afterwards abandoned or not.

Fee of £25 payable.

54. Every such grant shall be in writing, signed by the Gold Commissioner.  
55. Bed-rock Flume Companies shall upon obtaining such grant, be entitled to the following rights and privileges, that is to say:

Grant to be in writing.  
Rights of way and privileges.

a. The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground 100 feet wide and 200 feet long in the bed thereof, to each individual of the Company.

Upon new Creeks.

b. The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof 100 feet in width, and one-quarter mile in length for each individual of the Company.

Upon Creeks worked for 2 years and over

c. And no person heretofore or hereafter locating unworked or abandoned ground within the limits of the said Company's ground, after the notice hereinbefore mentioned has been given, shall be held to have or to have had any right or title as against such Company to any ground so taken up by them.

d. The words "Abandoned ground" shall be construed to mean all new and unworked ground, and ground not legally held and represented, within the meaning of this Ordinance.

Upon Creeks discovered within two years.

e. Such rights of way through, and entry upon any rivers, creeks and ravines discovered within the two years next preceding the date of their application before mentioned, and upon any portions of which Four or more Free Miners are legally holding and bona fide working claims, as to the Gold Commissioner may seem advisable.

f. The rights of way through and entry upon all claims, which are at the time of the notice of application hereinbefore mentioned bona fide and not colourably worked by any Free Miner or Miners for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary. Provided that the owners of such last mentioned claims shall be entitled to take and receive the gold found in the cut or channel so made, but where any advantage equivalent to the cost of making the cut may accrue to the individual claim holder, by reason of such flume being laid through the claim, the Bed-rock Flume Company shall be entitled to the actual cost of making such cut to the bed-rock.

Rights of way through claims legally held and worked.

g. The use and enjoyment of so much of the unoccupied and unappropriated water of the stream on which they may be located, and of other adjacent streams as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their mining operations, and they shall have their right of way for ditches and flumes to convey the necessary water to their works, they being liable to other parties for any damage which may arise from running such ditch or flumes through or over their ground.

Right to use of unappropriated water

h. The right to all the gold in their flumes.

Gold in the Flume.

56. The holders of claims through which the line of the proposed flume of such Company runs, may upon giving at least ten days' notice in writing of such their intention to the Bed-rock Flume Company, put in a Bed-rock Flume to connect with that of the Bed-rock Flume Company, but they shall maintain the like grade, and build their flume as thoroughly, and of as strong materials as are used by such Company.

Claim-holders upon giving one month's notice may construct their own Flume.

57. Claim-holders so constructing their own flumes at their own expense, through their respective claims shall also keep their flume clear of obstructions, and they shall be entitled to all the gold found therein, but they shall be subject to the same rules and regulations, with regard to cleaning up the flume, repairs and other matters in which both parties are interested, as may be adopted by such Bed-rock Flume Company; and such claim-holders shall have the right at any time before the abandonment of their claim or claims to become members of the Bed-rock Flume Company, by uniting their claims and flume with the ground and flume of the Company, and taking an interest proportionate to that which they shall cede to the Company, or should they so desire they may abandon their claims and flume, and such abandonment shall enure to the use and benefit of the Bed-rock Flume Company.

Where so constructed and abandoned.

58. Every Bed-rock Flume Company shall, for each of the men constituting the same, construct and lay at least fifty feet of flume during the first year, and one hundred feet annually thereafter.

Number of feet to be completed within certain times.

59. Any Free Miner or Miners lawfully working any claims where a Bed-rock Flume may be constructed, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume, by rocks, stones, boulders or otherwise.

Free Miners entitled to use Flume for tailings.

60. All Bed-rock Flume Companies shall register their grant when obtained, and a registration fee of £5 shall be charged therefor; and they shall also pay an annual rent of £2 10s. for each quarter of a mile of right of way legally held by such Company. No re-registration of a grant shall be necessary.

Registration of grant.

61. Bed-rock Flumes, and any interest or interests therein, and all fixtures are hereby declared to be personal property, and may be sold, mortgaged, transferred, or otherwise dealt with as such,

Bed-rock Flumes chattels.

## PART VI. DRAINAGE OF MINES.

Gold Commissioner may grant rights of way through Mining ground for Drains.

62. It shall be lawful for the Gold Commissioner to grant, to any Free Miner, Company of Free Miners or Joint Stock Companies, for any term not exceeding ten years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing a Drain or Drains for the drainage thereof.

Application to be in Writing.

63. Every application for such grant shall be in writing, and shall state the names of the applicants, the nature and extent of the proposed Drain or Drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired.

Ten clear days' notice to be given.

64. Upon such application a notice similar to that required upon application for the right of way for Bed-rock Flumes shall be given.

Deposit of £25.

65. Every application for such grant shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded in case the application shall be refused by the Government, and if the application shall be entertained then such sum of twenty-five pounds shall be retained, and paid into the Treasury of the Colony, to the use of Her Majesty, whether the application be afterwards abandoned or not.

Grants to be in writing.

66. Such grants shall be made upon such conditions as the Gold Commissioner shall deem reasonable and shall be embodied in writing.

Covenants.

67. The rights of way and entry above mentioned, the power to assess, levy and collect tolls (not exceeding in amount that mentioned in the application) from all Free Miners using such Drain or benefitted thereby shall be given to the grantees. The grantees shall also covenant therein as follows:

a. That they will construct such Drain or drains of sufficient size to meet all requirements, within a time (if any) therein named.

b. And have and keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner for the time being may order all necessary alterations or repairs to be made by any Free Miners, other than the grantees, at the cost and expense of the latter, such cost and expense to be levied by sale (subject however to the conditions of the grant) of all or any part of the Drainage works, materials and tolls.

c. That they will within a reasonable time construct proper Tap Drains, from or into any adjacent claims, upon being required so to do, by the owners thereof, and in default thereof suffer such parties to make their themselves, in which case such parties shall only be chargeable with one half the usual rates of drainage toll, or such other proportion of toll as the Gold Commissioner shall in that behalf prescribe.

d. That they will not in the construction and maintenance of such Drains and Tap Drains in any way injure or damage the property of adjacent claim holders, and in the event thereof that they will make good any damage so sustained.

Tap Drains.

68. In the construction of Drains to be used as Tap Drains only, three days' notice given as above shall only be necessary.

Damages.

69. The Gold Commissioner alone, or if desired by either party, with the assistance of a Jury of five Free Miners, which he is hereby authorized to summon for that purpose, may ascertain whether any and what compensation shall be paid for any damage which may be caused by any such entry or construction as aforesaid.

Registration.

70. Such grant shall be duly registered as hereinbefore provided, and the sum of £1. shall be charged therefor, save when such grant gives the grantees the power and right of collecting tolls, in which case the sum of £5. shall instead of £1. be paid as a registration fee. No re-registration of any such grant shall be necessary. An annual rent of £5 for each quarter mile, and fraction thereof, shall be paid by Drain Companies collecting tolls to the Gold Commissioner; such rent to commence from the date of their grant.

## PART VII. MINING PARTNERSHIPS.

Co-partnership rules if no articles are drawn up.

71. All mining companies shall be governed by the provisions hereof, unless they shall have other and written articles of co-partnership properly signed, attested and recorded.

Partnership to continue for one year.

72. No mining co-partnership shall continue for a longer time than one year, unless otherwise specified in writing by the parties, but such co-partnership may be renewed at the expiration of each year.

Co-partnership business to be mining.

73. The business of the co-partners herein referred to, shall be mining, and such other matters as pertain solely thereto.

Majority of the partners govern.

74. A majority of the co-partners, or their legally authorized agents, may decide the manner of working the claims of the co-partners, the number of men to be employed, and the extent and manner of levying assessments to defray the expenses incurred by the company. Such majority may also choose a foreman or local manager, who shall represent the company, and sue and be sued in the name of the company for assessments and otherwise, and he shall have power with the consent of a majority of the company to bind them by his contracts; and the partnership or company name must be inserted in the record of the company's claims.

Foreman.

Assessments payable within 10 days.

75. During the time of working, all assessments when levied, shall be payable within ten clear days thereafter.

In default of payment claim to be sold.

76. In default of payment within such time, the debtor, after having received any notice specifying the amount due by him, shall upon such amount being ascertained by the Gold Commissioner to be correct, be personally liable to the company therefor;

and his interest in the company, if so ordered, shall be sold, by the Sheriff in the usual way, for the payment of the debt and costs, and should the amount realized be insufficient to meet the same, the Gold Commissioner shall have the power to issue an order, directed to the Sheriff, to sell such other personal property (if any) belonging to the debtor, as may be sufficient therefor.

77. Notices of sale of such debtor's mining or other property, or such part thereof as shall suffice to pay the debt and costs, shall be conspicuously posted up ten clear days prior to the day of sale, in the vicinity of such mining or other property, and at the Court House nearest thereto. Such sale shall be by public auction, and the bidder offering to pay the amount due for the smallest portion of the mining or other property, shall be entitled to such portion. The purchaser on payment of the purchase money, shall acquire therein all the right and title of the debtor, and shall be entitled to the immediate possession thereof. A bill of sale of the mining property so sold, signed by the Gold Commissioner and duly recorded, shall confer a good legal title thereto upon the purchase.

Notices of sale, and mode of sale.

78. After a notice of abandonment in writing shall have been served on the foreman of the company, by any member thereof, such abandonment shall be considered absolute, and operate as a discharge against all debts contracted by the company after such notice has been given, and no such member shall be deemed to have abandoned such interest without having served such notice as aforesaid.

Notice of abandonment to be given

LIMITED LIABILITY.

79. Any mining company, composed of two or more Free Miners, may limit the liabilities of its members, upon complying with the requirements following, that is to say :—

Requirements.

Upon filing with the Gold Commissioner of the District a declaratory statement containing the name of the company, the area of the ground claimed, the location of the claim, and the particular interest of each member of the company ; and also placing upon a conspicuous part of the claim, in large letters, the name of the company, followed by the word "Registered." After such conditions have been complied with, no member of such company shall be liable for any indebtedness accruing thereafter exceeding an amount proportioned to his interest in the company.

80. No person shall locate, purchase, hold, or enjoy less than one-fourth of one full interest of one hundred feet in any company so constituted.

Not less than 1/4 of full interest may be held.

81. All mining companies so constituted shall keep a correct account of its assets and liabilities, together with the names of the share-holders and the interest held by each, and shall make out a monthly balance sheet, showing the names of the creditors and the amounts due to each, and file the same among the papers of the company, and such balance sheet and all books of the company shall be open to the inspection of creditors of the company at all reasonable hours.

Accounts of companies, how to be kept.

82. No member of such company shall, after a bill of sale conveying his interest, or some portion thereof, has been duly recorded, or after notices of abandonment in writing of his interest shall have been left with the foreman of the company and the Gold Commissioner, be liable for any indebtedness of the company accruing thereafter.

Cessation of individual liability.

83. No such company shall declare any dividend until all liabilities due shall have been paid.

When dividend may be declared.

84. No such company shall be liable for any indebtedness contracted by any member thereof, other than its foreman or agent duly authorized.

Foreman only liable for debts.

85. If any such company fail to comply with any of the foregoing provisions, such company shall be liable to a fine of not less than five pounds nor more than twenty-five pounds.

Penalty for non-compliance herein.

86. The Gold Commissioner in each Mining District shall keep a book exclusively for the purpose in which he shall record all declaratory statements filed in his office, and another book in which he shall record all notices of abandonment.

Declaratory statements, how filed.

87. There shall be paid to the Gold Commissioner, for the use of Her Majesty, upon the filing of each declaratory statement, the sum of ten shillings; and upon the filing of each notice of abandonment the sum of four shillings, and no more.

Fee for filing.

88. All other matters not herein provided for, shall, as far as is practicable, be governed by the provisions of the "Mining Joint Stock Companies Act, 1864;" but nothing in the nine preceding sections contained shall be construed so as to repeal or vary any of the prior or subsequent sections of this Ordinance.

When in force.

89. In the case of any Mining Joint Stock Company duly registered in this Colony, under the provisions of the "Mining Joint Stock Companies Act, 1864," and not under this Ordinance, every shareholder of such company, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any mining shares therein, anything to the contrary notwithstanding herein contained.

When persons not free miner's may hold interests in companies.

**PART VIII.  
ADMINISTRATION.**

- Deceased Miners' interest.** 90. In case of the death of any Free Miner, while registered as the holder of any Mining property, his claim shall not be open to the occupation of any other person for non-working or non-representation, either after his decease, or during the illness which shall have terminated in his decease.
- Power of Gold Commissioner.** 91. The Gold Commissioner shall in all such cases take possession of the Mining property of the deceased, and may cause such Mining property to be duly represented or dispense with the same at his option, and he shall sell and dispose of the same by private sale, or upon giving ten day's notice thereof by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred therein.
- Administrator without letters of administration in mining assets valued at £200 and under may sell.** 92. The Gold Commissioner shall take into his custody and safe keeping, or order some person so to do, all the property of deceased miners until proper letters of administration be obtained.

**PART IX.**

**LEASES.**

- All grants to be in writing.** 93. All grants under this Ordinance for any mining ground, ditch privileges or otherwise, shall be in writing, in the form of a lease to be signed by the Gold Commissioner, and by the grantees or lessees.
- Except otherwise expressed in this Ordinance.** 94. Save where the contrary is expressed in this Ordinance, the following clauses shall apply:
- Applications must be in duplicate.** Applications for leases, accompanied by a plan of the proposed undertaking, are to be sent in duplicate to the Gold Commissioner of the district, wherein the ground desired to be taken is situated, who shall immediately forward it, with his report, to the Governor for his sanction, excepting in cases where the lease does not exceed 5 years, but the ground shall be secured to the applicant until the Governor's decision has been received. Prior to such application the ground applied for, shall be marked out by posts of the legal size, and a written notice of application, signed by the applicant shall be affixed to any post nearest to mining claims then being worked. A copy of such notice shall also be put up at the Gold Commissioner's Office.
- Ground must be marked out and notices posted up.** 95. Every application for a lease shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded if the application be refused; and if it be entertained, such sum of twenty-five pounds shall be retained and paid into the Treasury of the Colony, for the use of Her Majesty, whether the application be afterwards abandoned or not.
- Deposit of £25.** 96. Leases will not in general be granted for a longer term than ten years, or for a quantity of ground greater than that herein prescribed, that is to say:
- Leases for 10 years.** In Dry Diggings, ten acres.  
In Bar Diggings, unworked, half a mile in length along the high water mark.  
In Bar Diggings, worked and abandoned, one mile and a half in length along the high water mark.
- Dry Diggings.** In Quartz Reefs, unworked, half a mile in length.  
In Quartz Reefs, worked and abandoned, one mile and a half in length.
- Bar Diggings unworked.** With liberty in the two last cases to follow the spurs, dips and angles on and within the surface, for two hundred feet on each side of the main lead or seam.
- Bar Diggings worked and abandoned.** 97. Leases as above will not in general be granted of any land, alluvium or quartz, which shall be considered to be immediately available for being worked by Free Miners as holders of individual claims. Nor will such a lease be granted in any case where individual Free Miners are in previous actual occupation of any part of the premises unless by their consent.
- Quartz Reefs unworked.** 98. Every such lease shall without expressing the same, be understood to contain a reservation of all rights of the Crown, and all reasonable provisions for securing to the public, rights of way and water, save in so far as shall be necessary for the minerlike working of the premises thereby demised. The premises demised shall be granted for mining purposes only, and it shall not be competent for the lessee to assign or sublet the same or any part thereof, without the previous license in writing of the Gold Commissioner. Every such lease shall contain a covenant by the lessee to mine the said premises in a minerlike way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And it shall also contain a clause by virtue whereof the said lease may be avoided, provided, that the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained.
- Quartz Reefs abandoned.**
- Reservation of rights of the Crown understood, also public ways &c.**
- Grant to mine only.**
- Covenants by lessee.**

**PART X.**

**DITCHES.**

- Gold Commissioner may grant ditch privileges for 10 years.** 99. It shall be lawful for the Gold Commissioner upon the application hereinafter mentioned, to grant to any person for any term, not exceeding five years, the right to divert and use the water from any creek, stream or lake at any particular part thereof, and the rights of way through and entry upon any mining ground in his district, for the purpose of constructing ditches and flumes to convey such water.
- Notice to be given.** 100. Ten days' notice thereof shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's Office of the district, and it shall be competent to any Free Miner to protest before the Gold Commissioner within such ten days, but not afterwards, against such application being wholly or partially granted.

101. Every application for a grant of water exceeding 300 inches shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded in case the application shall be refused by the Government, and if the application be entertained, then such sum of twenty-five pounds shall be retained and paid into the Colonial Treasury, for the use of Her Majesty, whether the application be afterwards abandoned or not. Deposit of £25 to be paid.
102. Every application for such rights shall be in writing, and shall state the names of the applicants, the name of the stream or lake to be diverted, the point of diversion or ditch head, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged to Free Miners or others, for the use of such water, and the time necessary for the completion of the ditch. Application to be in writing.
103. The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant. Gold Commissioner may refuse or modify grant.
104. Every grant of a ditch or water privilege in occupied creeks, shall be subject to the rights of such registered free miners as shall at the time of such grant be working on the stream above or below the ditch head, and if any other person or persons whatsoever who are then in any way lawfully using such water for any purpose whatsoever. Grants to be subject to free miners' rights.
105. If after the grant aforesaid has been made, any Free Miner locate and *bono fide* work any mining claim below the ditch head on any stream so diverted, he shall upon paying to the owner of the ditch, and all other persons, compensation equal to the amount of damage sustained, be entitled to such quantity of water to work his claim as he may require. And in computing such damages, the expense of the construction of the ditch, the loss or damage sustained by any claim or claims then using and depending upon the water conveyed in the said ditch, and all other losses reasonably sustained shall be considered. Damages when to be paid.
106. No person shall be entitled to any grant of the water of any stream mined for the purpose of selling the water to present or future claimholders on any part of such stream. The Gold Commissioner may, however, in his discretion grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream. Provided, that the rights of free miners then using the water so applied for, be in all such cases protected. Grants not to be made in certain cases.
107. The Gold Commissioner shall have power, whenever he may deem it advisable, to order the enlargement or alteration of any ditch or ditches, and to fix what (if any) compensation shall be paid by the parties to be benefited by such alteration or enlargement. Gold Commissioner may regulate size, &c., of Ditches.
108. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted to and taken by him. And if any such owner shall wilfully take and waste any unreasonable quantity of water, he shall be charged with the full rent as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offence be persisted in, to declare all rights to the water forfeited. Waste of water not permitted.
109. It shall be lawful for the owner of any ditch or water privilege to distribute for use the water conveyed by him to such persons, and on such terms, as he may deem advisable, within the limits mentioned in their application. Provided, always, that the owner of any ditch or water privilege shall be bound to supply water to all applicants being free miners, in a fair proportion, and shall not demand more from one person than another, except where the difficulty of supply is enhanced. Water how to be distributed by grantees.
110. Unless otherwise specially arranged, an annual rent of £1 shall be paid for every 50 inches of water used for mining purposes when not sold, and when sold the rent to be paid for any water privilege shall be in each month one average day's receipts, from the sale thereof, to be estimated by the Gold Commissioner with the assistance, if he shall so think fit of a Jury. Rent of £1 per annum on 50 inches of water.
111. Any person desiring to bridge across any stream, or claim, or other place for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied by any other person may in proper cases do so, with the sanction of the Gold Commissioner. In all such cases the right of the party first in possession whether of the mine or of the water privilege is to prevail, so as to entitle him to compensation and indemnity, if the same be just. General regulations.
112. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch shall be measured at the ditch head with a pressure of seven inches. No water shall be taken into a ditch except in a trough placed horizontally at the place at which the water enters it. The aperture through which the water passes shall not be more than ten inches high. The same mode of measurement shall be applied to ascertain the quantity of water running out of any ditch into any other ditch or flume. Rules for measuring water.
113. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within 4 feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention, shall be given before entering or approaching within 4 feet of such other property. Notice of entering registered claim to be given.
114. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the said Commissioner shall direct. Rules for diverting or crossing ditches.

- Gold Commissioner to settle compensation therefor. 115. The Gold Commissioner shall order what (if any) compensation for every such damage or interference shall be paid, and when, and to whom; and whether any and what works damaged or affected by such interference as aforesaid, shall be replaced by flames or otherwise repaired, and in what manner, by the person or persons inflicting any such damage.
- and to give certificate of authority 116. Upon compliance with the requirements aforesaid, the Gold Commissioner shall certify in writing, under his hand, that the person or persons named therein were duly authorized to create the damage or interference aforesaid, and have duly fulfilled the requirements herein mentioned, and have also duly satisfied and discharged all damages by him or them occasioned to any persons whatsoever, in respect of the damage or interference referred to.
- to be recorded, 117. Every such certificate shall be recorded by the said Gold Commissioner, in a book to be kept by him for that purpose at his office, and shall be at all times open to inspection upon payment of a fee of one dollar for every inspection.
- and to be sufficient in Law Courts. 118. Every such certificate so recorded shall be sufficient evidence in any Court of Judicature in the Colony, of all matters and things therein contained or referred to, and shall discharge the person or persons to or for whom the same is granted from all liability with respect to the damage or interference therein mentioned.
- Gold Commissioner to decide disputes. 119. The Gold Commissioner shall, upon the application of any party interested therein, and after notice as hereinafter mentioned to all whom it may concern, inquire into and decide all matters arising out of or connected with any such damage or interference as aforesaid, and such decision or judgment shall be final and without appeal; in all cases where such decision or judgment shall be given, in respect of any sum or matters at issue, the amount or value whereof, which shall be stated in the decision, shall not exceed one hundred pounds sterling.
- Appeal may be made in cases over £100 to the Supreme Court. 120. In cases where such amount or value shall exceed one hundred pounds sterling, any party aggrieved by such decision may appeal against the same to the Supreme Court of Civil Justice, upon giving written notice of such intention to the Gold Commissioner within four days of such decision, and upon giving within such four days, to the Gold Commissioner whose decision is appealed against, a good and sufficient bond or mortgage, the amount of which shall be fixed by the Commissioner, from the party or parties appellants, for the prosecution of the appeal and for the payment of all such costs as may be awarded by the said Supreme Court.
- Security of waste water in ditches to be at expense of owners. 121. The owners of any ditch, water privilege, or mining right, shall, at their own expense, construct, secure, and maintain all culverts necessary for the passage of waste and superfluous water, flowing through or over any such ditch, water privilege, or right, except in cases where a natural stream or river, applicable or sufficient for the purpose, exists in the immediate vicinity.
- Ditches to be constructed in a secure manner. 122. The owners for the time being, not being the Government, of any ditch or water privilege, shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the Gold Commissioner, and so that no damage shall occur during their ownership thereof, to any road or work in its vicinity, from any part of the works of such ditch, water privilege, or right, giving way by reason of not being so as aforesaid, constructed, secured, or maintained.
- Damages to be made good by grantees. 123. The owners of any ditch, water privilege, or right shall be liable, and shall make good, in such manner as the said Gold Commissioner shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege or right, giving way as aforesaid, and the same may be recovered before a Magistrate in a summary manner.
- Notice to be given in Government Gazette. 124. The publication of any written notice to the party intended to be affected thereby, in two consecutive numbers of the *Government Gazette*, or any newspaper circulating in the Colony, or by affixing the same for ten days on some conspicuous part of any premises referred to in such notice, and also at the office of the Gold Commissioner, shall be deemed good and sufficient notice for all purposes under this Ordinance.
- Saves public rights. 125. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out, from time to time, the public roads of the Colony across, through, along, or under any ditch, water privilege, or mining right, in any unsurveyed Crown Land without compensation, doing as little damage as conveniently may be in laying out the same.

## PART XI.

### MINING BOARDS AND THEIR CONSTITUTION.

- Constitution of Mining Boards. 126. Upon petition signed by not less than one hundred and one Free Miners in any district, it shall be lawful for the Gold Commissioner acting for such district to constitute therein, a local board, to be called "The Mining Board."
- Six to twelve Members according to number of Free Miners. 127. The Mining Board shall be elected by the votes of the miners of the district, and shall consist of not less than six, nor more than twelve of the miners of such district. If there shall be not more than 150 voters, then the Mining Board shall consist of 6 members. And for every complete number of 50 votes beyond the first 101, the Mining Board shall comprise one additional member, but not so as to consist of more than twelve members. Provided that no Free Miner shall be eligible for election as a member of such Board, except he shall have been a registered owner of a mining interest for three months prior to such election.
- Voters qualification. 128. The members shall be elected by the votes of the Free Miners of the district, who shall have been Free Miners during three months at the least, previous to the election.



Each voter shall have as many votes and no more as there are members of the Board to be elected, or vacancies to be filled up, which he may distribute among the candidates as he may think fit.

129. The votes of the electors shall be given in person by the voter, and the Gold Commissioner of the district shall act as the returning Officer, and shall decide all questions as to qualification and disqualification of the members elect. The first election shall take place on such day as the Gold Commissioner may appoint.

Gold Commissioner to be returning Officer.

130. If any member shall cease to be a registered Free Miner in the district, or shall be convicted of any misdemeanor, or felony, or of any wilful and malicious contravention of this Ordinance, or of any by-law in force in the district, he shall *ipso facto* vacate his seat in each case and not be re-eligible, save that a member vacating his seat only by reason of ceasing to be a registered Free Miner, shall be again eligible at any time upon his becoming a registered Free Miner.

Vacancy of Membership.

131. Whenever any member shall absent himself from three or more consecutive meetings of the Board, whether regular or adjourned meetings, he shall, upon a resolution passed by the Board to that effect, be considered to have vacated his seat therein.

Absence from meeting

132. The Gold Commissioner shall fill by appointment all vacancies which may arise in the said Board, when the same may occur, and such appointees shall hold office until the next general election.

Vacancies in the Board.

133. Three members of the Board, or so many members as together with vacancies caused as aforesaid, shall make up three members, shall retire annually by lot, or agreement, or seniority. Retiring members shall be immediately re-eligible.

Three to retire annually.

134. The Mining Board shall, subject to the provisions hereof, have power by resolution to make by-laws, which shall be submitted for the approval of the Gold Commissioner, (any by-laws so approved by the Gold Commissioner shall be immediately posted in the Gold Commissioner's Office), and also from time to time to suggest any alteration or repeal of existing laws for regulating the size of claims and sluices, the mode in which claims may be worked, held, and forfeited, and all other matters relating to mining in the district, and any by-laws so made shall be binding in such district until the same shall have been disapproved by the Governor.

Power to make by-laws &c., which must be approved by the Governor.

135. Any resolution of such Mining Board may be passed by a bare majority of the members of such Board. The Gold Commissioner shall within seven days after the receipt of the copy of any such resolution signed by the Chairman of the Board, concerning any by-law or general regulation which he shall on any grounds deem expedient to lay before the Governor, make and send a fair copy thereof signed by such Gold Commissioner, with his opinion thereon.

Majorities.

136. The Mining Board shall meet at such times as a majority of the said Board shall decide, and one-half of the members of the said Board shall constitute a quorum. Provided, nevertheless, that it shall be lawful for the Gold Commissioner and so often as in his opinion occasion shall require to call together such Mining Board.

Mining Board meetings.

137. The votes on all resolutions of the Mining Board shall be given by the members personally and by word of mouth.

Mode of conducting the proceedings.

138. All questions of order and of the time and manner of conducting the business at such Mining Board, and of the times and places of meeting after the first meeting thereof, may be decided by the majority of the said Mining Board, either from time to time as any question shall arise, or by any fixed rules and others as may be thought advisable.

139. It shall be lawful for the Governor by an order under the Public Seal of the Colony, at any time to declare the Mining Board in any district dissolved, at a day to be named in such order, and if no day be therein named in that behalf, then as from the date of such order.

Power to the Governor to dissolve any Mining Board.

## PART XII.

### PENAL CLAUSES AND CLAUSE OF INDEMNITY.

140. Any person wilfully or unlawfully acting in contravention of this Ordinance, or of any by-law, rule or regulation to be established by virtue of this Ordinance, or refusing to obey any lawful order of the Gold Commissioner, shall, on being summarily convicted before any Justice of the Peace or Gold Commissioner, be liable to a fine not exceeding £50, or to an imprisonment not exceeding three months.

Summary power in cases of disobedience.

141. All penalties imposed under this Ordinance may be recovered forthwith, or at such reasonable interval after conviction and non-payment as shall be allowed, by distress and sale of any mining or other personal property of the offender.

Penalties how recovered.

142. All fines and fees whatsoever payable under this Ordinance, except otherwise expressly appropriated, shall be paid into the Treasury of the Colony as portion of the Revenue thereof, to the use of Her Majesty, Her heirs and successors.

All fines and fees to be paid into the Treasury.

143. Any person convicted and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond £20 over and above the costs of conviction, may appeal to the Supreme Court of Civil Justice, provided, that such person do, within forty-eight hours after such conviction, enter into recognizance with two sufficient sureties, conditioned personally to appear to try such appeal, and to abide the further judgment of the Court, and to pay such costs as shall be by such last mentioned Court awarded. And the convicting Gold Commissioner may bind over any witness or informant under sufficient recognizances to attend and give evidence at the hearing of such appeal.

Appeal to the Supreme Court in criminal and summary cases.

144. On any such appeal, no objection shall be allowed to the conviction on any matter of form or insufficiency of statement, provided it shall appear to the said Supreme Court that the defendant has been sufficiently informed of the charge made against him, and that the conviction was proper on the merits of the case.

No merely formal objection allowed.



# BRITISH COLUMBIA.

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## No. 15. An Ordinance for the regulation of the Harbours of British Columbia.

[29th March, 1865.]

**W**HEREAS, it is necessary to make regulations for, and to prevent the commission of nuisances in the Harbours of British Columbia and its Dependencies;

Preamble.

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

I. The Harbour Master of every Harbour or Port in the Colony of British Columbia, when appointed, shall give directions for regulating the time at which, and the manner in which every vessel shall enter into, go out of, or to, or be in any Harbour, Pier, or Wharf within the jurisdiction of such Harbour Master; and the position, mooring or unmooring, placing and removing of every vessel whilst therein; for removing unserviceable vessels and other obstructions from the Harbour, Pier, or Wharf, and keeping the same clear; and for regulating the use of fires and lights within or upon the vessels in the Harbour, or in or at any Pier or Wharf.

Harbour Master to make general Harbour Regulations.

II. The master of every vessel within any Harbour, or at any Pier or Wharf, shall regulate such vessel according to the directions of the Harbour Master, made in conformity with this Ordinance. Any master or other person in charge of any vessel, who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such vessel according to such directions, shall be liable to a penalty of not less than Five pounds, and not exceeding Twenty pounds.

Penalties for non-conformity therewith.

III. In the event of the Harbour Master not finding the master or officer in charge of any vessel on board to obey his instructions, when the service is required without delay, or in the event of such master or other person neglecting to satisfactorily conform to such direction, it shall be lawful for the said Harbour Master or any person acting under his authority, to employ a sufficient number of persons to perform the required service, and to recover the amount of the same from the owner or master of such vessel in a summary manner before any Justice of the Peace, and in case of refusal or neglect of payment of such charge for the space of seven days after conviction, the Harbour Master may levy such charge by distress and sale of such vessel, or the tackle or furniture thereof, and the said Justice shall issue his warrant accordingly. Provided, that the levy aforesaid shall in nowise affect any penalties to which such master or other person shall have rendered himself liable.

Charges incurred by Harbour Master when to be levied by distress.

Rules for discharging coals, ballast, and loose material.

IV. Every master or person in charge of any vessel, previously to loading or unloading, or discharging ballast, coals, cinders, stones, bricks, tiles, or any other loose matter of a like nature, shall be, and is hereby required to fasten canvass or a cloth, or a sheet from the vessel, extending to the Wharf, Quay, or vessel, to or from which such ballast or other loose material shall be conveyed, so as to prevent any part thereof from dropping into the Harbour, and shall place the same at such distance or point from or near the edge of every Quay or Wharf in which the same shall be placed to be loaded or discharged, as such Harbour Master shall order, and in default of so doing, every such master or other person shall be liable for every such offence to a penalty not exceeding Twenty pounds.

Removal of tar, pitch, gunpowder, &c., &c.

V. Every person, being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, gunpowder, or other combustible thing which shall be upon any Quay or Wharf, or on the deck of any vessel within any Harbour, or at or near any Wharf or Pier, shall cause the same to be removed to a place of safety, or otherwise secured or rendered safe, within two hours after being required so to do, by notice in writing under the hand of the Harbour Master, and in default of so doing shall be liable to a penalty not exceeding Five pounds for every hour such combustible thing shall remain in any such place aforesaid, after the expiration of two hours from the service of such notice.

Penalty for throwing rubbish into Harbours.

VI. Every person who shall throw or put, any ballast, earth, stones, ashes, rubbish, or other material into any Harbour, or shall knowingly permit the same to be so thrown or put, shall, unless he shall have obtained permission in that behalf in writing, under the hand of the Harbour Master, with the sanction of the Governor for the time being, be liable to a penalty not exceeding Fifty pounds for every such offence, and on such offence being proved, one-half of the said penalty may, at the discretion of the Justice before whom the complaint shall be made, be paid to the informer or informers thereof.

Penalty for mooring on buoys.

VII. No master, commander or pilot, having charge of any vessel or ship, shall moor or in any manner make fast any such vessel or ship to any buoy or beacon not being a mooring buoy or beacon, or make use of the same for warping, under a penalty not exceeding One hundred pounds.

Vessels to be trimmed as Harbour Master may order.

VIII. Every master, commander, pilot, or other person having charge of any vessel or ship, shall, when required so to do by the said Harbour Master, or by any person acting under his authority, peak their yards, place sprit sail yard fore and aft, run jib boom in, get their anchors on the fore-castle deck, rig in main and mizen booms, and stern and quarter davits.

Penalty for false information as to draught of water.

IX. Any master or other person having the command of any vessel, who shall give false information of the draught of water of any such ships, shall render himself liable to a penalty of Twenty pounds.

Penalty for injuring buoys, beacons, &c., &c.

X. Any master or other person who shall remove, or wilfully, or through negligence injure or destroy, or permit a vessel to strike any light-ship, beacon, buoy, light-house, or land-mark belonging to the Colony, and within the jurisdiction thereof, shall, for each such offence be subject to a penalty of not exceeding One hundred pounds, in addition to the amount of the damage done, the amount of such damage to be ascertained in a summary manner before any Justice of the Peace for the said Colony, and in default of payment to be levied by distress and sale of the goods of the offender, or of the vessel doing the damage, or of the tackle or furniture thereof; provided, that the offender may be arrested and detained in custody

until the return of the warrant of distress, and in case of the insufficiency of such distress he may be committed to prison for three calendar months, or until payment of the amount for the time being remaining due of such penalty, damages, and all costs incurred in carrying out the provisions of this Ordinance.

XI. No master, commander, pilot, or other person in charge of any vessel or ship, shall be allowed to smoke any such vessel or ship for rats or vermin, without the authority of the said Harbour Master.

Vessels not to be smoked unless by Harbour Master's permission.

XII. No pitch, tar, or other combustible matter shall be heated or melted on board of any vessel or ship, or on the Wharves within the precincts of any of the Harbours of British Columbia or its Dependencies, by any master, commander, or pilot, in charge of any vessel or ship, without the consent of the Harbour Master.

Pitch and oil not to be melted unless by Harbour Master's permission.

XIII. No person or persons shall let go, cut, or unfasten any rope, chain, or other fastening to or from any vessel or buoy, anchor mooring, dolphin or wharf, or other place connected with any ship or vessel in any Harbour of British Columbia, unless authorized so to do by the said Harbour Master, or by some person acting under his orders, or by the pilot, master, or commander of any vessel or ship which may be in the act of mooring, unmooring, or removing.

Moorings not to be cut.

XIV. Masters, commanders, or crews of vessels or ships, shall not impede the said Harbour Master, or any person acting under his orders, or in the execution of their duties.

Harbour Master not to be impeded in his duties.

XV. Any person infringing any provisions of this Ordinance, shall be liable to a penalty not exceeding Five pounds for each and every such offence, unless otherwise herein specially provided for.

Penalties.

XVI. All fines and penalties imposed by this Ordinance may be recovered in a summary manner before any Justice of the Peace, in manner in Clause 10 hereinbefore mentioned, and shall be paid into the Treasury as part of the Revenue.

General Penalties how recoverable.

XVII. The word "Harbour" shall include all ports, inland places and waters to which the provisions of this Ordinance may be applied or from time to time varied by any Proclamation of the Governor to that effect.

Interpretation.

XVIII. This Ordinance shall be cited as the "Harbour Regulation Ordinance, 1865."

Short Title.

Passed the Legislative Council the 22nd day of March, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this twenty-ninth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



## No. 16. An Ordinance to prohibit the sale or gift of intoxicating Liquors to Indians.

[30th March, 1865.]

**W**HEREAS, it is expedient to prohibit the sale or gift of intoxicating Liquors to Indians in the Colony of British Columbia;

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

I. Any person or persons selling, bartering or giving intoxicating liquors to any Indian of the Continent of North America, or of the Islands adjacent thereto, shall be liable on conviction for each such offence, to a fine not exceeding £100. Every such fine may be recovered upon conviction before any Justice of the Peace of the Colony of British Columbia, by warrant of distress of the goods and chattels of the offender. In case of default of payment of such fine, or of the insufficiency of such distress, the offender shall be liable for every such offence, to imprisonment for a term not exceeding twelve calendar months, with or without hard labour, at the discretion of the Justice convicting.

II. When it shall be proven to the satisfaction of the convicting Justice, that the person charged has been before convicted under this Ordinance, Justice may, on conviction, commit such offender to prison for a term not exceeding twelve months with hard labour, without the option of a fine, should such Justice see fit so to do.

III. In any case where it shall be proven to the satisfaction of the convicting Justice, that the offender has not attained the age of sixteen years, the Justice may order such offender to be once or twice privately whipped, in lieu of or in addition to the aforesaid penalties, at the discretion of the Justice.

IV. Any person found in possession of intoxicating liquors of any description in the house, tent, or place of abode of any Indian, is liable under this Ordinance to be deemed *prima facie* to be in such house, tent, or place of abode, for the purpose of giving such intoxicating liquor to Indians.

V. Any person holding any wholesale or retail liquor License in the Colony, who shall be convicted under this Ordinance, shall be liable to the forfeiture of his License, in addition to the other penalties, and shall not be entitled to a renewal of such License in any part of the Colony, for a term of two years from the date of such conviction.

VI. When it shall be proven before any Justice, that any vessel, boat, canoe, or conveyance of any description, whether on the Coast of British Columbia, or on any river, luke, or stream in the Colony, is employed in carrying intoxicating liquors to be supplied to any Indian or Indians, such vessel, boat, canoe, or conveyance so employed, shall be declared forfeited; and every person engaged in the conveyance, sale or distribution of such liquors in manner aforesaid, on board of such vessel, boat, canoe, or conveyance so employed, shall be liable to all the penalties provided for under this Ordinance, for persons convicted of selling liquor to Indians.

Giving liquor to Indians when justifiable.

VII. It shall be lawful, nevertheless, for any Justice before whom any charge is brought under this Ordinance, notwithstanding anything herein contained to the contrary, to acquit any person who has given intoxicating liquor to Indians, medicinally or under such other circumstances as may appear justifiable.

One-third of penalty to go to informers.

VIII. Any person giving information leading to the conviction of any person under this Ordinance, shall be entitled to receive one-third of any pecuniary penalty inflicted under this Ordinance, at the discretion of the convicting Justice.

Repeals Proclamation of 6th September, 1858.  
Short Title.

IX. The Proclamation of the 6th day of September, A. D. 1858, is hereby repealed.

X. This Ordinance shall be cited as "The Indian Liquor Ordinance, 1865."

Passed the Legislative Council this 24th day of March, A. D. 1865.

CARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member

Assented to, in Her Majesty's name, this thirtieth day of March, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



## No. 17. An Ordinance to prohibit the unseasonable destruction of Game.

[1st April, 1865.]

**W**HEREAS, it is expedient to protect Game of various descriptions from being killed out of Season; Preamble.

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

I. That from and after the passage of this Ordinance, it shall be unlawful for any person to buy, sell, barter, give, or offer or exhibit for sale, any Deer or Elk, from the first day of March to the first day of August, and any Grouse, Prairie Fowl or Partridge, or destroy or collect the eggs of the Grouse, Prairie Fowl or Partridge, from the first day of March to the tenth day of August in any year. Prohibits sale, barter, &c., &c., of Game, during certain seasons of the year.

II. Every infraction or evasion of this Ordinance shall be punishable upon conviction in a summary manner, before any Magistrate in British Columbia, by a fine not exceeding £10 for each offence, to be levied by distress, or in default of payment by imprisonment for any term not exceeding three months, at the discretion of the Magistrate convicting. Penalties for evasion.

III. This Ordinance shall be cited as the "Game Ordinance, 1865." Short Title.

Passed the Legislative Council the 22nd day of February, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this first day of April, 1865.

FREDERICK SEYMOUR,  
Governor.



# BRITISH COLUMBIA.

U.



B.

## No. 18. An Ordinance to exempt certain articles from Road and Ferry Tolls, and for other purposes.

[3rd April, 1865.]

**WHEREAS**, it is expedient to exempt Agricultural produce of Preamble.  
Home growth from Road Tolls, and also to facilitate the construction of the International Telegraph, by exempting articles used therein from Road Tolls for a limited period;

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

I. From and after the passing of this Ordinance, all wheat, beans, peas, oats, barley, and grain of all kinds, hay, roots, vegetables and other agricultural produce in an unprepared state, the growth of the Colony of British Columbia, shall be exempt from liability to any Road or Ferry Tolls in the Colony, payable and paid to the use of Her Majesty, Her heirs and successors. Frees produce of home growth from Government Road and Ferry Tolls.

II. But such exemption shall not be construed to extend to any animal, or carriage, carrying or drawing a load of the articles so exempted, and when any such load shall exceed one hundred pounds avoirdupois in weight, double the ordinary toll shall be demandable and paid upon every such animal or carriage. Carriages and Animals not exempt.

III. All stores and materials which shall be *bona fide* used in the construction of the International Overland Telegraph, and for the consumption of the persons engaged in such construction, but not otherwise, shall be allowed to pass over the Roads or Ferries in the Colony, which pay tolls to the use of Her Majesty, without paying any such Road or Ferry Toll. Frees International Telegraph stores from Road and Ferry Tolls.

IV. Provided that on and after the completion of the International Telegraph Line in British Columbia, or sooner determination of the privileges granted by the "International Telegraph Ordinance, 1865," such exemption from Tolls shall cease. Such concession when to terminate.

V. Provided also that it shall be lawful for the Governor by any order published in the *Government Gazette*, from time to time to fix, limit, and vary the extent to which such exemption shall be carried, and the mode in which the same shall be checked for the protection of the Revenue. Governor may fix, limit, and vary such exemptions.

VI. The Tolls payable under Clause II. shall be demandable, paid, and recovered as Tolls under the respective authorities creating the same. Tolls how collected.

VII. This Ordinance shall be cited as "The Tolls Exemption Ordinance, 1865." Short Title.

Passed the Legislative Council the 30th day of March, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this third day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



R.

## No. 19. An Ordinance to prevent the violation of Indian Graves.

[3rd April, 1865.]

**W**HIEREAS, it is expedient for the preservation of the public peace, Preamble.  
to make special provision for the protection of Indian Graves,  
and articles deposited thereon;

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

I. From and after the passing of this Ordinance, if any person shall steal, or shall without the sanction of the Government, cut, break, destroy, damage or remove any image, bones, article or thing deposited on, in, or near any Indian Grave in this Colony, or induce, or incite any other person so to do, or purchase any such article or thing after the same shall have been so stolen, or cut, broken, destroyed or damaged, knowing the same to have been so acquired or dealt with; every such offender being convicted thereof before a Justice of the Peace in a summary manner, shall for every such offence be liable to be fined a sum not exceeding One hundred pounds, with or without imprisonment for any term not exceeding six calendar months for the first offence, in the discretion of the Magistrate convicting. Imposes a penalty of £100 for removing anything from Indian Graves.

II. In any indictment or other proceeding under this Ordinance, it shall be sufficient for all purposes to state that such grave, image, bones, article or thing is the property of the Crown. Forms of Indictment.

III. If any person so convicted as aforesaid, shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender for such second or subsequent offence, should the convicting Magistrate in his discretion so deem meet, in addition to suffering the aforesaid fine, be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve calendar months, as the convicting Justice may think fit. Second offence liable to 12 months' imprisonment with hard labour.

IV. This Ordinance shall be cited as the "Indian Graves Ordinance, 1865." Short Title.

Passed the Legislative Council this 30th day of March, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this third day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

H.



B.

## No. 20. An Ordinance to amend the Law relating to Bankruptcy and Insolvency in British Columbia.

[10th April, 1865.]

**W**HEREAS, it is expedient to amend the laws relating to Bank- Preamble.  
ruptcy and Insolvency in British Columbia;

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

I. The laws of Bankruptcy and Insolvency now existing in this Existing Bankruptcy law Colony, shall continue in force within the Colony, subject to the still in force, subject hereto. provisions of this Ordinance.

*As to the Court of Bankruptcy and the Judges thereof.*

2. The Supreme Court of Civil Justice acting as a Court of Jurisdiction of Supreme Bankruptcy, shall have and exercise for the purposes of this Ordi- Court in Bankruptcy. nance, all the jurisdiction, powers and authorities of the Superior Courts of law and equity in Bankruptcy, and all the jurisdiction, powers and authorities now possessed by the said Supreme Court, acting as the Court for the relief of insolvent debtors.

3. The Judge of every County Court shall have and exercise Jurisdiction of County Courts in Bankruptcy. within his respective district the like jurisdiction, powers and authorities, and perform the same duties for and in respect of all matters and things coming before such County Court by virtue of this Ordinance, as are hereby vested in the Supreme Court of Civil Justice of British Columbia acting in Bankruptcy, subject nevertheless to the provisions and limitations hereinafter mentioned.

*As to the officers of the Court.*

4. In every County Court exercising jurisdiction under this Or- Costs in any Court of Bankruptcy taxable by such Court. dinance, all bills of costs, charges, fees and disbursements aforesaid, shall (except when such Court shall otherwise direct) be taxed and settled by the Judge of such Court, subject to the review of the Supreme Court. It shall be lawful for the Judge of any County Review of County Court Costs. Court to refer any such bills, or any question thereon, to the Taxing Master.

5. The Judges of the said Courts shall sit at Chambers for the dispatch Sittings in Chambers. of such part of the business of their Courts, as can without detriment to the public advantage arising from the discussion of questions in open Court, be heard in chambers, and when sitting at chambers they shall in all respects have like power and jurisdiction as when sitting in Court.

6. The Judge of every County Court shall have power to make adjudi- Powers of County Court in Bankruptcy. cation of Bankruptcy, to receive the surrender of any Bankrupt, to grant protection, to pass the last examination of any Bankrupt in cases wherein the Assignees and Creditors do not oppose, to hold and preside at meetings of Creditors, to audit and pass accounts of Assignees, and to sit in chambers and dispatch there such part of the administrative business of the Court, and such uncontested matters as shall be defined in general orders, or as the Judge in the Supreme Court in any particular matter shall direct but nothing herein con-

tained shall empower a Judge of the County Court to commit or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge. The County Court Judge may adjourn any matter coming before him, for the consideration of the Judge of the Supreme Court.

**Appeal from County Court to Supreme Court.**

7. Any party shall, during the proceedings before a County Court Judge, or such County Court Judge himself shall be at liberty to take the opinion of the Judge of the Supreme Court upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the County Court Judge in the shape of a short certificate to the Judge of the Supreme Court, who shall sign the same, if he approve thereof, and such certificate, so signed, shall be binding on all the parties to the proceedings, but every such certificate may be discharged or varied by such Judge of the Supreme Court, at chambers or in open Court.

**Attendance of witnesses.**

8. Parties and witnesses summoned before the Judges of the said Courts sitting in Bankruptcy shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena; and all persons wilfully and corruptly swearing or affirming falsely before any such Judge shall be liable to all the penalties, punishments, and consequences of perjury.

**Examination of witnesses.**

9. If any person examined before a Judge or Court sitting in Bankruptcy shall refuse or decline to answer or to swear to, or sign his examination when taken, such Judge or Court shall have power to order the person so acting to pay the costs thereby occasioned, if such person shall be compellable by law to answer such question or to sign such examination.

**Reference by special case from County Court to Supreme Court.**

10. In any Bankruptcy or other proceeding within the jurisdiction of a County Court the parties concerned or submitting to such jurisdiction may at any stage of the proceedings, by consent, state any question or questions in special case for the opinion of the Supreme Court of Civil Justice, and the judgment of such Court shall be final, unless it be agreed and stated in such special case, that either party may appeal.

**Effect thereof.**

11. The parties may, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, or any property or the amount of any disputed debt or claim, shall be paid, delivered or transferred by one of such parties to the other of them, either with or without costs.

**Power to summon Jury.**

12. It shall be lawful for the Judge of the Supreme Court of Civil Justice, to direct any question of fact to be tried and determined before himself, by the verdict of a special or common jury, to be summoned in the usual manner.

### *Appeals.*

**Appeal.**

13. Every decision or order of any County Court Judge, acting under this Ordinance, shall be subject to appeal to the Supreme Court.

**Mode of bringing forward.**

14. Such appeal shall be brought on by way of petition, motion, or special case. On the hearing thereof no new evidence shall be received without leave of the Judge of the said Supreme Court; and if such appeal shall not be presented within twenty-eight days from the date of the decision or order complained of, or within such further time as the Court below shall in any case allow, then such decision or order shall be final. The order made on such appeal shall be final, except in those cases where an amount of £300 or more is involved, in which case an appeal shall lie to the Privy Council.

**Power of Supreme Court Judge on appeal.**

15. On the hearing of any appeal, the Judge of the Supreme Court may exercise any part of his original jurisdiction, and may, if he think fit, direct that the case or matter in which the order appealed from was made be removed from the County Court of that district, either wholly or in part, and be thenceforth prosecuted in the Supreme Court, or in such County Court as he shall think fit.

### *The persons subject to this Ordinance.*

**Abolishes the difference between Bankruptcy and Insolvency.**

16. All debtors, whether traders or not, shall be subject to the provisions of this Ordinance, but no debtor who is not a trader shall be adjudged bankrupt, except in respect of one of the Acts of Bankruptcy hereinafter described as applicable to a non-trader, and proof of assets to the amount of £150 shall no longer be required from any debtor.

*Acts of Bankruptcy.*

17. If any person, not being a trader, shall, with intent to defeat or delay his creditors, depart this Colony, or being out of this Colony shall with such intent remain abroad, or shall with such intent make any fraudulent conveyance, gift, delivery, or transfer of his real or personal estate, or any part thereof, respectively, such person shall be deemed to have thereby committed an act of Bankruptcy: Provided always, that before any adjudication in Bankruptcy shall be made against the debtor under this section, the following rules shall be observed:

a. A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction or in such place or country or within such limits abroad, as the Court shall upon application for that purpose direct:

b. Such copy of petition shall have endorsed thereon, a memorandum, in a form to be settled by a general order, specifying the time within which the debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made:

c. In no case shall the time for appearance be less than thirty days after service:

d. If such personal service has not been effected, the Court must be satisfied that every reasonable effort was made to effect the same, and that the attempts to serve such petition came to the knowledge of the debtor and were defeated by his conduct:

e. If at the expiration of the time limited for appearance the Court shall on the hearing of such petition be satisfied that an act of Bankruptcy has been committed, within the meaning of this section, it may adjudge such debtor to be a Bankrupt.

f. A declaration in writing of Insolvency by a non-trader in the same manner as by a trader, shall be deemed to be an act of Bankruptcy on the part of such non-trader.

18 The filing of a declaration of Insolvency by any person in the County Court, shall have the same effect as in like cases filed in the Supreme Court. Filing declaration of Insolvency act of Bankruptcy.

19. If any execution shall be levied by seizure and sale of any goods and chattels of any trader debtor, upon any judgment recovered in any action personal for the recovery of any debt or money demand exceeding fifty pounds, every such debtor shall be deemed to have committed an act of Bankruptcy from the date of the seizure of such goods and chattels: Provided always that unless in the meantime a petition for adjudication of Bankruptcy against the debtor be presented the sheriff or other officer making the levy shall proceed with the execution, and shall at the end of seven days after the sale pay over the proceeds, or so much as ought to be paid, to the execution creditor who shall be entitled thereto notwithstanding such an act of Bankruptcy, unless the debtor be adjudged a Bankrupt within fourteen days from the date of the seizure, in which case the money so received by the creditor shall be paid by him to the assignee under the Bankruptcy, but the sheriff or other officer shall not incur any liability by reason of anything done by him as aforesaid: Provided also that in case of Bankruptcy, the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only after such payment be paid to the assignee. Execution for judgment over £50 an act of Bankruptcy.

20. Whenever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money, demand, or damages against any debtor exceeding fifty pounds, such goods and chattels shall in all cases unless the Court shall otherwise direct be sold by the sheriff by public auction, and not by bill of sale or private contract, and such sale shall be publicly advertised by the sheriff on and during three days next preceding the day of sale. Sale under every such execution only by public auction.

21. The filing of a petition by or against a debtor, whether a trader or not in any Court having jurisdiction for the relief of Insolvent Debtors in Insolvency or Bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies and the adjudication of an act of Insolvency or Bankruptcy on such petition shall for the purposes of this Ordinance be accounted and adjudged conclusive evidence of an act of Bankruptcy, committed by such debtor at the time of filing such petition or of the filing the petition on which the adjudication of an act of Insolvency or Bankruptcy shall have been made; and any creditor or creditors of such debtor, whose debt or debts shall be of sufficient amount to enable Adjudication in any British possession an act of Bankruptcy.

him or them to petition for adjudication of Bankruptcy under this Ordinance may, at any time within two months after notice of such adjudication shall have been given in the *Government Gazette*, petition for adjudication of Bankruptcy under this Ordinance against such debtor, and under such petition all such proceedings may be had and taken as are authorized and directed by this Ordinance.

*As to an Act of Bankruptcy by non-payment after Judgment Debtor Summons, and the proceedings thereupon.*

Judgment debtorsummons.

22. Every Judgment Creditor in respect of any debt amounting to fifty pounds or upwards, exclusive of costs, shall be entitled, at the end of one week from the signing of judgment, to sue out against the debtor if a trader, or not being a trader at the end of one calendar month, and whether he be in custody or not, a summons to be called a judgment debtor summons, requiring him to appear and be examined respecting his ability to satisfy the debt.

Unsatisfied decree or order in equity &c. may be followed by Judgment Debtor Summons.

23. Where after the commencement of this Ordinance, a decree or order of a Court of equity, or an order in Bankruptcy or Insolvency or Lunacy, directing the payment of money is disobeyed by the debtor, the same having been duly served on him, and the person entitled to receive the money or interested in enforcing payment of it has obtained a peremptory order of the competent jurisdiction, fixing a day for payment, and the debtor does not, being a trader within seven days, or not being a trader, within two calendar months after service on him of the peremptory order, or such order having been duly served, within seven days after the day fixed by the peremptory order for payment, (which shall last happen) pay the money, or secure, or tender, or compound for it, to the satisfaction of the creditor, the creditor shall be entitled at the end of those seven days to sue out against the debtor a judgment debtor summons.

Rules regulating issue thereof.

24. The judgment debtor summons shall, unless the Court shall in any case otherwise direct, issue according to the following rules:

a. Where the debtor is in British Columbia or its dependencies, then out of the Supreme Court or the County Court acting in Bankruptcy for the district in which the debtor usually lives, or at the time of the issuing of the summons happens to be;

b. Where the debtor is not in British Columbia, then out of the Supreme Court or the County Court acting in Bankruptcy for the district in which is situated the debtor's usual or last known place of abode in British Columbia;

c. Where the debtor is in British Columbia or its dependencies, the summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner shall be good service.

d. Where the debtor is not in British Columbia, the Court upon such evidence as shall satisfy it that the service will be effectual to give notice to the debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the debtor.

e. Where the debtor is in custody a duplicate of the summons shall be delivered to the Sheriff or other person in whose custody he is, who shall bring him up according to the summons, at the cost of the summoning creditor.

f. If service of the summons be not effected, and the Court is satisfied that the debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in the *Government Gazette*, and in one or more newspapers published in the Colony, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

Examination of debtor.

25. Upon the appearance of the debtor he may be examined upon oath, by or on behalf of the creditor, and by the Court respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce, on oath or otherwise, such books, papers and documents in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt, as the Court shall think fit, and to sign his examination when reduced into writing, and any debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly to the best of his knowledge and belief, all his property real and personal, inclusive of his rights and credits, and to produce all books, papers and documents in his possession or power relating thereto, shall be liable to be committed by the Court as in the case of a bankrupt.

26. If after service of such summons, or due notice thereof, as Adjudication nisi of the  
 aforesaid, the debtor shall not pay the debt and costs, or secure or judgment debtor summons.  
 compound for the same to the satisfaction of the creditor, the Court  
 may, on the appearance of the debtor, or if he shall not appear, hav-  
 ing no lawful impediment allowed by the Court, adjudge him bank-  
 rupt without the presentation of a petition for adjudication or other  
 proceeding, and where the debtor has not appeared, notice of such  
 adjudication shall be served upon him in like manner as herein pro-  
 vided with respect to service of the summons.

27. The debtor shall be allowed seven days from such notice, or Adjudication when made  
 such further time as the Court shall think fit, for appearing to show absolute.  
 cause against the adjudication; and if he appear within the time al-  
 lowed and show sufficient cause, the adjudication may be annulled,  
 otherwise at the end of the time allowed, or on the judgment of the  
 Court against the sufficiency of the cause shown, the adjudication  
 shall become absolute, and notice thereof shall be forthwith given in  
 the *Government Gazette*, and the adjudication shall have relation back  
 to the service of the summons, or the insertion of the first notice in  
 the *Government Gazette*, as the case may be, and the fee payable upon  
 the presentation of a petition for adjudication of Bankruptcy shall  
 be paid in respect of adjudication under this section or under the  
 last preceding section, by the official assignee or the creditor's assignee  
 as the case may be, out of the first moneys that shall be received  
 under the estate of the Bankrupt.

28. The provisions contained in section two hundred and sixty of Power to commit.  
 the "Bankrupt Law Consolidation Act, 1849," relating to the com-  
 mittal of a person refusing to be sworn, or doing or omitting the  
 other acts or things therein mentioned, shall apply to a debtor ap-  
 pearing on a judgment debtor summons.

29. Any debtor may petition for adjudication of Bankruptcy against Filing petition without de-  
 himself, and the filing of such petition shall be an act of Bankruptcy, claration an act of Bank-  
 without any previous declaration of Insolvency by such debtor. ruptcy.

30. Every debtor petitioning against himself shall file in Court, Petitioner must file full ac-  
 a full, true, and accurate statement of his debts and liabilities of counts.  
 every kind, and of the names and residences of his creditors, and of  
 the causes of his inability to meet his engagements, within such  
 time after filing his petition and in such form as general orders shall  
 direct.

31. Every debtor who shall present a petition for adjudication Petition by prisoner.  
 whilst a prisoner in any prison gaol shall by writing give notice to  
 the keeper of such gaol or prison of his intention so to do, and shall  
 in his petition state that such notice has been given.

*As to adjudication of Bankruptcy against pauper and other prisoners  
 for debt.*

32. If any debtor whether a trader or not now being or who shall Petition in forma pauperis  
 be imprisoned for any debt or demand shall through poverty be un- by prisoner.  
 able to petition the proper Court for an adjudication of Bankruptcy  
 against himself, he shall be at liberty to petition in forma pauperis,  
 upon making an affidavit that he has not the means of paying the  
 fees and expenses usually payable in respect of a petition by a debtor  
 for an adjudication of Bankruptcy. Such affidavit may be sworn  
 before the gaoler of the prison where such debtor is confined, and  
 such gaoler is hereby empowered and required to take such affidavit  
 and swear the deponent thereto without fee or reward.

33. Every person so petitioning in forma pauperis as aforesaid, Examination before Coun-  
 shall be brought up to the County Court of the district at its next ty Court.  
 sitting after the presentation of such petition, and shall be examined  
 by the Court touching his estate and effects, debts, dealings, and

transactions; and if the Court shall be satisfied with such examination it shall make an order of adjudication of Bankruptcy against the petitioner, and if it think fit, grant an order of protection to the petitioner.

**Monthly Returns by Gaoler.**

34. The gaoler of every prison in British Columbia, within the walls, rules and liberties, whereof any person shall be in custody upon any process whatsoever, for or by reason of any debt, claim or demand whatsoever, shall on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return under his hand of the name of every such person, and the date of his or her imprisonment, and the nature and amount of the debt or demand, debts or demands, for which he or she is imprisoned or in custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty or in such other form and manner and with such particulars as any general orders shall direct. Such return shall also include the names and addresses of every creditor at whose suit each such prisoner is imprisoned or detained, and shall be made by gaolers of prisons to the Supreme Court or County Court having jurisdiction in Bankruptcy within the jurisdiction of which the gaol is situated.

**Attendance of County Court Judge at Prison.**

35. The County Court Judge shall in every case, on receiving such return, attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order such County Court Judge shall attend at the prison, and examine every prisoner included in such return who shall have been in prison for fourteen days, touching his estate and effects, debts, dealings and transactions. The County Court Judge shall also ascertain the last or longest place of abode and business of each such prisoner within the six months next prior to his imprisonment. The County Court Judge shall have power to make an order of adjudication in Bankruptcy against every such prisoner, and to grant him protection, and shall also direct in what Court such adjudication shall be prosecuted, having regard to the amount of debts and the place of trade or residence of the prisoner within the six months next preceding his imprisonment.

**Power to compel evidence.**

36. If the prisoner shall refuse to appear, or to be sworn, or to answer all lawful questions of the County Court Judge or of the execution or detaining creditor, or of any other creditor who shall be present respecting his debts, liabilities, dealings and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same, or to sign his examination when taken, the Court may by warrant under the hand and seal of the Judge, commit him to the common gaol of the District, there to be kept with or without hard labour for any time not exceeding one month, and the Court may at the same time adjudge such prisoner Bankrupt, provided that if after such adjudication the Bankrupt shall, before the period of such commitment has expired, submit to be examined, and in all things conform to the jurisdiction of the Court, he shall in all respects have the same benefit as if he had submitted to the Court in the first instance.

**Date of adjudication.**

37. Every adjudication against any prisoner for debt so brought up as aforesaid, shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this Ordinance.



38. This Ordinance shall be cited as the "Bankruptcy Ordinance, Short Title. 1865."

Passed the Legislative Council the 6th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this tenth day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.



U.

B.

## No. 21. An Ordinance respecting Marriage in British Columbia.

[11th April, 1865.]

**W**HEREAS, it is expedient to regulate the solemnization of Marriage in British Columbia;

Preamble.

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

I. The Ministers and Clergymen of every church and religious denomination in British Columbia, and the Registrars appointed by the Governor under the provisions of this Ordinance, may celebrate the ceremony of marriage between any two persons neither of whom shall be under a legal disqualification to contract such marriage.

Who may celebrate marriage.

II. Such Ministers or Clergymen may celebrate the ceremony of marriage, according to the rites and usages of the Church or denomination to which every such Clergyman or Minister respectively belongs, between any two such persons, when authorized to do so, by the usual licence under the hand and seal of the Governor as Ordinary, or (if not so authorized) then, except as is hereinafter enacted, by the publication of the banns of such marriage openly and in an audible voice in any church, chapel or place of public worship of the congregation or religious community with which the Minister or Clergyman is connected, on three consecutive Sundays during Divine Service, together with the number of such proclamation as being the first, second or third time of asking.

Ministers, by the usual licence, or banns.

III. In the event of any parties objecting to or not being desirous of adopting either of the above modes of marriage, then, and in that case notice in writing must be given to the Registrar of the district where such parties propose to marry, at least fourteen clear days immediately preceding the day of the intended marriage, and a declaration in the form prescribed in Schedule A hereto, of the non-disqualification of the parties, must be made and signed by each of the parties so proposing to marry at the same time, such notice and declaration shall be entered in a book to be kept for that purpose by the Registrar in his office, which shall be open to the inspection of the public.

CIVIL MARRIAGE BEFORE A REGISTRAR.

Notice.

Declaration of non-disqualification.

IV. Upon the due compliance of the parties with the provisions of the foregoing clause, the Registrar shall give a certificate of such compliance in the form mentioned in Schedule C hereto.

Registrar's Certificate.

V. After the expiration of the said period of fourteen days, marriage may be contracted in the office of the said District Registrar, according to the form and in the manner hereinafter mentioned, but not otherwise. Provided, nevertheless, that the marriage shall be contracted with open doors, between the hours of ten a. m. and four p. m., in the presence and in the office of the Registrar of the district, and in the presence of two or more credible witnesses. Provided that, in the presence of such Registrar and witnesses, each of the parties shall declare "I do solemnly declare that I know not of any lawful impediment why I, (A. B.) may not be joined in matrimony to (C. D.)" and each of the parties shall say to the other "I call upon these persons here present, to witness that I, (A. B.) do take thee (C. D.) to be my lawful wedded wife (or husband)." Provided, also, that there be no lawful impediment to the marriage of such parties.

Contract of Civil Marriage.

VI. Provided, also, that nothing herein contained shall be construed as enabling any religious ceremony of marriage to be solemnized under or by virtue of a civil contract of marriage, made as herein provided through a Registrar, but all persons desirous of being married by religious ceremony can only be so married after the licence or publication of banns as aforesaid.

Without religious ceremony.

VII. The Registrar of the district shall be entitled for every marriage which shall be contracted under this Ordinance in his presence and office as aforesaid, to receive from the parties married, the sum of two pounds, to the use of Her Majesty, Her heirs and successors.

Fee.

Witnesses necessary to a marriage.

VII. All marriages celebrated under the provisions of this Ordinance by any Clergyman, Minister, or Registrar must be in the presence of two or more credible witnesses besides himself, and such ceremony must be performed in a public manner, and with open doors. (save where otherwise permitted by licence).

Marriage register.

IX. Provided always that all Ministers, Clergymen and Registrars, shall at the time of each marriage, enter a memorandum of such marriage, in a book to be kept by them for that purpose, and every such registration shall be signed by each of the parties, the Minister, or Registrar, or other duly authorized person officiating at the time, and witnessed by at least two credible witnesses, and shall be kept in the form of Schedule D hereunto annexed, all such registrations shall be open to the inspection of the public, and a certified copy of any registration shall be given to any person demanding the same, on payment of 4s. and 2d., and certified copies of such register books shall be sent by each Minister, Clergyman, Registrar, or other authorized person aforesaid, twice in each year, viz: on the first day of January, and on the first day of June, to the Registrar General to be kept by him open for public inspection and to be copied as aforesaid, upon payment of the said fee.

Registrar's Certificate evidence.

X. Every certificate or copy of any registration or document under this Ordinance, certified by the Clergyman or Minister, Registrar General, or Registrar extracting the same shall be *prima facie* evidence of all the matters and things therein contained.

Quakers' and Jews' marriages.

XI. Nothing in this Ordinance shall be construed as in any way preventing the people called Quakers, or those professing the Jewish religion, from celebrating marriage where both the parties shall be of the people called Quakers, or persons professing the Jewish religion respectively, according to the rites and ceremonies of their own religion or creed; provided always that all such Quakers and Jews, shall, before marriage give the notice and make and sign the declaration of non-disqualification by this Ordinance prescribed, and comply with all the requirements as to registration above mentioned.

False statement perjury.

XII. Any person who shall knowingly or wilfully make any false declaration or statement, or sign any false notice or certificate, for the purpose of procuring any marriage, and every person who shall forbid the publication of banns, or the issue of the ordinary licence herein, or of any Registrar's certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury.

Penalty on performing illegal marriages.

XIII. Any Minister, Clergyman, or Registrar, who shall wilfully and knowingly, celebrate the marriage of persons either of whom may not be legally qualified, or who shall knowingly and wilfully marry persons in any other mode than one of those prescribed by this Ordinance, (except in the case of Quakers and Jews, as hereinbefore mentioned), shall be guilty of felony.

Form of registration.

XIV. The registrations made by such Ministers, Clergymen and Registrars, shall be in the form prescribed in Schedule D hereto, and the notice and declaration to be given to the Registrar in the cases in this Ordinance mentioned, shall be in the form prescribed in Schedule B hereto.

Caveats.

XV. Any person on payment of ten shillings may enter a *caveat* with the Registrar of the District against the issue of a certificate for the marriage of any person named therein, and if any *caveat* be entered with the Registrar, and such *caveat* being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her *caveat* is founded, no certificate shall issue or be granted until such Registrar shall have examined into the matter of the *caveat*, and is satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the *caveat* be withdrawn by the party who entered the same.

Appeal from District Registrar.

XVI. Provided, always, that in case of doubt it shall be lawful for the Registrar to refer the matter to the Registrar General, and in the event of the Registrar deciding against the person entering the *caveat* such person may appeal to the Registrar General on giving notice of such intention within two clear days after such decision, and on giving bonds, satisfactory to such Registrar, for security of costs within four days of such decision. Any person authorized to enter a *caveat* shall, in addition to making such *caveat*, write the word "forbidden" across the notice of marriage in the marriage notice book, and sign the same with his name.

3 months' notice of Ordinance.

XVII. All marriages celebrated from and after three calendar months after the passing of this Ordinance, in any other manner than those allowed by this Ordinance shall be void.

In matters not herein provided for law of England to prevail.

XVIII. Provided, always, that in all matters relating to the mode of celebrating marriages, or the validity thereof, and the qualification of parties about to marry, and the consent of guardians, or parents, or any person whose consent is necessary to the validity of such marriage, the law of England shall prevail, subject always to the provisions of this Ordinance.

Who may give consent.

XIX. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow; or if the father shall be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no such guardian or guardians, then the mother of such party if unmarried; and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the Court of Chancery, if any, or one of them, shall have authority to give consent to the marriage of such party; and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorized to give such consent.

If consent unduly refused.

XX. That in case the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be *non compos mentis*, or beyond the seas, or the guardian or guardians, mother or mothers, or any of them whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or

in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying, in any of the before mentioned cases, to apply by petition to the Judge of the Supreme Court of Civil Justice who shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual, to all intents and purposes, as if the father, guardian, or guardians, or mother of the person so petitioning had consented to such marriage.

XXI. Whenever a marriage shall not be had within three calendar months after the date of the Governor's licence, or the complete publication of banns, or the issuing of a Registrar's certificate of compliance with the provisions of this Ordinance, such banns, licence or certificate shall be absolutely void from the expiration of such three months, and the application for authority to marry will have to be made afresh, in manner prescribed by this Ordinance.

Banns, licence, and certificate unused void after three months.

XXII. The Schedules hereto shall be part of this Ordinance.

XXIII. This Ordinance shall be cited as the "Marriages Ordinance, 1865."

Schedule.  
Short Title.

Passed the Legislative Council the 31st day of March, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

SCHEDULE A.

DECLARATION.

I do solemnly declare that I know of no lawful impediment of kindred or alliance, or other lawful hindrance why I, (A. B.), may not be joined in matrimony to (C. D.)

SCHEDULE B.

NOTICE OF MARRIAGE.

To the Registrar of the District of \_\_\_\_\_ in the Colony of British Columbia.  
I hereby give you notice that a marriage is intended to be had on the \_\_\_\_\_ day of \_\_\_\_\_, between me and the other party described and named herein.

Name.	Condition.	Rank or profession.	Age.	Dwelling place.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
Signed, A. B.

SCHEDULE C.

REGISTRAR'S CERTIFICATE.

I, \_\_\_\_\_, Registrar of the District of \_\_\_\_\_, in the Colony of British Columbia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, notice was duly entered in the Marriage Notice Book of the said District, of the marriage intended between the parties therein named and described, delivered under the hand of \_\_\_\_\_, one of the parties, that is to say:

Name.	Condition.	Rank or profession.	Age.	Dwelling place.

Date of notice entered 18\_\_\_\_ } The issue of this certificate has not been  
Date of certificate given 18\_\_\_\_ } forbidden by any person authorized to forbid the issue thereof.

Witness my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

Signed, \_\_\_\_\_, Registrar of the \_\_\_\_\_ District.

This certificate will be void unless the marriage be celebrated on or before \_\_\_\_\_ the day of \_\_\_\_\_ 18\_\_\_\_.



# BRITISH COLUMBIA.

U.



R.

## No. 22. An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice from suitors therein.

[11th April, 1865.]

**W**HEREAS, it is expedient to define the amount of Fees to be taken Preamble.  
by the Officers of the Supreme Court of Civil Justice of British Columbia in all civil actions pending therein, and also to provide for the appropriation and disposal of the same;

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

I. From and after the time of this Ordinance coming into operation, Fees to be taken as described in Schedule. the Officers and Clerks of the said Supreme Court or of any Judge thereof, shall, for all matters mentioned or referred to in the Schedule hereto, take and receive the fees respectively in that behalf mentioned or referred to in the said Schedule, and no other; and all such fees (except fees for office copies) shall be accounted for and paid in by such Officers and Clerks respectively into the Treasury.

II. The Judge of the Supreme Court may, from time to time, subject District Registrars how appointed. to the approval of the Governor, appoint, remove, and replace persons to act as District Registrars in such parts of the Colony as he shall think fit, according to such directions as he shall think proper.

III. All fees for office copies shall be taken to the proper use of the Fees for office copies. Officer by whom or under whose authority the same office copies shall be made or certified.

IV. All duties which in England may be performed by the Accountant Registrar of Supreme Court General, may in this Colony, until an Accountant General of the Supreme Court shall be appointed, be performed by the Judge of the Supreme Court; but no fees or percentage shall be taken in respect thereof; and all duties which in England may be performed in any of the Superior Courts of Common law, by any Associate, Master, or Chief Clerk of any such Courts, or of any Judge therein; or in the High Court of Chancery by any Chief Clerk, Master, Registrar, Examiner, Record and Writ Clerk, Taxing Master, or Secretary; or in Bankruptcy by any Registrar or Official Assignee; or in Lunacy or in the Court of Probate, by any Registrar, Record Keeper, Sealer, Secretary, or Clerk, may lawfully be done in this Colony by any person appointed to act as Registrar of the Supreme Court of Civil Justice. Provided, always, that it shall be lawful for the Governor, at any time hereafter by instrument in writing, to appoint some other person to perform any of the functions authorized in this section, to be performed by the Judge and Registrar of the Supreme Court respectively, with such provisions and directions as to salary and otherwise as he shall think fit.

V. For all matters and proceedings, not mentioned in the Schedule hereto, Fees not mentioned in Schedule to be charged according to English practice. and duties shall be chargeable and paid hereunder as are now payable under such practice.



Every order of a special nature, such as: reference to arbitration, or attendance of witnesses at arbitration; service of process on person resident abroad; reference to the master to fix sum for final judgment; revival of judgment, and the like .....	7	0
Every fiat, warrant, certificate, caveat, special case, special verdict, or the like .....	7	0
Every affidavit, affirmation, &c., whether in term or vacation, each deponent .....	4	0
Every admission of an attorney.....	5	0
Every commission for taking affidavits or special bail, ingrossing and sealing..	1	10
Every other commission for any purpose whatever ingrossing and sealing...	15	0
Every acknowledgment by married women .....	10	0
Office copies of judge's notes, or of any other proceeding whatever, per folio .....	1	0
Every cognizance or bond of any description whatever .....	15	0
Every allowance of writ of error .....	10	0
Bail on cepi corpus, habeus corpus, error or ejectment .....	4	0
Delivering bail piece off the file, or justification of bail .....	4	0
Every committal .....	5	0
Every exhibit signed by judge .....	1	0
Producing judge's notes .....	5	0
Bill of exceptions signed by judge .....	5	0
Crown Revenue cases, from defendant .....	5	0
Attendance as a commissioner to take affidavit, &c., or at a judge's house, or elsewhere, at request of parties .....	1	10

In cases where the party has been allowed to sue in forma pauperis, the fees are not to be demanded or taken, nor in cases where such fees would be payable by any Revenue or other Government Department.

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person under any pretence whatever.

#### IN BANKRUPTCY.

The Fees to be taken in all parts of the Colony should be the same as those taken in England, as authorized by Schedule O. to the Act 12 & 13 Vic., c. 106, s. 48, and by the General Order in Bankruptcy, 31st May, 1850, and rule 130 as to the allowances to the Official Assignee for collecting the Bankrupt's estate.

But the Judge may, on application, certify for a larger allowance on collections, where he shall be satisfied that the allowances authorized as aforesaid do not cover the actual expense, and no Official Assignee shall in such case retain more than the amount so certified.

#### IN LUNACY.

Such fees as are directed by the Act of the Imperial Parliament, 16 & 17 Vic. 70, s. 31.

#### IN PROBATE.

[See Act of 1857, s. 95.]

Generally as to all proceedings on all instruments and attestations to which the Seal of the Court shall be attached, either necessarily or at the request of the party, a fee of 4s. shall be taken, unless such instrument be already under this Ordinance chargeable with a fee (other than office copy fees) of the like or larger amount.

All office copies made or certified by the proper officer shall be charged at the rate of 1s. per folio of every 72 words.

In all payments, all coins may be accepted at the rates at which the same may actually be current at the place of payment.



# BRITISH COLUMBIA.



## No. 23. An Ordinance respecting arrest and imprisonment for Debt.

[11th April, 1865.]

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

1. No person shall be arrested or imprisoned on any judgment whatsoever recovered against him as a debtor at the suit of any person, and any person under arrest or imprisonment, or order therefor at the time of the passing of this Ordinance, on any such judgment shall, if not already discharged, be within 15 days after the passing of the same discharged from such arrest or imprisonment or order therefor; but notwithstanding such discharge, every such person shall be subject to be arrested again, as hereinafter provided.

Imprisonment for Debt shall cease.

2. Process of contempt for non-payment of any sum of money, or for non-payment of any costs payable by any decree or order in Chancery, is abolished; and no person shall be detained, arrested or held to bail for non-payment of money, except as hereinafter mentioned, and unless a special order for the purpose be made on an affidavit establishing the same facts and circumstances as are necessary for obtaining a writ of *capias ad satisfaciendum* under this Ordinance, and in such case the arrest when allowed shall be made by means of a writ of attachment corresponding as nearly as may be to a writ of *capias ad satisfaciendum*.

Contempt for non-payment of costs, and arrest for non-payment of money abolished save as here excepted.

3. In cases in which the defendant has been held to special bail upon a writ of *capias ad respondendum*, or upon a writ of *ne exeat regno*, issued on a Judge's order, it shall not be necessary after judgment signed or decree made, before suing out a writ of *capias ad satisfaciendum* or a writ of attachment, to obtain a Judge's order for the issuing thereof, or to make or file any further or other affidavit than that upon which the order authorizing the defendant's arrest was obtained in the first instance; but where the defendant has not been so held to special bail, if the plaintiff in the action by the affidavit of himself or some other party shows to the satisfaction of a Judge of the Supreme Court of Civil Justice, or if the case be in a County Court shows to the Judge or acting Judge of such Court, that he has recovered judgment or obtained a decree for the payment of money against the defendant for the sum of twenty pounds or upwards exclusive of costs, and also by affidavit shows such facts and circumstances as satisfy the Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended is about to quit this Colony, with intent to defraud his creditors generally or the said plaintiff in particular, or that the defendant hath parted with his property, or made some secret or fraudulent conveyance thereof, in order to prevent its being taken into execution, such Judge may, by a special order, direct that a writ of *capias ad satisfaciendum* or a writ of attachment as the case may be, may thereupon be issued according to the practice of the Courts in which the proceedings in the first instance have been instituted.

The affidavit for special bail on a *ca re* shall suffice for a *ca sa*.

Where fraud proven a *ca sa* may issue.

Sheriff may take a limit bond, and on its allowance by Judge is discharged from liability.

4. The Sheriff may take from any debtor confined in any gaol of this Colony in execution under this Ordinance, or upon Mesne process a bond with two or more sufficient sureties, to be jointly and severally bound in a penalty of double the amount for which such debtor is so confined, conditioned that such debtor shall abide and remain within the limits of the Colony and shall not depart therefrom, unless duly discharged from custody in the suit or matter upon which he is so confined, and also that such debtor will, during all the time that he is subject to such custody, observe and obey all notices, orders or rules of Court touching or concerning such debtor, or his answering interrogatories, or his appearing to be examined *viva voce*, or his returning and being remanded into close custody, and that upon reasonable notice, to them or any of them, requiring them so to do, they will produce such debtor forthwith to the Sheriff, and also that the said debtor will cause the said bond, or the bond that may be substituted for the same, according to the provisions hereinafter contained, to be allowed by a Judge of the Supreme Court of Civil Justice or of the County Court of the District wherein the debtor is confined, and such allowance to be endorsed thereon by the said Judge; and for this purpose, the Sheriff shall, upon reasonable notice given by the debtor, cause such first mentioned bond to be produced before the Judge, and upon such allowance being so endorsed, the Sheriff shall be discharged from all responsibility respecting such debtor, unless the debtor be again committed to the close custody of such Sheriff in due form of law.

Surety to swear to qualification.

5. The Sheriff may also require each surety, when there are only two, to make oath in writing, to be annexed to the bond, that he is a freeholder or householder in some part of the Colony, stating where, and is worth the sum for which the debtor is in custody (naming it), and one hundred pounds more, over and above what will pay all his debts, or where there are more than two sureties, then he may require each surety to make oath as aforesaid, that he is a freeholder or householder as aforesaid, and is worth one half the sum for which the debtor is in custody (naming it) and one hundred pounds more, over and above what will pay all his debts.

Judge's allowance how obtained.

6. The application for the allowance aforesaid shall be by motion of the debtor, and four clear days' notice thereof shall be given in writing to the Plaintiff, his Counsel, or Attorney, who at the time of such motion may object to the sufficiency of the sureties; and if the Judge refuses his allowance of the bond, then the debtor may cause another bond made to the Sheriff in the same terms and under the same conditions, to be executed, without any further application to the Sheriff, and may move in like manner and upon the like notice for the allowance thereof; and such bond if allowed and endorsed as aforesaid, shall be substituted for, and take place of, and have the like effect in all respects, and the like remedies shall be had thereon, as the bond so first given to the Sheriff as aforesaid would have had upon the allowance thereof, and such first given bond shall thereupon become void.

On receipt of limit bond Sheriff may release prisoner.

7. Upon receipt of such bond, accompanied by an affidavit of a subscribing witness of the due execution thereof, and by the sureties' affidavits of solvency if required by the Sheriff, the Sheriff may permit and allow the debtor to go out of close custody in gaol into and upon the limits of the Colony.

But may re-arrest.

8. In case the Sheriff has good reason to apprehend that the sureties or any of them have, after entering into such bond, become insufficient to pay the amount by them severally sworn to, he may again arrest the debtor and detain him in close custody.

Which shall discharge sureties.

9. The sureties of the debtor may plead such arrest and detention in bar of any action brought against them upon the bond entered into by them, and such plea, if sustained in proof, shall wholly discharge them from such action; and the debtor may again obtain the benefit of the gaol limits on giving to the Sheriff a new bond with sureties as aforesaid.

Assignment of limit bond on breach.

10. Upon breach of the condition of any such bond, the party, at whose suit the debtor is confined, may require the Sheriff to assign the same to him, and such assignment shall be made in writing, under the seal of the Sheriff, and attested by at least one witness, and the assignee of the Sheriff or the executors or administrators of such assignee, may maintain an action in his or their own names upon such bond, which action the Sheriff shall have no power to release, but upon executing such assignment at such request, the Sheriff shall be thenceforth discharged from all liability on account of the debtor or his safe custody.

Sureties may surrender prisoner.

11. The sureties of any such debtor may surrender him into the custody of the Sheriff at any gaol within the Colony, and the Sheriff, his Deputy or Gaoler shall there receive such debtor into custody and the sureties may plead such surrender or an offer to surrender, and the refusal of the Sheriff, his Deputy or Gaoler to receive the debtor into custody at the gaol, in bar of any action brought on the bond for a breach of the condition happening after such surrender or tender and refusal, and such plea, if sustained in proof, shall discharge them from the action, but such debtor may again obtain the benefit of the limits on giving to the Sheriff a new bond, with sureties as aforesaid.

*Ficfa* may still issue, after the *ca sa*

12. Except as provided in this Ordinance, the party at whose suit any debtor is confined in execution, may, whenever such debtor has taken the benefit of the limits sue out a writ of *feri facias* against his lands or goods, notwithstanding such debtors having been charged in execution, and such writ shall not be stayed, but shall be proceeded with until executed, although such debtor be re-committed to close custody; but the wearing apparel of the debtor and that of his family, and their beds and bedding and household utensils, not exceeding together the value of ten pounds, and the tools and implements of the trade of such debtor, not exceeding in value ten pounds shall be protected from such writ of *feri facias*.

13. Any person arrested or imprisoned under a writ of *capias ad satisfaciendum* or under a writ of attachment under this Ordinance, may apply for and obtain his discharge upon showing under oath to the satisfaction of the Judge of the Court from which such writ has issued, that he has satisfied the debt or that he has no property wherewith to pay his execution creditor, and that he is not about to leave the Colony, and that he has not made any fraudulent disposition or conveyance of his property, or any portion thereof, with intent to defeat or delay such creditor or his creditors generally; provided, however, that reasonable notice in writing of such intended application shall when practicable be given by such debtor to his execution creditor; and in cases when service of such notice is impracticable or difficult such proceeding shall be taken as may, in the discretion of the Judge, be ordered in that behalf.

Discharge from *ca sa* how obtained.

14. None of the foregoing provisions relative to the discharge from custody or admission to bail, shall extend or be applicable to any persons who are in custody upon any criminal charge.

Criminals not entitled to discharge.

15. In case any party has obtained a judgment or decree for the payment of money in the Supreme Court of this Colony, such party or any person entitled to enforce such judgment or decree may apply to a Judge of such Court for a rule or order that the judgment debtor shall be orally examined upon oath before him, or before any other person to be named in such rule or order, touching his estate and effects, and as to the property and means he had when the debt or liability which was the subject of the action in which judgment has been obtained against him was incurred, and as to the property and means he still hath of discharging the said judgment, and as to the disposal he may have made of any property since contracting such debt or incurring such liability; and in case such debtor does not attend as required by the said rule or order and does not allege a sufficient excuse for not attending, or if attending, he refuses to disclose his property or his transactions respecting the same, or does not make satisfactory answers concerning the same, or if it appears from such examination or otherwise that such debtor has concealed or made away with his property, or any part thereof, in order to defeat, delay, or defraud his creditors or any of them, such Judge may order such debtor to be committed to the common gaol of the district in which he resides for any time not exceeding twelve calendar months, or may, by rule or order direct that a writ of *capias ad satisfaciendum* or writ of attachment, as the case may be, be issued against such debtor, and a writ of *capias ad satisfaciendum* may thereupon be issued on such judgment, or in case such debtor enjoys the benefits of the gaol limits, such Judge may make a rule or order for such debtor being committed to close custody.

Examination of judgment debtor.

16. In case of the discharge under this Ordinance of any person arrested or imprisoned under a writ of *capias ad satisfaciendum* or under a writ of attachment, all the rights and remedies of the judgment creditor against the property of the judgment debtor shall be the same as if such writ of *capias ad satisfaciendum* or writ of attachment had never issued or been executed, and the costs incidental thereto shall be costs in the cause.

Discharge of prisoner under a *ca sa* not to affect creditor's other remedies

17. This Ordinance shall be cited as the "Imprisonment Exemption Ordinance, 1865."

Short Title.

Passed the Legislative Council the 7th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

1865.



1865.

## No. 24. An Ordinance respecting the Salary of the Office of Governor.

[11th April, 1865.]

**W**HEREAS, by the "Crown Officers' Salaries Act, 1862," the minimum annual Salary of the Governor of British Columbia, was permanently fixed at Three thousand pounds, with allowances;

Preamble.

And, whereas, the Legislative Council of British Columbia, by unanimous resolution duly passed on the 7th day of March, in the year of Our Lord one thousand eight hundred and sixty-five, prayed that owing to the decided progress that had taken place in the Colony, and to the increased responsibilities that had therefore devolved upon the head of the Executive, the Salary of the Governor might be increased One thousand pounds, and that an Ordinance might be sent down to the Council to enable the said increase to be duly made; and that the same might be embodied in the permanent Law above referred to;

And, whereas, it is expedient that such resolution should be carried into effect;

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

I. From and after the passing of this Ordinance, it shall be lawful for Her Majesty, Her heirs and successors at all times hereafter out of the General Revenue of the Colony of British Columbia, from whatever source arising, to take, pay, and apply to the Governor of British Columbia, in addition to the said minimum annual payment of Three thousand pounds, with allowances, the further annual sum of One thousand pounds Sterling.

Authorizes increase to Salary of £1000.

II. Provided that no payment shall be made hereunder as aforesaid, until Her Majesty's confirmation of this Ordinance shall have been first duly proclaimed.

Suspending Clause.

III. This Ordinance shall be cited as the "Crown Officers' Salaries Extension Ordinance, 1865."

Short Title.

Passed the Legislative Council this 8th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,

Governor.

# BRITISH COLUMBIA.



## No. 25. An Ordinance to facilitate the creation of Ports of Entry in British Columbia.

[11th April, 1865.]

**W**HEREAS, it is necessary for the purposes of commerce to  
empower the Governor to create Ports of Entry in the  
Colony; Preamble.

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

I. From the date of the passing of this Ordinance it shall be  
lawful for the Governor, by Proclamation under his hand and  
seal, published in the *Government Gazette*, to constitute, erect,  
and appoint any Ports in the Colony to be Ports of Entry, to  
the extent named in such Proclamation, and from time to time  
by Proclamation similarly promulgated, to limit, vary, abolish  
or renew any Ports of Entry so created, as in the discretion of  
the Governor may seem meet. Governor may create Ports  
of Entry by Proclamation.

II. This Ordinance shall be cited as "The Port of Entry  
Ordinance, 1865." Short Title.

Passed the Legislative Council this 8th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,

Governor.

# BRITISH COLUMBIA.



## No. 26. An Ordinance to declare the Limitation of Foreign Suits and Actions.

[11th April, 1865.]

**W**HEREAS, it is expedient to limit the time within which suits or actions may be maintained on causes thereof arising elsewhere than in British Columbia;

Preamble.

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

I. No civil action or suit instituted after the passing of this Ordinance shall be maintained on any cause of suit or action arising elsewhere than in this Colony, or any foreign judgment, decree, or order against any person who shall have been resident in British Columbia for a space of three years subsequent to the date of such cause of suit or action arising, or of such judgment, decree, or order.

Limits foreign suits to 3 years.

II. No suit or action shall be hereafter maintained in this Colony against any person here resident, in respect of a cause of action or suit which has arisen in a foreign country, wherein the person so sued shall have been resident at the time when such cause of action or suit shall have first arisen, if the remedy thereon in such foreign country is barred by any statute for the limitation of actions therein; and any person so pleading such foreign law in the cases mentioned shall be entitled to the benefit thereof, upon giving evidence of the expiration of the period therein prescribed, irrespective of the question whether he has or has not remained during the entire period of such limitation in such foreign country, and notwithstanding any provisions in such foreign statute contained limiting the benefit thereof to those who have continued in the said country during the full term of the period of limitation.

Suits arising in a foreign country cannot be maintained in British Columbia against any one therein, having been resident in such foreign country when the suit first arose, if the remedy was therein barred by limitation of actions.

III. This Ordinance shall be cited as the "Limitation of Foreign Actions Ordinance, 1865."

Short Title.

Passed the Legislative Council the 10th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

# BRITISH COLUMBIA.

U.



L.

## No. 27. An Ordinance for regulating the acquisition of land in British Columbia.

[11th April, 1865.]

**W**HEREAS, it is expedient to amend and consolidate the laws affecting Lands in British Columbia, and for that purpose to repeal, alter, and re-enact certain portions of the existing laws affecting the same;

Preamble.

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

1. The Proclamation passed on the 14th February, 1859, except the portion thereof after clause 9, which refers to the Capital of British Columbia; the Mining District Act, 1863; and the Pre-emption Consolidation Act, 1861, are hereby repealed.

Repeals certain Acts.

2. Such repeal shall not be construed to prejudice or affect any rights actually existing to or in respect of any land in this Colony at the date of this Ordinance, or to revive any provisions of any Acts or Proclamations heretofore repealed.

Saving of existing rights.

3. All the lands in British Columbia, and all the mines and Crown Lands therein, not otherwise lawfully appropriated belong to the Crown in fee.

Crown Lands.

4. 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 four shillings and two pence per acre.

Upset price of land 4s. 2d. per acre.

5. The Governor shall at any time, and for such purposes as he may deem advisable, reserve any lands that may not have been either sold or legally pre-empted.

Reserves.

6. 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.

All land to be offered for sale at public auction.

7. 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 in writing by the Governor in that behalf.

Land unsold at auction may be purchased by private sale.

8. 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 Commis-

Saves public rights.

sioner of Lands and Surveyor General, 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 to include everything but precious metals.

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

### ALIENS.

Aliens may not pre-empt.

10. Aliens who have not taken the oath of allegiance may not pre-empt but may purchase any pre-empted or other lands lawfully open to sale.

Aliens now holding land may be confirmed in possession thereof.

11. Provided that it shall be lawful for the Governor, by any writing under his hand, to confirm aliens at present in possession of lands which are either pre-empted or purchased by them and for which they hold the necessary certificate of improvement.

### PRE-EMPTION.

Who may pre-empt land.

12. From and after the date hereof British subjects, and aliens who shall take the oath of allegiance to Her Majesty, Her heirs and successors, may acquire the right to pre-empt and hold in fee simple unoccupied and unsurveyed and unreserved Crown Lands not being the site of an existent or proposed town, or auriferous land available for gold or silver mining purposes, or an Indian reserve or settlement, under the following conditions:

Permission to be obtained from Magistrate of District.

13. The person desiring to acquire any particular plot of land of the character aforesaid, shall, before entering into possession thereof, obtain from the Stipendiary Magistrate of the District permission in writing to enter on and pre-empt certain lands, to be specified in writing by the applicant.

Rules to be observed in pre-empting land not exceeding 160 acres.

14. If the Magistrate see no objection thereto, the person so wishing to pre-empt shall, within seven days after such permission, enter into possession of such land by placing at the corners of the land four posts marked with his name or some other distinguishing name, and shall apply in writing to record his claim, to any quantity not exceeding 160 acres thereof, with the Stipendiary Magistrate of the District; paying to the said Magistrate the fees hereinafter mentioned.

Record Fee.

15. If the land applied for has not been previously recorded the Magistrate shall forthwith, upon receiving with such application a fee of eight shillings and four pence, enter and record the application, and give to the applicant a certificate of such record to be called "The Record Certificate," with leave of absence from his claim without forfeiting the same, for such period not exceeding six months as the Magistrate of the District may in his discretion decide, for the purpose of procuring tools, seeds, and other necessaries.

Record.

Record Certificate.

Leave of absence.

Rules for land previously pre-empted.

16. If the land has been previously recorded the Magistrate, upon receipt of a fee of four shillings and two pence, shall make an entry in his books of the date, name, and particulars of such application, and shall give to such applicant, who shall cause to be affixed to the door of the Court House, and some conspicuous part of the land in question, a notice in writing that unless, within one calendar month next ensuing the date of so affixing such notice any prior claimant (if any) to any of the same land shall shew cause to the satisfaction of such Magistrate why any of the ground then applied for should not be recorded in the name of the said applicant, the said claim will be so recorded.

Notice to be given of subsequent record.

Notice a bar to other applications.

17. Such publication of notice shall, during such month, operate as a bar to all subsequent applications for the ground covered by such application.



18. At the expiration of such month, if such cause shall not be shewn, the Magistrate shall record the claim in the name of the said applicant, and upon receipt of a fee of four shillings and two pence shall grant a certificate under his hand of such record to the applicant, and preserve a duplicate thereof in his office.

Land may be re-recorded at the expiration of a month.

19. Such certificate shall specify the conditions under which the land included therein shall be held, and may be pleaded in bar to all previous claims (if any) in respect of or against any of the said land.

Certificate of such record bars prior claim.

20. Any person in possession of 160 acres of land as aforesaid, may acquire the right to pre-empt and hold any further tract of unsurveyed and unoccupied land contiguous thereto, not exceeding 480 acres (and no more either directly or indirectly save with the express sanction in writing of the Governor in that behalf) over and above the quantity of 160 acres aforesaid, upon the payment to the Stipendiary Magistrate of the District of the sum of two shillings and one penny per acre for the same, as by way of instalment of the purchase money to be ultimately paid to the Government, after the survey of the same land.

Over 160 acres how to be pre-empted.

21. If such land shall not have been previously recorded, any person so paying such deposit shall forthwith enter into possession, and if previously recorded, after one month's notice as aforesaid, and, cause to the contrary not shewn, record his claim to such last mentioned tract of land and enter into possession in manner hereinbefore prescribed.

Rules to be observed in this case.

22. The claimant or applicant shall in all cases make his application in writing, and give the best possible written description of the land, to the Stipendiary Magistrate of the District to whom he applies to record his claim, together with a proper plan thereof, and identify the plot in question by pointing out the position of the said posts, and by stating in his description any other land marks of a noticeable character; and all such plans and descriptions shall be in duplicate.

General rules to be observed in pre-empting.

23. Every piece of land sought to be acquired under the provisions of this Ordinance, shall, save as hereinafter mentioned, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds the length of the longest line.

Rectangular shape, or as nearly as possible proportion of the lines.

24. Where the land sought to be acquired is in whole or in part bounded by mountains, rocks, lakes, swamps, or the margin of a river, or by other natural boundaries, then such natural boundaries may be adopted as the boundaries of the land sought to be acquired, and in such case it shall be sufficient for the claimant to show to the satisfaction of the Stipendiary Magistrate of the District, that the said form conforms as nearly as circumstances permit to the provisions of this Ordinance.

Natural boundaries may be adopted in certain cases.

25. If the land sought to be acquired be bounded by land already pre-empted or surveyed, the line of such land may be adopted by the person so seeking to acquire, notwithstanding any irregularity in such line which may have been occasioned by the adoption of a natural boundary by the claimant of the adjacent land.

Lines of adjacent claims may be adopted.

26. Where a piece of land is partially or entirely enclosed between two or more claims, the claimant may acquire such enclosed piece notwithstanding any irregularity of form, or disproportion in length, or any of the sides.

Enclosed spaces may be adopted, notwithstanding any irregularity of shape.

27. The boundaries shall run as nearly as possible by the cardinal points of the compass.

Boundaries to run as nearly as possible according to the points of the compass.

28. When the Government shall survey the land claimed, the claimant who has recorded his claim as aforesaid, or his heirs or devisees, or in the case of the grant of a certificate of improvement

When pre-empted land may be purchased.

hereinafter mentioned, the assigns of such claimant shall, if he or they shall have been in continuous occupation of the same land from the date of the record aforesaid be entitled to purchase the land so acquired, or in respect of which such deposit shall have been paid as aforesaid, at such rate as may for the time being be fixed by the Government of British Columbia, not exceeding the sum of 4s. 2d. per acre.

Certificate of improvement requisite.

29. No person shall be entitled to receive a grant of such land until he shall have received from the recording Magistrate a certificate of improvement as in the Schedule hereto, in respect to such land.

Certificate of improvement to be issued when improvements have been made to the extent of 10s. per acre.

30. When the claimant, his heirs or devisees, shall prove to the Stipendiary Magistrate of the District, by the evidence of himself and of third parties, that he or they has or have continued in permanent occupation of the claim from the date of record, and has or have made permanent improvements thereon to the value of 10s. per acre, the said Magistrate shall grant to the said claimant, his heirs or devisees, a certificate of improvement in the form in the Schedule hereto.

When Certificate of improvement has been issued the holder may sell or deal with the land.

31. Upon the grant of the certificate of improvement aforesaid, the person to whom the same is issued may, subject to any unpaid instalment, sell, mortgage, or lease the land in respect of which such certificate had been issued, but no interest in any plot of land acquired in either of the methods aforesaid, shall, before payment of the purchase money, be capable of passing to a purchaser, unless the vendor shall have obtained such certificate of improvement as aforesaid.

Conveyance upon what conditions.

32. Upon payment of the purchase money after the survey and continuous occupation, and the notice required under this Ordinance, a conveyance of the land purchased shall be executed in favor of the purchaser excepting the precious minerals with a right to enter and work the same in favor of the Crown, its assigns and licensees, with power to the Crown to take such portions of such land as it may find necessary for roads, bridges and ferries, and public purposes.

Rules to be observed in applying for a Crown grant.

33. No pre-emptor shall be entitled to receive a Crown grant of his pre-emption claim, unless he shall shew to the satisfaction of the Magistrate of the District, that before applying for such grant he has caused a written or printed notice of his intention to apply for such grant, to be posted in some conspicuous part of his own and the adjacent pre-emption claims, (if any,) and on the Court House of the district, without any valid opposition to his claim being substantiated.

Priority of title.

34. Priority of title shall be obtained by the person who, being in possession, shall first apply and record his claim in manner aforesaid.

Cancellation of claim on permanent cessation of occupation.

35. Whenever any person shall permanently cease to occupy land acquired in either of the methods aforesaid, the Stipendiary Magistrate of the District may, in a summary way, on being satisfied of such permanent cessation, cancel the claim of the person so permanently ceasing to occupy the same, and record the claim thereto of any other person satisfying the requisitions aforesaid.

Deposits and improvements forfeited on cancellation.

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

Magistrate's decision appealable.

37. The decision of the Magistrate may be appealed by either party to the decision of the Supreme Court of Civil Justice of British Columbia.

Security on appeal.

38. Any person desirous of appealing in manner aforesaid, may be required before such appeal be heard, to find such security as may

be pointed out by the Magistrate, whose decision is appealed against, but such appeal shall be made within one calendar month after the decision complained of, and after security to the satisfaction of the Magistrate shall have been given for the due prosecution of such appeal and submission thereto.

39. Whenever a person shall have duly recorded as aforesaid, and he, his heirs or (in case of a certificate of improvement) his assignees shall have continued in permanent occupation of the same land since the date of such record, save for the two months hereinbefore mentioned, he or they may (save where herein otherwise mentioned), bring ejectment or trespass against any intruder upon the same land to the same extent as if he or they were seized of the legal estate in possession in the same land. Ejectment or trespass by holder.

40. Nothing herein contained shall be construed as giving a right to any claimant to exclude free miners from searching for any of the precious minerals or working the same, but in case of any entry being made upon lands held as aforesaid, full compensation shall be made, or adequate security therefor be given, to the satisfaction of the Stipendiary Magistrate of the District, prior to such entry to the occupant for any loss or damage he may sustain by reason of any such entry; such compensation to be determined by the Stipendiary Magistrate or Gold Commissioner of the District, with or without a jury of not less than five, in the discretion of such Magistrate or Commissioner. Saves miners' rights.

41. The Government shall, notwithstanding any claim, record, or conveyance aforesaid, be entitled to enter and take such portion of the land acquired in either of the methods aforesaid, as may be required for roads, bridges, and ferries, without compensation, or for other public purposes, on paying reasonable compensation for the same. Power to Government to re-take land for public purposes.

42. 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 so recorded by him. One claim only can be pre-empted.

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

#### WATER.

44. Every person lawfully occupying and *bona fide* cultivating lands may divert any unoccupied 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 Stipendiary Magistrate of the district, for the purpose and recording the same 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 Magistrate may require. Rules for diverting water.

45. Previous to such authority being given, the applicant shall 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. Notice to be given.

- Priority of right. 46. Priority of right to any such water privilege in case of dispute, shall depend on priority of record.
- Right of entry on land. 47. 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.
- Disputes settled with or without jury. 48. In case of dispute, such compensation or any other question connected with such water privilege, entry or carrying may be ascertained by the Stipendiary Magistrate of the District in a summary manner, at the option of either of the contending parties either with or without a jury of five men, to be summoned as in ordinary cases.
- Non-attendant jurors may be fined. 49. It shall be lawful for such Magistrate, by an order under his hand, directed to the Sheriff or Deputy Sheriff, to summon a jury for such purpose, and in the event of non-attendance of any persons so summoned, he shall have power to impose a fine not exceeding Five pounds.
- Water for mining purposes may be taken. 50. 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 Stipendiary Magistrate 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.

#### LEASES.

- Land leased. 51. Leases of any extent of unoccupied and unsurveyed land may be granted for pastoral purposes, by the Governor or any Officer duly authorized by him in that behalf, to any person or persons whomsoever, being *bona fide* pre-emptors or purchasers of land, at such rent as such Governor or Officer shall deem expedient. But every such lease of pastoral lands shall, among other things contain a condition making such land liable to pre-emption, reserve, 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 stock the property demised in such proportion of animals to the one hundred acres, as shall be specified by the Stipendiary Magistrate in that behalf.
- May be pre-empted, &c. 52. Any person who shall have obtained such lease as aforesaid, may bring ejectment or trespass against any intruder upon the same land, to the same extent as if he or they were seized of the legal estate in fee.
- And must be stocked. 53. Leases of any extent of unoccupied Crown Lands may be granted by the Governor, 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.
- Ejectment. 54. The application for any such lease must be in writing, and if passing through a Magistrate; in duplicate, for transmission to the Governor, who alone shall decide on any such lease.
- Leases for timber cutting, &c. 55. It shall be lawful for the Governor, upon receiving the assent of Her Majesty's Government thereto, and the publication thereof in the *Government Gazette*, to make such free or partially free grants
- To be in writing.

#### FREE GRANTS.

- Free grants. 55. It shall be lawful for the Governor, upon receiving the assent of Her Majesty's Government thereto, and the publication thereof in the *Government Gazette*, to make such free or partially free grants

of the unoccupied Crown Lands of the Colony, for the encouragement of Immigration, with and under such provisions, restrictions, and privileges, as to the Governor in his discretion may seem most advisable for the encouragement and permanent settlement of immigrants.

56. 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, 1865." Saves Miners' rights generally.

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

58. This Ordinance shall be cited as the "Land Ordinance, 1865." Short Title.

Passed the Legislative Council the 10th day of April, A.D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,  
Governor.

### SCHEDULE.

#### CERTIFICATE OF IMPROVEMENT.

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

# BRITISH COLUMBIA.

B.



B.

## No. 28. An Ordinance further to facilitate the construction of the Overland Telegraph.

[11th April, 1865.]

**W**HEREAS, PERRY MACDONOUGH COLLINS, has transferred all his right and interest in the Overland Telegraph, and in the privileges conferred by the "International Telegraph Ordinance, 1865," to the "Western Union Telegraph Extension Company;" and it is expedient to grant to such Company further privileges and immunities for the construction of the said Telegraph, and to alter and extend the "International Telegraph Ordinance, 1865," accordingly;

Preamble.

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

I. Clause 13 of the said "International Telegraph Ordinance, 1865," is hereby repealed.

Repeals clause 13 of International Telegraph Ordinance, 1865.

II. The said "Western Union Telegraph Extension Company," shall be incorporated in this Colony, and be capable of suing and being sued by that name as a Corporation in all Courts in the Colony, and shall have a Common Seal bearing the said corporate name, cognizable in all such Courts.

Western Union Telegraph Co. to be incorporated in the Colony.

III. Such Company shall have and maintain during the term of the said Ordinance, a head Office at New Westminster.

Head office to be at New Westminster.

IV. Every delivery of a document or notice at such Office, affecting or relating to the said Company, shall be a good and sufficient delivery and notice, according to the tenor thereof, upon such Company for all purposes whatsoever.

Delivery of notice thereat to be sufficient.

V. This Ordinance shall be cited as "The International Telegraph Extension Ordinance, 1865."

Short Title.

Passed the Legislative Council this 11th day of April, A. D. 1865.

CHARLES GOOD,  
Clerk.

ARTHUR N. BIRCH,  
Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR,  
Governor.