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1858-65

BRITISH COLUMBIA.

LIST OF PROCLAMATIONS

FOR

1858, 1859, 1860, 1861, 1862, 1863, and 1864.

1858.

- 6th September, Penalty for Selling Liquor to the Natives.
15th do. Caution against pretended Sales of Land.
3rd November, Revocation of License, of 30th May 1838, to Hudson Bay Company.
19th do. Government of British Columbia.
19th do. Indemnifying the Governor for Acts done.
19th do. Declaring English Law is in force in British Columbia.
2nd December, Enabling the Governor to convey Crown Lands.
3rd do. Customs Act, 1858. -
24th do. Order of Court.

1859.

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7th February, Duties payable by Miners, Traders, &c.
14th do. Capital of British Columbia.
[REDACTED] Customs Act, 1859. -
[REDACTED] Aliens' Act.
[REDACTED] Oaths Act.
[REDACTED] Customs Duties. -
5th do. Constitution of Supreme Court.
15th do. Tonnage, Pilotage, and Harbor Dues.
25th do. Do. Do.
20th July, Naming Queensborough New Westminster.
10th August, Licenses Act.
31st do. Gold Fields Act.
7th September, Rules and Regulations under Gold Fields Act.
10th December, Small Debts Act.
2nd do. 12 Shillings a Ton on all goods leaving New Westminster.
10th do. British Columbia Joint Stock Companies Act.

1860.

- 4th January, Pre-emption Act.
6th do. Rules and Regulations under Gold Fields Act.
20th do. Upset Price of Lands not sold at Public Auction.
8th March, Jurors' Act.
8th do. Sheriff's Act.
8th May, Town Lot Leases Relief Act.
16th July, New Westminster Municipal Council Act.
10th August, Spuzzum Road Bonds Act.
20th do. Shimilkomeen Roads Bonds Act.
20th do. Customs Amendment Act.
15th October, Roads Tolls Act.
22nd December, Southern Boundary Act.

1861.

- Hand — No. 1. Pre-emption Amendment Act.
2. Country Land Act.
3. Remission of Purchase Money to Military and Naval Settlers.
4. Pilotage Act.
5. Roman Catholic Land Act.
— 6. Pre-emption Purchase Act.
7. Fireman's Protection Act.
— 8. Land Registry Act.
9. Pre-emption Consolidation Act.
10. Distillers' Excise Act.
11. New Westminster Municipal Council Extension Act.
12. Harrison Lillooet Portage No. 2 Roads Bonds Act.
13. British Columbia Roads Loan Act.

1862.

- No. 1. British Columbia Roads Loan Act.
2. Temporary Loan Act.
3. Lillooet Alexandria Road Toll Act.
4. Lytton Alexandria Road Toll Act.
5. British Columbia Loan Act.
6. Sunday Observance Act.
7. Lytton Alexandria Tolls Act.
8. New Westminster Municipal Extension Act, No. 2.
9. Rules and Regulations under Gold Fields Act.

1863.

- No. 1. Road Bonds Act.
2. Military and Naval Settlers Act.
3. Roads Toll Extension Act.
Feb 24. Rules and Regulations under Gold Fields Act.
No. 4. Gold Fields Act, 1863.
5. British Columbia Loan Act.
6. Sunday Observance Act.
7. The Mining District Act.
8. Legal Professions Act.
9. Cooks Ferry and Clinton Road Bond Act.
10. Alexandra Bridge Toll Act.
11. New Westminster Municipal Extension Act, No. 3.
12. Crown Officers' Salaries Act.

1864.

- No. 1. The Mining Drains Act, 1864.
2. The Confirmatory Ordinance, 1864.
3. Ordinance supplying £135,639 16 7 for service of 1864.
4. Gold Fields Act, 1864.
5. Thompson Bridge Toll Act, 1864.
6. Trades Licences Amendment Act, 1864.
7. The British Columbia Loan Act, 1864.
8. British Columbia Steam Traction Engine Act, 1864.
9. First Telegraph Act, 1864.
10. Mining Joint Stock Companies Ordinance, 1864.
11. Inland Navigation Ordinance, 1864.
12. British Columbia Land Registry Extension Ordinance, 1864.
13. The Interest Ordinance, 1864.
14. The Postal Ordinance, 1864.
15. Naval and Military Settlers Relief Ordinance, 1864.
16. The Customs Amendment Ordinance, 1864.
17. The Patents Ordinance, 1864.
18. Supplemental Supply, 1864.

1865. (no contents table)

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BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Governor of Vancouver Island and its Dependencies, Commander-in-Chief, and Vice-Admiral of the same, &c., &c.

WHEREAS, it has been represented to me that Spirituous and other Intoxicating Liquors, have been sold to the Native Indians of Fraser River, and elsewhere, to the great injury and demoralization of the said Indians; and also thereby endangering the Public peace, and the lives and property of Her Majesty's subjects and others in the said Districts.

Now be it known unto all men, that the Sale or Gift of Spirituous or other Intoxicating drinks to the said Native Indians is contrary to Law, and is hereby strictly prohibited, and that persons charged with such offences will be proceeded against accordingly, and on conviction thereof before a Magistrate, will be mulcted in the penal sum of not more than Twenty Pounds, nor less than Five Pounds, for each and every offence, and in default of payment of such penalty shall be committed to jail, with or without hard labour, for a period of not more than six nor less than two months.

{ L. S. } Given under my hand and Seal, at Fort Hope, this sixth day of September, in the year of Our Lord One thousand eight hundred and fifty-eight, and in the twenty-second year of Her Majesty's reign,

JAMES DOUGLAS.

Governor.

By His Excellency's Command,
WILLIAM MANSON, Acting Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Governor of Vancouver's Island and its Dependencies, Ccmmander-in-Chief and Vice-Admiral of the same, &c.

WHEREAS, it has been made to appear to me that certain persons in Victoria and elsewhere have attempted to delude the Public, by making pretended sales of certain Lands on Fraser River;

Now I do hereby warn all persons whom it may concern, that no Lands at or near Langley, or elsewhere on Fraser River, have been in any manner encumbered or sold, and that the Title to all such Lands is vested in the Crown, and that any person found occupying the same, without due authority from me, will be summarily ejected; and all persons fraudulently selling the same will be prosecuted and punished as the Law directs.

Given under my hand and Seal, at Fort Yale, this 15th day of September, in the year of our Lord 1858, and in the 22nd year of Her Majesty's Reign.

JAMES DOUGLAS,

Governor.

By His Excellency's Command,

WILLIAM MANSON,

Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION

By His Excellency, JAMES DOUGLAS, Governor and Commander-in-Chief
of Her Majesty's Colony of Vancouver's Island and its Dependencies.

WHEREAS, Her Majesty has been pleased, by an Instrument made under Her Sign Manual, to revoke the Crown Grant dated the 30th day of May, in the year of Our Lord, 1838, to the Hudson's Bay Company, for exclusive trading with the Indians, in so far as the said Grant embraces or extends to the Territories comprised within the Colony of British Columbia.

I, JAMES DOUGLAS, Governor of the Colony, now proclaim and publish this Instrument revoking the said Grant, for the information and guidance of all persons interested therein.

Given under my hand and seal at Victoria, Vancouver's Island,
this third day of November, 1858, in the Twenty-Second year of
Her Majesty's Reign.

GOD SAVE THE QUEEN.



Victoria, B.

REVOCATION

Of License of 30th May, 1838, to Hudson's Bay Company, for exclusive Trading with the Indians, in so far as the same embraces the Territories comprised in British Columbia.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith. To all whom these Presents shall come, Greeting:

WHEREAS, by an Instrument under the hand and seal of the Right Honorable Lord Glenelg, then one of Our principal Secretaries of State, and dated the Thirtieth day of May, One thousand eight hundred and thirty-eight, We did, for the reasons and considerations therein recited, grant and give Our License to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the lands and territories belonging to the United States of America as should not form any part of Our Provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European Government, State or Power, but subject nevertheless, as hereinafter mentioned; and did give, grant and secure to the said Governor and Company and their successors, the sole and exclusive privilege for the full period of twenty-one years from the date of Our said Grant of trading with the Indians in all such Parts of North America as aforesaid (except as hereinafter mentioned): provided, nevertheless, and We did thereby declare Our pleasure to be, that nothing therein contained should extend or be construed to prevent the establishment by Us, Our Heirs, or Successors, within the territories aforesaid, or any of them, of any Colony or Colonies, Province or Provinces, or the annexing any part of the aforesaid territories to any existing Colony or Colonies to Us in right of Our Imperial Crown belonging; or constituting any such form of Civil Government as to Us might seem meet, within any such Colony or Colonies, Province or Provinces. And We did thereby reserve to Us, Our Heirs and Successors, full power and authority to revoke Our said Grant, or any part thereof, in so far as the same might embrace or extend to any of the territories aforesaid, which might thereafter be comprised within any Colony or Colonies, Province or Provinces as aforesaid.

And Whereas, We have by Our Commission, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster this second day of September, One thousand, eight hundred and fifty-eight, in the Twenty-second year of Our reign, and in virtue as well of the powers vested in Us by an Act entitled, "An Act to provide for the Government of British Columbia," as of all other powers and authorities belonging to Us in that behalf, established within the territories aforesaid, a Colony, under the title of "British Columbia," bounded as in the said recited Act is mentioned, to the South by the frontier of the United States of America, to the East by the main chain of the Rocky Mountains, to the North by Simpson's River and the Finlay Branch of the Peace River, and to the West by the Pacific Ocean; and including Queen Charlotte's Island, and all other Islands adjacent to the said territories, except as hereinafter excepted.

And Whereas, it has appeared to Us expedient that the right of exclusive trade with the Indians given by Us, in manner aforesaid, to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, within the territories in the said instrument described, should no longer be exercised by them within so much of those territories as is comprised within the said Colony of British Columbia.

Now, know ye, that We do hereby revoke Our said Grant contained in the herein-before recited Instrument of the thirtieth day of May, One thousand, eight hundred and thirty-eight, in so far as the same embraces or extends to the territories comprised within the said Colony of British Columbia;

And We do hereby declare, that this present revocation of Our said Grant shall take effect within the said Colony as soon as it shall have been proclaimed there by the Officer administering the Government thereof.

Given at Our Court at Osborne House, Isle of Wight, this second day of September, 1858, in the Twenty-second year of Our Reign.

By Her Majesty's Command.

BRITISH COLUMBIA



PROCLAMATION

By His Excellency, **JAMES DOUGLAS**, Governor and Commander-in-Chief
of Her Majesty's Colony of British Columbia and its Dependencies.

WHEREAS, by an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, Chapter XCLX, intituled "An Act to Provide for the Government of British Columbia," the limits of the said Colony were defined, and Her Majesty was authorized to invest the Governor thereof with such powers as in the said Act of Parliament are mentioned;

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, Her Majesty has been pleased to appoint **JAMES DOUGLAS** to be Governor of British Columbia; And the said Governor is required by the said Commission, amongst other things, formally to proclaim the said Act within the said Colony of British Columbia.

Therefore I, James Douglas, Governor of the said Colony, now proclaim and publish the said Act for the information and guidance of Her Majesty's subjects, and others whom it may concern, as follows:

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

Victoræ Reginae.**CAP. XCIX.****An Act to provide for the Government of British Columbia.**

[2d August, 1858.]

WHEREAS, divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-West Coast of North America, commonly known by the Designation of New Caledonia, and from and after the passing of this Act to be named British Columbia, and the Islands adjacent, for Mining and other purposes; and it is desirable to make some temporary Provision for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased; Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Boundaries of British Columbia.

I. British Columbia shall, for the purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the main Chain of the Rocky Mountains, to the North by Simpson's River, and the Finlay Branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as hereinafter excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in British Columbia

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint as Governor of British Columbia, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legislature in British Columbia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

IV. And whereas an Act was passed in the Forty-third Year of King George the Third, intituled "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain parts of North America adjoining to the said Provinces": And whereas by an Act passed in the Second Year of King George the Fourth, intituled "An Act for regulating the Fur trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of North America", it was enacted, that from and after the passing of that Act the Court of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power and Authority, within the Indian Territories and other Parts of America not within the Limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that every Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and every Wrong and Injury to the Person or to Property, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada; and in the same Act are contained Provisions for giving Force, Authority and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do; to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time, by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the subject of Capital Punishment or for any offence, or passing Sentence affecting the Life of any offender, or adjudge or cause any Offender to Suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment, or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of Upper Canada:

Certain provisions of 43 G. III. C. 138, and 1 & 2 G. IV. c. 66 as regards British Columbia repealed.

From and after the Proclamation of this Act in British Columbia the said Act of the Forty-third Year of King George the Third, and the said recited Provisions of the said Act of the Second Year of King George the Fourth, and the Provisions contained in such Act for giving Force, Authority and Effect within the Indian Territories and other parts of America to the Process and Acts of the said Courts of Upper Canada, shall cease to have Force in and to be applicable to British Columbia.

Appeal from Judgments
in Civil Suits to the Privy
Council.

V. Provided always, That all Judgments given in any Civil Suit in British Columbia shall be subject to Appeal to Her Majesty in Council, in the Manner and Subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of Canada, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at
present established, not to
be included in British
Columbia.

VI. No part of the Colony of Vancouver's Island, as at present established, shall be comprised within British Columbia for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of Vancouver's Island, praying for the Incorporation of that Island with British Columbia, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to British Columbia, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to Vancouver's Island.

"Governor."

VII. In the Construction of this Act the term "Governor" shall mean the Person for the Time being lawfully administering the Government of British Columbia.

Act to continue in force
until December 31st, 1862.
Expiration of Act not to af-
fect Boundaries, &c.

VIII. This Act shall continue in force until the Thirty-first Day of December One Thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed.

And I do further proclaim and publish that the said recited Act shall take effect within the said Colony of British Columbia from the date hereof.

Issued under the Public Seal of the said Colony, at Fort Langley, this nineteenth day of November, 1858, in the Twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS,

Governor. { L. S. }

GOD SAVE THE QUEEN.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies.

PROCLAMATION having the Force of Law to Indemnify the Governor and other Officers for Acts done before the Establishment of any Legitimate Authority in British Columbia.

WHEREAS, large number of Her Majesty's subjects and others, have resorted to and settled on the territory now comprised within the limits of this Colony, before the establishment of any settled form of government therein, and it has been necessary to take steps for the establishment and maintenance of peace, order and good government, and for the protection of the rights of Her Majesty, and for the collection of a revenue from lands belonging to Her Majesty; some of which steps may not have been fully authorized in point of law:

And Whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, Governor of the Colony of British Columbia, have been authorized, by Proclamation issued under the Public Seal of the Colony, to make Laws, Institutions and Ordinances for the peace, order and good Government of the same:

Be it therefore known to all whom it may concern, that I, the said James Douglas, Governor of British Columbia, do hereby, in virtue of the authority aforesaid, enact and proclaim that every act, matter or thing bona fide done and performed for any of the purposes, aforesaid before the date of this proclamation, by me, the said James Douglas, or any other person or persons acting under my authority or direction, shall be deemed to be and to have been valid in Law, and that I, the said James Douglas, and the said other persons, shall be and hereby are severally and jointly indemnified, freed and discharged from and against all actions, suits, prosecutions and penalties whatever, in respect of any such act, matter or thing, and that the same shall not be questioned in any of Her Majesty's Courts of Civil or Criminal jurisdiction in this Colony.

And I do further enact and proclaim that any declaration in writing, under the hand of the Governor, or officer administering the Government of British Columbia, to the effect that any act, matter or thing specified therein, was done or performed for any of such purposes, or under any such direction or authority as aforesaid, shall, for the purposes of this proclamation, be conclusive evidence of the matters stated therein, and shall be a sufficient discharge and indemnity to all persons mentioned in the said declaration in respect of the act, matter or thing specified therein.

Issued at Fort Langly, under the Public Seal of the said Colony, this nineteenth day of November, 1858, in the Twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS,
Governor.

{ L.S. }

GOD SAVE THE QUEEN.

U.



L.

PROCLAMATION.

By His Excellency JAMES DOUGLAS, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies.

PROCLAMATION, having the Force of Law to declare that English Law is in force in British Columbia.

WHEREAS, by an Act of Parliament passed in the Session held in the 21st and 22nd years of Her Majesty Queen Victoria, it was enacted that the territories therein described should be comprised within the Colony thereby created of British Columbia; and it was further enacted that on the proclamation of the said Act in British Columbia, certain Acts which were passed in the 43rd year of his late Majesty King George the Third, and in the 2nd year of his late Majesty King George the Fourth, and by which the law of Upper Canada was extended to certain parts of America therein mentioned, should cease to have force in the said Colony of British Columbia, or to be applicable thereto:

And whereas such proclamation of the said firstmentioned Act has been duly made on this 19th day of November instant:

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, Her Majesty was pleased to appoint James Douglas to be Governor of British Columbia, and to authorize the said James Douglas by proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government thereof:

It is therefore hereby enacted and proclaimed by the Governor of British Columbia that the Civil and Criminal Laws of England, as the same existed at the date of the said Proclamation of the said Act, and so far as they are not, from local circumstances, inapplicable to the Colony of British Columbia, are and will remain in full force within the said Colony, till such times as they shall be altered by Her said Majesty in Her Privy Council, or by me, the said Governor, or by such other Legislative Authority as may hereafter be legally constituted in the said Colony; and that such Laws shall be administered and enforced by all proper Authorities against all persons infringing and in favor of all persons claiming protection of the same Laws.

Issued under the Public Seal of the said Colony, at Fort Langly, this nineteenth day of November, 1858, in the Twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS,

Governor.

L.S.

GOD SAVE THE QUEEN.



PROCLAMATION.

By His Excellency **JAMES DOUGLAS**, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies.

PROCLAMATION, having the Force of Law to enable the Governor of British Columbia to convey Crown Lands Sold within the said Colony.

WHEREAS, by virtue of an Act of Parliament made and passed in the 21st and 22nd Years of the Reign of Her Most Gracious Majesty the Queen by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith, I, **JAMES DOUGLAS**, Governor of the Colony of British Columbia, have been authorized by proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same:

Now, therefore, I, **JAMES DOUGLAS**, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, ordain, and enact, that on and after the day of the date of this proclamation, it shall be lawful for the Governor, for the time being of the said Colony, by any instrument in print or in writing, or partly in print and partly in writing, under his hand and seal to grant to any person or persons any land belonging to the Crown in the said Colony; and every such Instrument shall be valid as against Her Majesty, Her Heirs and Successors for all the estate and interest expressed to be conveyed by such instrument in the lands therein described.

Issued at Victoria, Vancouver's Island, under the Public Seal of the Colony of British Columbia, this 2nd day of December, 1858, in the 22nd year of Her Majesty's Reign by me,

{ L.S. }

JAMES DOUGLAS,
Governor of British Columbia.

GOD SAVE THE QUEEN.

Chief Justice Begbie's Opinion, concerning Rights of Aliens.

1st. According to the Law of England, which is the Law of British Columbia, an alien may hold lands, but is liable to have them declared forfeited to the Crown at any time.

2nd. No alien can be disturbed in the possession of lands by any other person than the Crown authorities by reason only of his being an alien.

3rd. The Colonial Government proposes to secure to aliens the full rights of possession and enjoyment of any lands which they may purchase at the sale for the space of three years. At the end of that time they must, if they wish to continue to hold the lands, either become themselves naturalized British subjects, or else convey their rights to British subjects.

4th. It is the intention of the Colonial Government to endeavour to obtain from the Home Government their sanction to measures for carrying into effect the above views, which measures are now in course of preparation. But they must depend for their full effect on the ratification by the Home Government.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Governor and Commander-in-Chief of British Columbia, having the force of Law, to authorize the levying of Customs Duties upon Goods imported into British Columbia.

WHEREAS, it is expedient to provide ways and means to enable Her Majesty to defray the Public Expenses of the Colony of British Columbia, and in aid thereof to authorize the levying of Duties of Customs on Goods imported into the said Colony, and its dependencies; And whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, which has been duly proclaimed and published, I, the Governor of British Columbia, have been authorized, by Proclamation under the Public Seal of the Colony, to make laws, institutions, and ordinances for the peace, order, and good overnment of the same:

Now, therefore, I JAMES DOUGLAS, Governor of the said Colony, do proclaim, ordain, and enact for Law as follows, to wit:

SECTION 1.—All Goods, Wares, and Merchandise not otherwise hereinafter mentioned, imported into British Columbia, or any of its dependencies, shall be chargeable with a Duty of Ten Pounds per centum on the amount of the value thereof at the Port of Entry.

SEC. 2.—There shall be charged on the articles next hereinafter mentioned, the following Duties of Customs:

	£	s.	d.
Flour, in Barrels or Sacks, 196 lbs.....	0	2	1
Bacon, per 100 lbs.....	0	4	2
Spirits, and Strong waters of all kinds, sweetened or otherwise, for every Imperial gallon of full strength of proof, or less than proof by Sykes' hydrometer, and in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon.....	0	4	2
Wines, in wood or bottle, per Imperial gallon.....	0	2	1
Ale, Spruce, and other Beer, Porter, Cider, and Perry, in wood or bottle, per Imperial gallon.....	0	0	6½
Beans, Peas, and Pulse of all discriptions used for food, per 100 lbs.....	0	0	6½
Barley, Oats, and all other grain to be used for food, per 200 lbs.....	0	0	6½

SEC. 3.—The following articles will be entered free of all Duties, to wit:

Coin, Quicksilver, Fresh Meat, Fish, Fruit, Vegetables, Sawed Timber and Shingles, Fuel, Hay and Straw, Wheat, Potatoes, Poultry, Live Stock of all kinds, Machinery for Agricultural purposes, Seeds, Bulbs and Roots of Plants and Shrubs, Salt, Printed and Manuscript Books and Papers, Passengers' Baggage, Apparel, and Professional Apparatus, all articles imported for the Public Service, and uses of the Colony of British Columbia, or for the use of Her Majesty's land or sea forces stationed therein, or for the use of any person holding any command or appointment in Her Majesty's forces aforesaid.

SEC. 4.—The Bill of Entry, and the declaration of the Importer, shall be according to the form prescribed for the entry of dutiable Goods by the Act of the Imperial Parliament passed in the 16th and 17th year of Queen Victoria, entitled the "Customs Consolidation Act, 1853."

SEC. 5.—All evasions and offences committed by any person or persons, to defeat the payment of the duties hereby made payable on all goods imported into British Columbia, will be prosecuted and punished in the manner prescribed by the said "Customs Consolidation Act, 1853."

SEC. 6.—And whereas, the Port of Victoria in Vancouver's Island, in which Port is included the harbor of Esquimalt, is a Free Port, and vessels entering or leaving the same, or goods landed thereat, are subject to no Tolls, Duties, payments or extractions whatever (except such as are specified in the schedule hereto appended;) And whereas, there is at present no Officer in British Columbia empowered to levy the Duties aforesaid, nor any station in the said Colony at which the said Duties can conveniently be levied, or at which any such Officer can conveniently be posted, I do further Proclaim, Declare, and Enact, that for the present, and until further provisions be made for the collection of the same Duties, the said Port of Victoria, Vancouver's Island, shall be the Port of Entry for all goods imported into British Columbia, and its dependencies, or any part thereof; and the Duties hereby made payable on goods imported into British Columbia and its dependencies, shall be under the management of the Collector of Her Majesty's Customs at Victoria, and shall be ascertained, raised, levied, collected, paid, and recovered at Victoria aforesaid, according to the provisions of the law now in force, or hereafter to be made, relating to the Customs.

SEC. 7.—This Proclamation shall take effect, and the Duties hereby enacted and imposed shall be payable on all goods imported, or attempted to be imported, into British Columbia after the day of the date hereof.

SEC. 8.—This Proclamation shall continue in force for six calendar months from the date hereof, unless the same shall, before the expiration of the said period of six calendar months, be modified or repealed by lawful authority; and shall not continue in force beyond such six calendar months, unless the same shall, in the meantime, by Proclamation or other lawful authority, be extended or prolonged.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver's Island, this third day of December, one thousand eight hundred and fifty-eight, in the twenty-second year of Her Majesty's reign, by me,

(Signed) JAMES DOUGLAS, [L. s.]
Governor.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Governor and Commander-in-Chief of British Columbia, having the force of Law, to authorize the levying of Customs Duties upon Goods imported into British Columbia.

WHEREAS, it is expedient to provide ways and means to enable Her Majesty to defray the Public Expenses of the Colony of British Columbia, and in aid thereof to authorize the levying of Duties of Customs on Goods imported into the said Colony, and its dependencies; And whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, which has been duly proclaimed and published, I, the Governor of British Columbia, have been authorized, by Proclamation under the Public Seal of the Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same:

Now, therefore, I JAMES DOUGLAS, Governor of the said Colony, do proclaim, ordain, and enact for Law as follows, to wit:

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	£	s.	d.
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Bacon, per 100 lbs.....	0	4	2
Spirits, and Strong waters of all kinds, sweetened or otherwise, for every Imperial gallon of full strength of proof, or less than proof by Sykes' hydrometer, and in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon.....	0	4	2
Wines, in wood or bottle, per Imperial gallon.....	0	2	1
Ale, Spruce, and other Beer, Porter, Cider, and Perry, in wood or bottle, per Imperial gallon.....	0	0	6½
Beans, Peas, and Pulse of all descriptions used for food, per 100 lbs.....	0	0	6½
Barley, Oats, and all other grain to be used for food, per 200 lbs.....	0	0	6½

SEC. 3.—The following articles will be entered free of all Duties, to wit:

Coin, Quicksilver, Fresh Meat, Fish, Fruit, Vegetables, Sawed Timber and Shingles, Fuel, Hay and Straw, Wheat, Potatoes, Poultry, Live Stock of all kinds, Machinery for Agricultural purposes, Seeds, Bulbs and Roots of Plants and Shrubs, Salt, Printed and Manuscript Books and Papers, Passengers' Baggage, Apparel, and Professional Apparatus, all articles imported for the Public Service, and uses of the Colony of British Columbia, or for the use of Her Majesty's land or sea forces stationed therein, or for the use of any person holding any command or appointment in Her Majesty's forces aforesaid.

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SEC. 5.—All evasions and offences committed by any person or persons, to defeat the payment of the duties hereby made payable on all goods imported into British Columbia, will be prosecuted and punished in the manner prescribed by the said "Customs Consolidation Act, 1853."

SEC. 6.—And whereas, the Port of Victoria in Vancouver's Island, in which Port is included the harbor of Esquimalt, is a Free Port, and vessels entering or leaving the same, or goods landed thereat, are subject to no Tolls, Duties, payments or extractions whatever (except such as are specified in the schedule hereto appended;) And whereas, there is at present no Officer in British Columbia empowered to levy the Duties aforesaid, nor any station in the said Colony at which the said Duties can conveniently be levied, or at which any such Officer can conveniently be posted, I do further Proclaim, Declare, and Enact, that for the present, and until further provisions be made for the collection of the same Duties, the said Port of Victoria, Vancouver's Island, shall be the Port of Entry for all goods imported into British Columbia, and its dependencies, or any part thereof; and the Duties hereby made payable on goods imported into British Columbia and its dependencies, shall be under the management of the Collector of Her Majesty's Customs at Victoria, and shall be ascertained, raised, levied, collected, paid, and recovered at Victoria aforesaid, according to the provisions of the law now in force, or hereafter to be made, relating to the Customs.

SEC. 7.—This Proclamation shall take effect, and the Duties hereby enacted and imposed shall be payable on all goods imported, or attempted to be imported, into British Columbia after the day of the date hereof.

SEC. 8.—This Proclamation shall continue in force for six calendar months from the date hereof, unless the same shall, before the expiration of the said period of six calendar months, be modified or repealed by lawful authority; and shall not continue in force beyond such six calendar months, unless the same shall, in the meantime, by Proclamation or other lawful authority, be extended or prolonged.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver's Island, this third day of December, one thousand eight hundred and fifty-eight, in the twenty-second year of Her Majesty's reign, by me,

(Signed) JAMES DOUGLAS, [L. s.]
Governor.

GOD SAVE THE QUEEN.



COURT OF BRITISH COLUMBIA.

ORDER OF COURT.

WHEREAS, by a Proclamation under the Public Seal of the said Colony, issued at Victoria, V. I., the 24th day of December, I, MATTHEW BAILLIE BEGBIE, Judge in the said Court, am authorised, while resident in Victoria, Vancouver Island, to make general Rules and Orders of Court in the same manner and of the same force and validity as if I were resident in British Columbia;

I. IT IS ORDERED, That all the Rules and Orders of Court of the Supreme Court of Civil Justice of Vancouver Island, of the 12th day of February, 1857, as altered and modified by the General Rule or Order of the 26th of April, 1858, shall be observed in civil proceedings in the Court of British Columbia, so far as the same are from local and other circumstances applicable, and so far as the same are not discharged, modified or altered by this or some future Order or Rule of Court.

II. Whenever the town of Victoria is named in the said General Orders of the 12th February, 1857, and the 26th of April, 1858, as the place at which any act is to be done, or any address to be fixed, the name of Langley shall be substituted for Victoria.

III. Sessions of the Court for the trial of all causes civil and criminal, will be held four times in each year, commencing on the last Monday in January, the last Monday in April, the last Monday in June, and the last Monday in October in every year.

IV. The same fees, poundage and perquisites shall be levied and paid on all proceedings, enrollments and acts whatever in this Court, as are now of custom, or otherwise levied and paid on the like proceedings, enrollments and acts in the said Supreme Court of Justice in Vancouver Island; and all such fees, poundage and perquisites shall be applied in the same manner and proportions as in the Court of Vancouver Island *mutatis mutandis*.

V. There may be enrolled as Barristers of the said Court,

1st. Any person who has been called or is qualified to be called to practise at the English or Irish Bar, or as an Advocate in Scotland, or who has taken the Degree of Doctor of Laws at any University in the United Kingdom.

2nd. Any person who may be instructed within the Colonies of British Columbia or Vancouver Island in the knowledge and practice of the law by any practising Barrister of the said Court, subject to such regulations as may hereafter be by law established within the Colony in relation to persons so to be instructed.

VI. There may be enrolled as Attorneys and Solicitors of the said Court,

1st. All persons entitled to practise as Attorneys, Solicitors or Proctors in any of Her Majesty's Courts in England or Ireland, or as Writers to the Signet or Solicitors to the Supreme Courts in Scotland.

2nd. All persons who may be instructed within the said Colonies of British Columbia or Vancouver Island, in the knowledge and practice of the law by any practising Solicitor and Attorney of the said Court, subject nevertheless, to any regulations which may hereafter be by law established in relation to persons so to be instructed.

And whereas, there is at present only one person in Victoria, qualified to act as a Barrister in a Court of Law in England, and there is no other person resident in either of the said two Colonies qualified to act either as a Barrister, Attorney, Solicitor or Proctor in England or Ireland, or as an Advocate, Writer to the Signet, or Solicitor to the Supreme Courts in Scotland, and it would be convenient to suitors, and expedient for the satisfactory administration of justice, that a larger number of persons should be admitted to appear and act as of counsel for litigants and accused persons, and it is expedient to make temporary provision for a supply of such counsel, I do further order as follows: (viz.)

VII. There may be enrolled on a temporary roll, as Attorneys and Solicitors of this Court, all such persons of good repute, learning and discretion, as are entitled to practise either as a Barrister, Attorney or Solicitor, 1st—in the Courts of Justice in Guernsey, Jersey, or in any other part of Her Majesty's dominions not being within the United Kingdom; or 2nd—in the Supreme Courts of the United States of North America. But no temporary enrollment under this present order shall continue in force after the 30th of June, 1859, unless the same shall in the meantime be extended and continued by further order of this Court. And no person whose name shall be entered on such temporary roll shall by force of such enrollment alone have any privileges whatever, subsequently to the said 30th of June, 1859.

There shall be paid to the Registrar, for every name to be entered on such temporary roll, a fee of ten shillings.

VIII. Every person desirous to be enrolled under either of the preceding orders, shall notify his desire to the Registrar, or deputy Registrar

of the said Court, and shall also deposit with such Registrar or deputy Registrar, his name at full length, and his address in either of the said Colonies, and also a statement of his qualification, and shall also make a declaration in the form set forth in the schedule hereto. After approval thereof by the Judge of the said Court, all such names shall be by him entered on the proper roll. Every person to be enrolled, whether as Barrister, Attorney or Solicitor, shall, if a British subject, take previously to his enrollment, the oath of allegiance to Her Majesty and Her Successors. And where any person so enrolled, not being a British subject, shall have resided in Her Majesty's dominions long enough to be naturalized, he shall be bound to become a naturalized British subject, otherwise he shall *ipso facto* cease to be an Attorney or Solicitor of this Court, and his name shall be erased accordingly. No foreigner shall be entitled to be placed on the temporary roll of Attorneys, when the foreigners already on the said roll are equal in number to the British subjects for the time being entitled under these orders to appear and act as Attorneys.

IX. Except the persons so enrolled, no person shall be entitled to appear or address the Court for or on behalf of any party to any legal proceeding, unless he be the father, son or brother of the party. But nothing in these orders shall prevent parties to any suit or proceeding from appearing or pleading in person.

X. The right of precedence among the enrolled Barristers as between themselves, and among the enrolled Attorneys and Solicitors as between themselves, shall be according to priority of enrollment on each roll. The priority of enrollment on any roll, shall, in cases of dispute, be decided by the Judge of the Court. But persons who shall have taken the oath of allegiance shall be entitled to be entered on the roll before all persons, who shall not have taken such oath.

XI. All persons on either roll of Attorneys shall be subject to the authority of the Court, in the same manner as Attorneys and Solicitors are to the authority of the Superior Courts of Westminster. Any person, on either roll of Attorneys, shall be subject to removal at any time, by the direction of His Excellency the Governor for the time being.

XII. Until further orders shall be made herein, all Barristers of this Court may appear and practise as Attorneys and Solicitors, and all Attorneys and Solicitors may practise and plead as Barristers.

XIII. Thomas George Williams, Esq., Registrar of the Supreme Court of Civil Justice in Vancouver Island, is hereby appointed to be deputy Registrar, in Victoria, of the said Court of British Columbia.

XIV. Until further order of this Court, it shall be lawful for the Attorneys and Solicitors thereof to ask and recover payment of fees and remuneration for all services for which fees and remuneration may be demanded, according to the practise of the Superior Courts of Westminster. And all such fees and remuneration may be charged at double the rates allowed in taxation in the Superior Courts of Westminster.

SCHEDULE.

(A) FORM OF DECLARATION BY BARRISTERS.

I, A. B., of———, do solemnly and sincerely declare that (A) I am a Barrister at Law, (or Advocate duly authorized to practise in the Superior Courts of England, Ireland, or Scotland,) and that I was called to the Bar by the Honorable Society of———, on the———day of——— and that I am the person named in the certificate now produced. And that I am a British born or naturalized British subject, and that I have never changed my allegiance.

(A) Variation, where the person has never been actually called:—
[I am a member of the Honorable Society of———, and that I have kept all my terms there, and am entitled to be called to the Bar by that Society. And that I am a British, &c.]

(B) FORM OF DECLARATION BY ATTORNEY OR SOLICITOR.

I, A. B., of———, do solemnly and sincerely declare that I am an Attorney of Her Majesty's Court of———at Westminster, or Proctor, or Writer to the Signet, &c., as the case may be. And that I was duly admitted an Attorney of the said Court at Westminster, (&c.) on the———day of———, and that I am the person named in the certificate now produced. And that I am a British born (&c.) subject. (If naturalized, state the date,) and that I have never (or never since) changed my allegiance.

(C) FORM OF DECLARATION FOR ATTORNEYS ON TEMPORARY ROLL.

I, A. B., do solemnly and sincerely declare that I am———, and that I am the person named in the certificate. [Add declaration as to citizenship and qualification.]

MATT. B. BEGBIE, J.



PROCLAMATION.

By His Excellency **JAMES DOUGLAS**, Governor of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same :

And whereas, irregularities have occurred in the said Colony with reference to the collection of duties payable by miners, and also by vendors of liquors and other traders, and the granting of Licenses to such persons :

And whereas, in order to prevent such irregularities for the future, it is expedient to declare the Law in reference to the above matters :

Now therefore, I do hereby declare, proclaim and enact as follows, viz :

1st. The Proclamation of the 28th of December, 1857, and the Regulations of the 30th of December, 1857, and of the 13th July, 1858, and the laws respecting the sale of liquors as established in Vancouver's Island and in British Columbia, are, and shall be deemed to be and to have been of full force and effect ever since the first establishment and promulgation thereof, and shall be put in force accordingly, any such infractions or irregularities notwithstanding.

2nd. It is hereby further notified, proclaimed and declared that under the authority aforesaid, the duties and sums specified in the schedule hereto, are, and have of right been heretofore payable in respect of the matters and licenses described and set forth in the said schedule, opposite to each sum or duty ; all such sums or duties being payable in advance, and the said schedule is to be deemed and taken as part of this Proclamation.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver's Island, this 8th day of February, 1859, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.s.]

By His Excellency's command,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

The Schedule referred to in the foregoing.

MATTER IN RESPECT WHEREOF THE DUTY IS PAYABLE.	AMOUNT OF DUTY.	PERIOD FOR WHICH PAYABLE.
For digging, searching for, or removing gold on any lands, public or private, for each person.....	Twenty-one Shillings.	One Month.
For vending spirituous or fermented liquors, by wholesale.....	£100.	One Year.
For vending spirituous or fermented liquors, by retail ...	£120.	One Year.
For the use of any unoccupied Crown Land, for the purpose of erecting thereon a temporary building or tent, and therein carrying on any description of trade not being solely the sale by wholesale or retail of spirituous or fermented Liquors.....	Thirty Shillings.	One Month.

BRITISH COLUMBIA.

U.



R.

PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

WHEREAS, it is expedient to publish for general information, the method to be pursued with respect to the alienation and possession of agricultural lands, and of lands proposed for the sites of towns in British Columbia, and with reference also to the places for levying shipping and customs duties, and for establishing a capital and port of entry in the said Colony.

Now, therefore I, JAMES DOUGLAS, Governor of the said Colony, do proclaim and declare as follows, viz:

1.—All the lands in British Columbia, and all the Mines and Minerals therein, belong to the Crown in fee.

2.—The price of lands, not being intended for the sites of Towns, and not being reputed to be Mineral lands, shall be ten shillings per acre, payable one half in cash at the time of the sale, and the other half at the end of two years from such sale. Provided, that under special circumstances some other price, or some other terms of payment may from time to time be specially announced for particular localities.

3.—It shall also be competent to the Executive at any time to reserve such portions of the unoccupied Crown Lands, and for such purposes as the Executive shall deem advisable.

4.—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, as soon as the same shall have been surveyed and made ready for sale. Due notice will be given of all such sales. Notice at the same time will be given of the upset price and terms of payment when they vary from those above stated, and also of the rights reserved (if any) for public convenience.

5.—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.

6.—Unless otherwise specially notified at the time of sale, all such sales of Crown Land shall be subject to such public rights of way as may at any time after such sale, 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 specified by the Chief Commissioner of Lands and Works.

7.—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.

8.—When any "Ditch Privilege" shall be granted, there shall be included (unless excluded by express words) the right to lop, dress, or fell any trees standing on unoccupied Crown Lands which, in the opinion of the Proprietors of the Ditch, might by their accidental fall or otherwise, endanger the safety of the ditch or any part thereof.

GOLD CLAIMS.

9.—Until further notice, Gold Claims and Mines shall continue to be worked subject to the existing regulations.

CAPITAL OF BRITISH COLUMBIA.

10.—It is intended with all dispatch to lay out and settle the site of a city to be the Capital of British Columbia, on the right or North bank of Fraser River.

11.—Plans of the City are intended to be prepared and published in the month of March next. Three-fourths of the whole number of lots, excluding the public reserves, will be submitted in lots to public competition, by auction, in the month of April. One-fourth of the whole number of lots, excluding the public reserves, will be reserved in blocks for purchasers in the United Kingdom, Her Majesty's Colonies in North America and elsewhere. All of such last-mentioned lots which may not be disposed of in the United Kingdom, or Her Majesty's Colonies, other than British Columbia, will be submitted to public competition in this Colony, of which due notice will be given.

12.—As the Government is desirous of concentrating the commercial interests of the Colony in and around the Capital, purchasers of town lots in the said proposed Capital who may be owners of town lots in Langley, under the late sale on the 25th November last, on which the whole amount of purchase money has been paid to the Government, will if so disposed, be allowed to surrender the lots in Langley, so purchased, and to have the price so paid to the Government allowed them as payment in full for a lot or lots purchased by them in the said proposed Capital of an equal or less price in the aggregate, and as payment in part for lots in the said proposed Capital of a greater price in the aggregate. Every such surrender must be executed and delivered in writing, addressed to the Chief Commissioner of Lands and Works in British Columbia, at Victoria, Vancouver's Island, one week, at least, previous to the day appointed for the intended sale.

13.—The proposed Capital will be declared to be a Port of Entry so soon as the necessary arrangements shall have been provided, which will be done with all convenient dispatch. Custom House officers will then be stationed there, and vessels will be able to proceed direct to Fraser River without touching at Victoria, or may clear at Victoria, at their option.

14.—The whole of the river frontage will be laid out in a continuous road, the edge of which it is contemplated, ultimately, to convert into a public quay. No quay will, however, be at present constructed at the public expense, nor will the absolute property of the soil along the edge of the water be now alienated by the Crown. But the right to make and maintain quays of convenient sizes, and to demand certain tolls and rates for the use thereof, will be granted to private individuals for the space of seven years; such rights will be disposed of at public auction at or immediately after the sale of town lots, to the bidder of the highest annual rent. No restrictions will be placed on the lessee, as to the form or nature of the quays, except such as shall be necessary to protect the public safety and convenience.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver's Island, this fourteenth day of February, one thousand eight hundred and fifty-nine, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS. [L.S]

By His Excellency's command,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good Government of the same;

And whereas, by a Proclamation issued on the 3rd December, 1858, under the public seal of the said Colony, and having the force of law in the said Colony, after a recital therein contained, whereby it appeared there was then no Officer in British Columbia empowered to levy the duties therein mentioned, nor any station in the said Colony at which the said duties could conveniently be levied, it was declared that until further provisions should be made for the collection of the said duties, the Port of Victoria, in Vancouver Island, should be the Port of Entry for all goods imported into British Columbia, and its Dependencies, or any part thereof, and that the duties by such Proclamation made payable on goods imported into British Columbia, and its Dependencies, should be under the management of the Collector of Her Majesty's Customs at Victoria, and should be levied, paid, and recovered at Victoria aforesaid;

And whereas, it is probable that numbers of Miners may be about to enter the said Colony in small boats from the territory of the United States of North America, and in order to prevent the loss of life which may be risked if such Miners be compelled to cross the Gulf of Georgia, it is desirable immediately to establish some method for admitting such boats into the said Colony of British Columbia, and to provide means for supporting such establishment;

And whereas, a Revenue Officer has been with this view and is now stationed at or near Queenborough, in Fraser River, aforesaid;

Now, therefore, I do hereby proclaim, enact, and declare as follows, viz:—

1. That open boats not having ever been constructed with a Deck, and *bona fide* employed in carrying immigrant Miners and their necessary Stores, not including any spirituous or fermented Liquors (except as hereinafter mentioned), and such Stores not exceeding 40lbs weight of Provisions for each person who shall be on board such boat, shall be admitted to enter and pass into British Columbia, by Fraser River, on payment of the same Customs Duties as would have been leviable in case such boat had cleared at Victoria aforesaid, according to the tenor of the said Proclamation of the 3rd day of December, 1858. And on further payment of 40 shillings for every such boat as and for sufferance money, in lieu of all entrance and clearance money whatever, and also of a sum of 5 shillings for every person who shall be in such boat.

2. Provided always, that no more spirituous or fermented Liquors shall be imported into the said Colony than two gallons in any one such boat, and if any greater quantity of spirituous or fermented Liquors than two gallons be found on board of any such boat, all such Liquors, together with the boat itself and all the rest of the Cargo and property in or upon such boat, shall be liable to be declared forfeited, and every person on board thereof shall be dealt with according to the tenor of the laws for the time being in force against smuggling contraband Goods, and if any provision or stores, or any dutiable goods whatever, (not being spirituous or fermented Liquors) other than and except as herein permitted, shall be found on board any such boat, then and in every such case it shall and may be lawful for the said Revenue Officer, or other person having lawful authority in revenue cases, to declare all such surplus stores and other dutiable goods forfeited, and to seize and deal with the same accordingly, as goods forfeited within any of the laws for the time being in force respecting the regulations and collection of Her Majesty's Customs, and such Revenue Officer, or other person, may restore to the owners thereof all the rest of the said stores and provisions to the amount hereby permitted to be by such owners conveyed into the said Colony of British Columbia, on payment of the sums herein declared to be payable in respect thereof.

3. All boats entering the Fraser River shall call and report themselves and their cargoes and passengers to the said Revenue Officer at Queenborough, in Fraser River aforesaid, and all persons in every such boat shall be bound to follow the instructions and directions which shall be given by the Officer, or other person, in charge at such station.

4 Every boat, and every person by whom or by the Crew, or Passengers, of which any evasion or infraction of the provisions hereof, shall be committed, or attempted, shall be deemed guilty of smuggling contrary to the tenor of the laws for the time being in force for the regulation and collection of Her Majesty's Customs, and shall be dealt with accordingly.

5 Nothing herein contained shall affect any boat, or other vessel, entering British Columbia from the Port of Victoria, Vancouver Island.

Issued under the Public Seal of the said Colony, at Victoria, this 5th day of March, 1859, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

Proclamation having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions and ordinances for the peace, order and good government of the same;

And whereas, it is expedient to afford to aliens desirous of becoming naturalized British subjects, facilities for so doing, and also to afford greater security and facility in the possession and transferring of land, and for quieting of titles transmitted in part or in whole through aliens;

Now, therefore, I do hereby declare, proclaim and enact, as follows, viz:

1. Every Alien now residing, or who may hereafter come to reside in the said Colony with intent to settle therein, and who shall have actually resided therein or in the adjacent Colony of Vancouver Island, or partly in the one Colony and partly in the other, for a continuous period of three years, without having been, during any portion of that time, a stated resident in any foreign country out of of Her Majesty's dominions, shall be entitled to procure himself to be naturalized in manner hereinafter described.

2. Every alien desirous of becoming so naturalized, shall procure a declaration of residence and character, to be made and subscribed by some British subject in the form marked A, in the schedule hereto. Such alien shall, in the next place, make and subscribe a declaration of residence in the form marked B, in the said schedule hereto, and shall also the oath of allegiance to Her Majesty and Her Successors, in the form marked C, in the said schedule.

3. Every such declaration and oath may be taken, made and subscribed before any Justice of the Peace, acting in any part of the Colony of British Columbia, or before any person appointed by Her Majesty to be a Judge in British Columbia, Every such declaration and oath shall be forthwith delivered to such alien, with the certificate at the foot thereof, signed by such Justice of the Peace, or by the Registrar of the said Judge, stating the compliance on the part of the said alien with the regulations hereinbefore contained.

4. It shall be lawful for the said alien to present all the said documents, properly subscribed and filled up as aforesaid, in open Court, on the first day of any Assizes or general sittings of the Court of British Columbia, in any place in the said Colony. And all such documents shall be then read aloud in open Court, and it shall be lawful for the said Court, on the last day of the said Assizes or general sittings, to order all the said documents and proceedings to be entered as of record in the said Court. And thereupon such alien shall be admitted and deemed, while within the said Colony of British Columbia, to be thenceforth a British subject to all intents and purposes whatever, and to hold, enjoy and transmit all property, rights and capacities, in the same manner as if born within Her Majesty's dominions.

5. Any woman (not a British subject previously to her marriage) married to a British subject, whether by birth or naturalization, shall be deemed to be a British subject, naturalized as from the date of her Marriage, or of her husband's naturalization, whichever event shall last happen.

6. The declarations hereinbefore referred to (the forms whereof are set forth in the schedule hereunto) shall be deemed to be made in accordance with the Act 5 and 6 Wm. 4, c. 62, for the abolition of unnecessary oaths; and any wilful false statement made therein shall be deemed perjury, and shall expose every person making such false statement, or procuring the same to be made, to all the penalties of perjury. And in addition to all such penalties, it shall be lawful for the said Court, on motion by the prosecutor, on any trial for perjury or subornation of perjury in respect of any such declaration, to declare null and void the naturalization based upon such false declaration; and thereupon all such steps shall be taken as shall be thought fitting by the said Court. Provided nevertheless, that nothing shall affect the rights of any other person, derived under the person whose naturalization is so annulled, unless such other person shall have been cognizant of the perjury at the time of acquiring the right.

7. There shall be paid to the Justice of the Peace before whom such declarations and oaths as aforesaid shall be taken and subscribed, the sum of four shillings and no more for each such declaration and for such oath respectively; and by the Registrar of the said Court for reading and recording the said certificate and documents, the sum of six shillings and no more; and for every copy of such

documents the same amount as for an office copy of any judgment of the said Court. And all such fees shall be applied as any other fees payable to Justices and Registrars are applicable by law or custom.

8. Every alien shall have the same capacity to take, hold, enjoy, recover, convey and transmit title to lands and real estate of every description, in this Colony, as if he were, at the time of the passing of this Act, a natural born British subject; and no person shall be disturbed in the possession or precluded from the recovery of any lands or real estate in this Colony by reason only that some person from or through whom he may derive his title was an alien.

9. This Act may be referred to in all legal proceedings as the Aliens' Act, 1859

Issued under the Public Seal of the said Colony, at Victoria, this 14th day of May, 1859, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS. [L.S.]

By His Excellency's command,
WILLIAM A. G. YOUNG, Acting Colonial Secretary.

GOD SAVE THE QUEEN.

THE SCHEDULE BEFORE REFERRED TO.

EORM A.

I, M. N. of———do solemnly declare that I am a naturalized British subject (or British Born subject as the case may be) and that I have known A. B. of———a Prussian subject (or as the case may be) ever since———and that the said A. B. has resided within the Colony of———for a period of [three years or upwards] that he is a person of good character, and that there exists to my knowledge no reason why to the said A. B. there should not be granted all the right and capacities of a natural born British subject, and I make this solemn declaration conscientiously believing the same to be true and in compliance with the provisions of the statute made and passed in the session of Parliament held in the 5th and 6th years of the the reign of the late King William IV, intituled an Act for the abolition of unnecessary oaths.

(Signed)

M. N.

Declared and subscribed by the said M. N., before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6 William IV., c. 62, and of the Proclamation of the 14th day of May, 1859. And I hereby certify that to the best of my knowledge and belief, the said A. B. has complied with the requisite formalities specified in such Proclamations, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed)

J. P.

J. P. for British Columbia, residing at———this———day of
———185——.

THE ALIENS' ACT.

FORM B.

I, A. B. do solemnly declare that I have resided three years in this Colony (or in this Colony and the adjacent Colony of Vancouver Island, as the case may be) with intent to settle in this Colony, and without having been during that time a stated resident in any foreign country. And I make this solemn declaration conscientiously believing the same to be true, and in compliance with the provisions of the statute made and passed in the session of Parliament, held in the 5th and 6th years of the Reign of the late King William IV., intituled an Act for the abolition of unnecessary oaths.

(Signed)

A. B.

Declared and subscribed before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6 William IV., c. 62, and of the Proclamation of the 14th day of May, 1859. And I hereby certify that to the best of my knowledge and belief the said A. B. has complied with the requisite formalities specified in such Proclamation, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed)

J. P.

J. P. for British Columbia, residing at———this———day of———185——.

FORM C.

OATH OF ALLEGIANCE.

I, A. B. do swear that I will be faithful and bear true allegiance to Her Majesty Victoria, of the United Kingdom of Great Britain and Ireland, and of the dependencies and colonies thereof in Europe, Asia, Africa, America and Australasia, Queen, and that I will defend Her to the utmost of my power against all conspiracies and attempts whatever, which shall be made against Her Person, Crown or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies which may be formed against Her or them. And I do faithfully promise to maintain, support and defend to the utmost of my power, the succession of the Crown which succession, by an Act intituled "An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the Heirs of Her Body, being Protestants, hereby renouncing and abjuring any obedience or allegiance, unto any other person claiming or pretending right to the Crown of the said Realm and its dependencies and colonies as aforesaid and I do declare that no Foreign Prince, Person, Prelate, State or potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or spiritual, within the same or any other part thereof. And I make this declaration upon the true faith of a Christian. So help me God.

(Signed)

A. B.

Sworn and subscribed by the said A. B., before me this———day of———185——. And I Hereby certify that to the best of my knowledge and belief, the said A. B. has complied with the requisite formalities specified in the Proclamation of the 14th day of May, 1859, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

[Signed]

J. P.

Justice of the Peace for British Columbia, residing at———this———day of———186——.

U.



R.

BRITISH COLUMBIA.

PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same:

And whereas, it may be doubted whether the provisions of an act of the Imperial Parliament made and passed in the tenth year of the reign of His late Majesty King George IV. intituled "An act for the relief of His Majesty's Roman Catholic subjects," or of an Act of the Imperial Parliament made and passed in the 22nd year of the reign of Her Most Gracious Majesty Queen Victoria, intituled "An act to substitute one oath for the oaths of allegiance, supremacy and abjuration, and for the relief of Her Majesty's subjects professing the Jewish Religion," and of another act made and passed in the same year intituled "An act to provide for the relief of Her Majesty's subjects professing the Jewish Religion" are applicable to persons not subjects of Her Majesty. And whereas, it is expedient to give relief to the consciences of all such persons, as well subjects of Her Majesty as aliens, and also to give relief to the consciences of all persons who shall be conscientiously unwilling to be sworn:

Now, therefore, I do hereby declare, proclaim and enact as follows; viz:

1. If any person called as a witness in any Court of Judicature or required or desiring to take any oath or to make an affidavit or deposition shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or Judge, or other presiding officer or person qualified to take such oath, affidavit or deposition upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, viz:

"I, A. B., do solemnly, sincerely and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful, and I do solemnly, sincerely and truly affirm and declare," &c. &c.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form, and shall in like manner infer the penalty of perjury in case of falsehood.

2. If any person professing the Roman Catholic Religion shall be required by any lawful authority, or shall be desirous for any purpose to take the oath of allegiance to Her Majesty, her heirs and successors, it shall be sufficient if he shall in lieu thereof take the oath in the form appointed and set forth in the 2nd section of the act made and passed in the Parliament of the United Kingdom, held in the tenth year of his late Majesty King George IV. intituled "An act for the relief of His Majesty's Roman Catholic subjects."

3. If any of the persuasion of the people called Quakers, or any other person under this or any other law permitted to make his solemn declaration or affirmation in lieu of an oath, or any person professing the Jewish religion, shall at any time be required by any lawful authority, or shall be desirous for any purpose to take the oath of allegiance to Her Majesty, her heirs or successors, or any form of oath containing the words "And I make this declaration upon the true faith of a Christian" the said words, "And I make this declaration upon the true faith of a Christian," shall be omitted in the form of oath to be taken or the declaration or affirmation in lieu of an oath to be made by such person. And the taking of every such oath, or the making of such affirmation and declaration with such omission as aforesaid, shall have the same force and effect as the taking and subscribing by other persons of the oath containing the said words "And I make this, declaration upon the true faith of a Christian."

4. This Proclamation may in all legal proceedings and documents be referred to as "The Oaths Act, 1859."

Issued under the Public Seal of the said Colony, at Victoria, this 19th day of May, one thousand eight hundred and fifty-nine, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By His Excellency's command,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

U.



R.

BRITISH COLUMBIA.

PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same :

And whereas, it is expedient to alter in some respects the rates of duties of Customs now leviable upon goods and other articles and things imported into British Columbia, and to make further provision for the levying thereof:

Now, therefore, I do hereby declare, proclaim and enact as follows; viz :

1st. All goods, animals and articles, not hereinafter specifically charged with any duty of Customs, and not hereinafter exempted from the payment of duties of Customs, shall on being imported into British Columbia be charged and chargeable with a duty of Ten pounds for every one hundred pounds value thereof at the port of entry.

2d. There shall be levied and paid on the goods, articles and animals next hereinafter mentioned, the duties of Customs following, viz :

	£	s.	d.
Spirits and distilled liquors of all sorts, sweetened or otherwise, for every Imperial gallon of full strength, or less than full strength of proof by Sykes' hydrometer	0	6	3
And so in proportion for any greater strength than proof, or for any less quantity than one gallon.			
Bulls, cows, oxen, horses, asses and mules per head	0	4	2
Sheep and goats per head	0	2	1
Tobacco, viz : cigars and cheroots per 100	0	4	2
Tobacco, viz : snuff and other preparations per pound	0	0	6 1/4

3d. The following goods, animals and articles shall be admitted into British Columbia free of all duties, viz : Coin, fresh meat, fresh fruit, and fresh vegetables, poultry, alive or dead, machinery for agricultural purposes, seeds, and bulbs, and roots of plants to be used in agricultural and not as food, salt, printed and manuscript books and papers, and the baggage and apparel, household furniture and professional apparatus of passengers.

And also, all goods, animals and articles whatever, 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 force aforesaid. Provided always, that all articles so excepted from duty as above mentioned, as being property of passengers or officers, shall be bona fide the property of such passengers and officers, and not intended for making a profit by the sale or hire thereof.

4th. From and after the 15th day of June now next, the port of Queensborough shall be the sole port of entry for all vessels entering Fraser River, and for all goods imported by sea into the ports of British Columbia adjacent to Fraser River. And all vessels desirous of clearing for any other port of British Columbia, may thenceforth clear at Queensborough aforesaid for such ports as may for the time being be open for traffic.— Provided, nevertheless, that until the said 15th day of June now next, all the duties hereby made leviable shall be ascertained, levied and paid at Victoria, in Vancouver Island, in the same manner as heretofore has been used with respect to the duties now levied and paid, and the same shall be under the management of the Collector of Her Majesty's Customs for British Columbia. Provided further, that all vessels desirous to clear for any port in British Columbia north of Fraser river, which may for the time being be open for traffic, may do so, clearing as heretofore at the port of Victoria aforesaid, paying nevertheless the full duties hereby charged and made leviable. and all such last mentioned duties shall be paid to and under the management of the Collector of Her Majesty's Customs for British Columbia.

5th. The Bill of Entry, and the Declaration of the Importer, shall be according to the form prescribed for the entry of dutiable goods by the Act of the Imperial Parliament, passed in the 16th and 17th year of Queen Victoria, entitled the "Customs Consolidation Act, 1853."

6th. All evasions and offences committed by any person or persons to defeat the payment of the duties hereby made payable on any goods imported into British Columbia, will be prosecuted and punished in the manner prescribed by the said "Customs Consolidation Act, 1853."

7th. The expression "British Columbia," shall include the whole Colony of British Columbia with its dependencies as by law established.

8th. This proclamation shall take effect and the duties hereby imposed shall be leviable upon any goods imported, or attempted to be imported into British Columbia from and after the 3d day of June now next.

Issued under the Public Seal of the said Colony, at Victoria, this 2nd day of June one thousand eight hundred and fifty-nine, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command, of His Excellency's

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency **JAMES DOUGLAS**, Governor of British Columbia.
Proclamation having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS under and by virtue of an Act of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good Government of the same;

And whereas by a Commission under the Royal Signet and Sign Manual, dated the 2nd of September, in the 22nd year of the Reign of Her Most Gracious Majesty, **MATTHEW BAILLIE BEGBIE** has been appointed to be a Judge in the said Colony, with full power and authority to hold Courts of Judicature, and to administer Justice according to the Laws at the date of the said Commission in force, or which might thereafter be in force in the said Colony;

And whereas it is expedient to declare the constitution of the Court of Justice of British Columbia, and to make provisions with regard thereto;

Now therefore, I, the said **JAMES DOUGLAS**, Governor of British Columbia, do hereby, by virtue of the aforesaid authority and of every other authority enabling me in this behalf, enact and proclaim as follows, viz:

1. The Court held before the said **MATTHEW BAILLIE BEGBIE**, and his successors in office, shall be called and known as The Supreme Court of Civil Justice of British Columbia.

2. The said **MATTHEW BAILLIE BEGBIE** shall be the Judge therein during Her Majesty's pleasure.

3. The said Court shall be a Court of record by the name or style of the Supreme Court of Civil Justice of British Columbia.

4. The said Court shall have and use, as occasion shall require, a Seal bearing Her Majesty's Royal Arms, within an exergue or lable enclosing the same, with the inscription "The Seal of the Supreme Court of British Columbia."

5. The said Supreme Court of Civil Justice of British Columbia shall have complete cognizance of all pleas whatsoever, and shall have jurisdiction in all cases, civil as well as criminal, arising within the said Colony of British Columbia.

6. All process heretofore issued by or under the authority of the said **MATTHEW BAILLIE BEGBIE**, or issued out of the Court over which he hath heretofore presided, shall be valid and effectual notwithstanding the alteration in the style and Seal of the said Court, and shall be enforced under the name and style hereby given to the said Court, in the same manner as if the same had been originally issued in such last mentioned name, and under the Seal hereby authorized to be used.

Issued under the Public Seal of the said Colony, at Victoria, this eighth day of June, one thousand eight hundred and fifty nine, in the twenty second year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By Command of His Excellency,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.



BRITISH COLUMBIA.

PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same;

Now, therefore, I do hereby declare, proclaim and enact as follows; viz:

1. From and after the 15th day of June now next, there shall be levied, collected and paid at the Port of Queensborough, in the said Colony, for the use of Her Majesty, Her Heirs and Successors, as and for tonnage, pilotage and harbour dues on all vessels clearing outwards at the said port for parts beyond sea, or entering inwards at the said port from parts beyond sea, and on the cargoes and contents of such vessels the several sums mentioned in the schedule hereto, in respect of the particulars opposite to such several sums.

2. The fees for Pilotage mentioned in the said schedule shall be paid in full only where the vessel shall have actually made use of the services of a licensed pilot. Where a licensed pilot shall have offered his services to or hailed a vessel leaving or making for the said port and his services shall have been declined, half the dues mentioned in the schedule shall be payable by such vessel to such pilot. Where no licensed pilot shall have been employed or offered his services or hailed such vessel, or where such vessel carries on board as one of her crew a licensed pilot belonging to the said port, no pilotage shall be payable.

3. All monies and dues hereby made payable may be paid to the Collector, who is hereby authorized to demand and enforce payment of all such monies from the master of the vessel in respect whereof such monies are payable, and to give full and complete receipts and discharges for the same.

4. In case of any dispute concerning any monies hereby authorized to be levied and paid or the evasion or attempted evasion of the payment thereof, the amount payable shall be ascertained and recoverable under the provisions of the Customs Consolidation Act, 1853, so far as such provisions are from local circumstances capable of being applied in the same manner as if the monies hereby made payable were duties of Customs lawfully imposed.

5. From and after the 15th day of June instant, the proclamation of the 5th March last past and every clause and provision therein shall cease and be of none effect, save as to monies and penalties recoverable, payable and enforceable under the same proclamation, previously to the date hereof.

6. In the construction of this proclamation and the schedule hereto, the expression "parts beyond sea," shall include any port upon or beyond the Gulf of Georgia or any of the inlets thereof. The expression "vessels" shall include canoes and boats. The expression "Collector" shall mean the Collector of Her Majesty's duties of Customs at the said port of Queensborough, or in his absence the person for the time being performing the functions of such Collector, and the port of Queensborough shall comprise all the waters, mouths and channels of Fraser river between the deep water of the Gulf of Georgia and a line drawn due North and South through the Eastern extremity of Tree Island.

Issued under the Public Seal of the Colony of British Columbia, this 15th day of June, one thousand eight hundred and fifty-nine, at Langley, in the said Colony.

JAMES DOUGLAS, [L.S.]

By Command of His Excellency

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

THE SCHEDULE ABOVE REFERRED TO.

	£	s.	d.
For every sailing ship or vessel above 30 tons register either entering or leaving the said port, per ton register.....	0	0	3
For every steam vessel either entering or leaving the said port, per ton register	0	0	2
For every vessel of and under 30 tons, including boats and canoes.....	0	7	6
For every passenger on board any vessel conveyed to or from parts beyond sea.....	0	4	0

PILOTAGE, VIZ.

For every vessel clearing for or entering from parts beyond sea, viz;			
If less than six feet draught of water.....	5	0	0
If more than six feet and less than seven feet draught of water.....	5	10	0
And for every additional foot of water up to 12 feet.....	0	10	0
And for every additional foot of water above 12 feet.....	0	15	0

INLAND NAVIGATION, VIZ.

Every steamer trading on the Fraser River and not trading to any part beyond sea, per ton register per annum.....	0	2	0
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H.



B.

BRITISH COLUMBIA.

PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same;

And whereas by a Proclamation issued on the 15th day of June, 1859, certain changes were made in the manner of levying, and the amount of clearance, pilotage, and other dues, and fees for British Columbia, and whereas some unavoidable delays have occurred in giving public notice of the intended changes thereby made:

Now, therefore, I do hereby declare, proclaim and enact as follows; viz:

1. The dues, moneys and fees payable by the said Proclamation, from the date therein mentioned shall, except as hereinafter mentioned, be payable, ascertained and recoverable from the Fifth day of July, 1859, according to the said method in the said Proclamation of the 15th day of June prescribed.
2. So much of the said Proclamation as prescribes a due for every passenger on board any vessel conveyed to parts beyond sea, is hereby repealed.

Issued under the Public Seal of the Colony, of British Columbia, at Victoria, Vancouver's Island, this 25th day of June one thousand eight hundred and fifty-nine, in the twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [r.s.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice Admiral of the same, &c.

WHEREAS, Her Majesty the Queen has been graciously pleased to decide that the Capital of British Columbia shall be styled the City of New Westminster;

Now therefore, I, JAMES DOUGLAS, do hereby declare and proclaim that the Town heretofore called and known as Queensborough, and sometimes as Queensborough, in the Colony of British Columbia, shall from henceforth be called and known as New Westminster, and shall be so described in all legal processes and Official Documents.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver's Island, this twentieth day of July, one thousand eight hundred and fifty nine, in the twenty third year of Her Majesty's Reign.

JAMES DOUGLAS.

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

To amend the Laws relating to the Licenses for Selling fermented Liquors, and for the occupation of Crown Lands by TRADERS, and for other purposes.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good government of the same.

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

I. The Proclamations of the 28th day of December 1857, and of the 8th day of February last, and the Regulations of the 30th day of December, 1857, and of the 13th day of July, 1858, shall, from and after the 31st day of August, 1859, cease and be of none effect, save only as to any wrongs and penalties recoverable and enforceable under the said proclamations, or regulations, or any of them.

II. From and after the 31st day of August, 1859, there shall be payable and paid, by every person described in the schedule hereto, in lieu of all sums heretofore payable in respect of all or any such matters, licenses, and trades, therein specified, the sums therein respectively mentioned, and therein set opposite to the said several matters, licenses, and trades respectively, and the said schedule shall be taken to be part of this Proclamation.

III. All moneys payable under this Proclamation shall be payable in advance.

IV. This Proclamation may on all occasions. be cited as the "Licenses Act, 1859."

Issued under the Public Seal of the said Colony, at Victoria, this 10th day of August One Thousand Eight Hundred and Fifty-nine, in the Twenty-third Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

THE SCHEDULE ABOVE REFERRED TO.

By each person vending spirituous or fermented liquors, by retail, for each house or place in the Colony where such vending is carried on, if in a town	} £25 for one year.
Where such vending is carried on in a rural district, not forming part of a town.	} £10 for one year.
By each person, not having a retail license as above, and vending spirituous and fermented liquors for wholesale, for each house or place in the Colony.	} £10 for one year.
By every person carrying on any other trade.	} £1 for every three months.

Such last-mentioned license to enable the person paying the same to change his place or abode of business at pleasure, but not to carry on business at two places, at the same time, under one license. And in case of partnerships, every partner carrying on business in the Colony, during any portion of the quarter, must take out a trading license for that quarter.

By every person occupying any crown Lands, by making any erections thereon, and carrying on any trade upon the same, in addition to the duties above charged, and for the use of the land so occupied by him	} 10s. for every month.
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BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

Proclamation having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same.

And whereas, by the "Licenses' Act 1859," it was declared that, from and after the 31st day of August 1859, the Proclamation of the 8th day of February last past, and the regulations and instructions therein mentioned and referred to, and bearing date respectively the 13th July 1858, the 28th December 1857, and the 30th December 1857, should cease and be of no effect.

And whereas it is expedient to make provision for regulating the law of gold mines in British Columbia in lieu of the provisions so repealed, and for the administration of justice therein.

Now therefore I, JAMES DOUGLAS, do hereby declare, proclaim, and enact as follows, viz:—

I. In the construction of this Proclamation the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context, (viz:)—"The Governor" shall include any person or persons for the time being lawfully exercising the authority of a Governor of British Columbia.

Interpretation clause.
"Governor."

The expression "Gold Commissioner" shall include Assistant Gold Commissioners and Justices of the Peace, acting as Gold Commissioners either under special authority, or the authority of this Proclamation, or any other person lawfully exercising the jurisdiction of a Gold Commissioner for the locality referred to.

"Gold Commissioner."

The word "mine" shall mean any Bar or separate locality in which any vein, stratum or natural bed of auriferous earth or rock shall be mined.

"Mine."

The verb "to mine" shall include any mode or method of working whatsoever, whereby the soil, or earth, or any rock may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining gold, and whether the same may have been previously disturbed or not.

"To mine."

“Claim.” “Claim” shall mean in speaking of individual persons, so much of any mine as by law may belong or be alleged to belong to the individual spoken of, and in speaking of any partnership so much of any mine as may by law belong or be alleged to belong to the persons of whom the partnership shall exist, but shall not extend to a lease of auriferous land as mentioned in clause XI.

“Free Miner.” “Free Miner” shall mean a person named in and lawfully possessed of an existing valid Free Miner’s certificate.

“Registered Free Miner.” “Registered Free Miner” shall mean a free miner registered as entitled in his own right to any claim, lease, of auriferous earth, ditch, or water privilege.

And words in the singular number shall include the plural, and the masculine gender shall include the feminine gender.

Gold Commissioners to be appointed by the Governor under the Public Seal.

II. It shall be lawful for His Excellency the Governor, by any document under his hand and the Public Seal of the Colony, from time to time to appoint such persons as he shall think proper to be Chief Gold Commissioner or Gold Commissioners or Assistant Gold Commissioners in British Columbia, either for the whole Colony or for any particular district or districts therein, and from time to time in like manner to fix and vary the limits of such districts, and limit new districts, and to revoke any such appointments and make new appointments and vary such limits and sub-divide any such districts into separate and independent districts.

Free Miner’s certificate

III. It shall be the duty of every Gold Commissioner upon payment of £1 to 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.

BRITISH COLUMBIA.

FREE MINER’S CERTIFICATE.

Date,	Not transferable.	No.
	Valid for one year.	

This is to certify that A. B. of
has paid me this day the sum of One Pound Sterling, and is entitled to all the rights and privileges of a free Miner for one year from the date hereof.

(Countersigned)	A. B.	(Signed)	G. B.
(Signature of Free Miner)	Chief Gold Commissioner, or Assistant Gold Commissioner, or Justice of the Peace.	} as the case may be	

To continue in force for one year.

IV. The Free Miner’s Certificate shall continue in force for twelve calendar months from the date thereof, including the day of issuing the same, and no longer, and shall not be transferable or capable of conferring any rights upon any other person than the person therein named, and only one person shall be named as a Free Miner in each Certificate.

Must be countersigned by the Free miner.

Such Certificate must be countersigned by the Free Miner therein named before being produced by him for any purpose. And where such Certificate shall be issued to the Free Miner therein named in person, the Gold Commissioner or the person issuing the same shall cause the same to be countersigned by the applicant before himself signing or delivering the same.

Right to enter and mine

V. Every Free Miner shall, during the continuance of his Certificate, have the right to enter without let or hindrance upon any of the waste lands of the Crown, not for the time being lawfully occupied by any other person, and to mine in the land so entered upon.

Registration of claim annually.

VI. All persons who shall at the date of this Proclamation coming into force or previous to the 27th of October, 1859, hold any claim, ditch, or water privilege, must on or before the 1st of November, now next, and all persons who shall at any time after the 26th of October, now next, hold any claim, lease, ditch, or water privilege, must within such space of time after first taking possession thereof, as shall be fixed by the rules, regulations, or by-laws for the time being in force in the place or district in which such claim, lease, ditch, or water privilege shall

be situated, register the same at the office of the Gold Commissioner who shall record in a tabular form in a book or books to be kept by him, the name of the holder, the dates of his Certificate, of his taking possession, and of his recording the claim, the name of the mine, and the distinguishing number of the claim: and all such further particulars as shall from time to time be required by any valid by-law for the place or district. And such registration shall be valid for the space of one year and no longer.

Four shillings shall be taken by the Gold Commissioner for the use of Her Majesty, Her Heirs and Successors upon every registration or re-registration of any Claim. And no person, not being a Free Miner, shall be entitled to record a claim or any interest therein.

VII. Every Free Miner shall have during the continuance of his Certificate the exclusive right to the soil and gold in any claim for the time being duly registered and worked by him according to the regulations and by-laws hereby authorized to be issued, and for the time being in force, in relation to the locality or district where such claim is situated.

No person shall be recognized as having any right or interest in, or to any claim or any of the gold therein unless he shall be, or in case of any disputed ownership unless he shall have been at the time of the dispute arising, a Free Miner.

VIII. In case of any dispute, the title to claims, leases of auriferous earth or rock, ditches and water privileges, will be recognized according to the priority of registration subject only to any question which may be raised as to the validity of any particular act of registration.

IX. Every Gold Commissioner at the time of issuing any Free Miner's Certificate shall record the paper by date, number, and name of the Free Miner named therein, and whether such Certificate was issued to such miner in person or on the application of another person, and the applicant's name, and shall on the 1st of January 1st of April, 1st of July, and 1st of October in every year cause to be made out a revised list of all the Free Miners holding Certificates issued by himself and still in force, and also of all Free Miners registered as holding claims in his district, and shall cause to be posted up in a conspicuous place on each mine in his district, a list of the Free Miners for the time being as holding registered claims in such mine.

The Chief Gold Commissioner shall in like manner, on the 1st of January and 1st of July in every year, cause a revised list to be published of all the Free Miners in British Columbia. All such records and lists shall be open to the inspection of the public, gratis, under such reasonable regulations as to hours or otherwise, as the Gold Commissioner in each place or district may from time to time ordain.

X. In case any Free Miner's Certificate shall be accidentally destroyed or lost, the same may, upon evidence of such loss or destruction, be replaced by a new Certificate to bear the same date and to be issued and signed by the Gold Commissioner for the same district as such lost or destroyed Certificate. Every such new Certificate shall be marked "substituted for original of same date, this day of . . ." And until some material irregularity or impropriety be shewn, in respect thereof, every original or substituted Free Miner's Certificate shall be evidence of all the matters stated therein or clearly implied thereby.

XI. Leases of any portions of the waste lands of the Crown may be granted for mining purposes, for such term of years, and upon such conditions as to rent, and the mode of working, and as to any water privileges connected therewith, and otherwise in each case, as shall be deemed expedient by His Excellency the Governor.

XII. In respect to any place or district wherein there shall for the time being be no Mining Board as hereinafter described, or any separate mine within such place or district, it shall be lawful for His Excellency the Governor, by writing under his hand and the Public Seal of the Colony, from time to time to make rules and regulations in the nature of by-laws, concerning all matters relating to claims and ditch and water privileges, and leases of the auriferous lands in the Colony in larger quantities than the claims herein mentioned or referred to, and

Free Miners alone recognized as having any right in claims, &c.

Priority of right shall be recognized according to priority of registration.

Records to be kept of the F. M. C. issued.

Lost certificates.

Leases of auriferous lands.

Rules and regulations to be issued under the Public Seal.

for the registration thereof so far as such matters are not herein defined and set forth.

And also, from time to time in like manner to annul, repeal, or alter any existing rule, regulation, or by-law; and to make new rules, regulations, and by-laws in reference to all or any of such matters. And all such rules, regulations, and by-laws shall continue in force until repealed by the Governor, by some writing under the Public Seal of the Colony, or by some valid by-law established by the Gold Commissioner and Mining Board of some district under the provisions hereinafter contained.

Gold escort and deposit.

XIII. It shall be lawful for His Excellency the Governor by a notification under the Public Seal of the Colony to make provisions for the custody and carriage of Gold at and from and between such points as may be thought proper, and to establish such rates of charge for the carriage and custody of Gold as shall be deemed expedient, and in like manner to change and alter any or all of such provisions and charges.

Custody to be on the same footing as post office letters.

XIV. The custody and care of all deposits, whether for Custody or transport so undertaken by or on behalf of the Government, shall be under the like responsibility as that under which letters are received and carried by the Post Office. And in case of any loss or dispute concerning any such deposit the property in the same may in any proceedings, or suits, or actions at law, be stated as being in the Colonial Treasury for the time being. And all clerks and persons employed by or on behalf of the Government, or acting in the capacity of being so employed in reference to any such deposit, shall in case of neglect or misfeasance, be liable in the same manner as if they had been clerks or acting as clerks in the Post Office mutatis mutandis.

Jurisdiction of Gold Commissioners.

XV. And as to the power and jurisdiction of and proceedings before a Gold Commissioner, I do hereby enact, proclaim, and declare, as follows, (viz :)—

Every Gold Commissioner shall have and exercise during his term of office, all the authority and jurisdiction of a Justice of the Peace for British Columbia, in addition to his proper authority as Gold Commissioner. Any claim, mine, ditch, or water privilege situate as to part thereof within the express limits of some Gold Commissioner's jurisdiction, and as to other part thereof not within the express limits of any Gold Commissioner's jurisdiction, shall be deemed to be wholly within the jurisdiction within which any part of such claim, mine, ditch, or water privilege, shall be situated. In the case of any claim, mine, ditch, or water privilege, situate at more than a distance of ten miles from the office of any Gold Commissioner, any Justice of the Peace for British Columbia, although not otherwise or specially empowered to act as a Gold Commissioner is hereby authorized, or as the case may be, required to do any act herein authorized or required to be done by a Gold Commissioner.

And wherever the ditch or other property in respect whereof any question may arise, shall be situated partly in one district and partly in another, or when it shall be doubtful within whose jurisdiction the same or any part thereof shall be totally situated, any Gold Commissioner in the neighbourhood before whom the complaint or matter shall be first brought shall have jurisdiction. In every case in which a Justice of the Peace not being also a Gold Commissioner shall act as a Gold Commissioner under this clause, he shall with all convenient speed communicate the particulars of his acting to the Chief Gold Commissioner, and if there shall be no Chief Gold Commissioner, then to the nearest Gold Commissioner.

All Mining disputes may be decided by the Gold Commissioner without limit in value.

XVI. All disputes relating to the title to any mine or claim, or to any part of the proceeds thereof, or relating to any ditch or water privilege, or to any contract for labor to be done in respect of a ditch or water privilege, mine, or claim, or relating to the mode of carrying on the same, or any of them, and all disputes concerning partnerships in any mine or claim, may be investigated, in the first instance, before the Gold Commissioner, having jurisdiction as aforesaid, without any limit to the value of the property or subject matter involved in such dispute.

Except in cases of partnerships.

XVII. Provided always that no Gold Commissioner shall have jurisdiction in civil disputes between partners, unless it shall, in the first place, be shown to his satisfaction that the joint stock of the partnership is under the value of £200.

XVIII. Any person convicted under this Proclamation of any offence against the same, or any by-law, rule, or regulation, hereby authorized, and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond £20, over and above the costs of summary conviction, may appeal to the next assizes to be holden for the district or place wherein the cause of complaint shall have arisen, provided that such person, at the time of such conviction, or within forty-eight hours thereafter, enter into recognizance with two sufficient sureties, conditioned personally to appear at the said assizes to try such appeal, and to abide the further judgment of the Court at such assizes, and to pay such costs as shall be by such last-mentioned Court awarded. And the convicting Gold Commissioner may bind over any witnesses or informant, under sufficient recognizances, to attend and give evidence at the hearing of such appeal, and the costs of such witnesses shall be allowed and paid by the Colonial Treasurer in the first instance, and, if such appeal be dismissed, shall be repaid to the Colonial Treasurer by the appellant.

Appeal to the Supreme Court in B. C. in criminal and summary cases

XIX. 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 to be made against him, and that the conviction was proper on the merits of the case.

No merely formal objections allowed.

XX. If either party, in any civil cause where the subject matter in dispute is more than £20, shall be dissatisfied with the determination, he may appeal from the same to the Supreme Court of Civil Justice in British Columbia, provided that the appealing party shall, within four days of the determination appealed from give notice of such appeal to the other party, and also give security, to be approved by the Gold Commissioner, for the costs of the appeal, and also for the amount payable by the appealing party under the judgment appealed against. And the said Court of Appeal may either order a new trial on such terms as it shall think fit, or order judgment to be entered for either party, or try the cause de novo, and may make such order as to the costs of the appeal as such Court shall think proper, and such appeal may be in the form of a case settled and signed by the parties or their attorneys, and if they cannot agree, the said Gold Commissioner may settle and sign the same upon being applied to by the parties or their attorneys.

Appeal in civil cases over £20.

XXI. In any case of any cause relating to a mine, claim, or ditch, being brought in the first instance before the Supreme Court of Civil Justice of British Columbia, wherein the sum of damages sought to be recovered shall be less than £50, it shall be lawful for the Court after issue joined to direct the cause to be tried before any Gold Commissioner whom the Court shall name, and upon such terms as the Court shall think fit.

Cases under £50 may be referred to the Gold Commissioner.

XXII. The Gold Commissioner alone without a jury shall be the sole judge of law and fact.

Gold Commissioner to be judge of law and fact.

XXIII. The Gold Commissioner shall have the power to cause such parties and witnesses as he shall think proper to attend on any proceedings before him, and to compel the production of documents on any such proceedings.

Power to summons witnesses.

XXIV. The Judge of the Supreme Court of Civil Justice shall, with the advice and consent of the Chief Gold Commissioner or of any two Gold Commissioners, have the power, from time to time, to make, repeal, and alter such rules and regulations for the conduct of the business before the Gold Commissioners for the times of proceeding, and also such lists of costs of proceedings as he shall think fit. Provided always that all such rules, regulations, and lists of costs shall, within one calendar month from the making thereof, be laid before His Excellency the Governor.

Forms of proceedings, costs, &c.

And it shall not be necessary for the Gold Commissioner, in any proceedings before him to follow any set forms, provided that the substance of the things done and to be done be therein expressed; nor shall any proceedings before any Gold Commissioner be liable to be set aside for any want of form, so long as matters of substance have not been omitted.

Jurisdiction as to Mining partnerships.

XXV. It shall be lawful for a Gold Commissioner in case of any dispute between partners in any claim, ditch, mine, or water privilege, where the joint or partnership stock shall be shown not to exceed the value of £200, but not in other cases, to decree a dissolution of partnership and a sale or valuation or division of the partnership stock, and to direct the partnership account to be taken before himself, and declare what amount, if any, is due on the whole account by one partner to another, and generally to make such order and give such directions therein as he shall think fit, and to take such steps (if any) as he may deem expedient in the way of taking security, or appointing a Receiver or otherwise for securing the partnership property in the meantime.

Summary power to abate encroachments, &c.

XXVI. It shall be lawful for any Gold Commissioner, upon complaint made of any wrongful encroachment on a claim, mine, ditch, or water privilege, and deposit made of £2 in his hands by the complainant, to proceed forthwith to the place at which such alleged encroachment has been made, and there and then to demand the like sum of £2, from the party complained of, and thereafter, on view of the premises, and on such evidence as to such Gold Commissioners shall seem sufficient to hear and determine the dispute in a summary way, and whether all parties in difference shall appear or not, and in a summary way to cause such encroachment to be abated, and to restore to the person who shall appear to be entitled thereto, full possession of the claim, ditch, or other matter encroached upon, or alleged so to be, and also all gold or other property (if any) which may have been unlawfully taken or removed. And also to award such damages as the nature of the case shall seem to require. And if each party shall have deposited the said sum of £2, he shall restore the said sum of £2 to the party whom he shall judge to have been in the right, and retain the other £2 as for costs of Court, and if either party make default in appearance the Gold Commissioner may make such order as to costs as shall seem to him proper.

Costs.

Provided always, that it shall be lawful for the Gold Commissioner, if in his discretion the matter shall not be made clear for a final determination, to take such steps as he shall then think necessary for the preservation of the matter in dispute, and to adjourn the final decision of the case until such time as he shall think proper.

Gardens, &c., for Free Miners, not more than five acres.

XXVII. It shall be lawful for the Gold Commissioner to mark out for the use of any Registered Free Miner in his district, a space of land not exceeding five acres to be occupied as garden ground or for a residence. The right conferred by such occupation shall only endure so long as the occupier shall be a Registered Free Miner of the district, and for such further period as shall be requisite for the enjoyment of any crop standing thereon at the period when he shall cease to be a Registered Free Miner.

And for attending and marking out such land, whatever be the size, the Gold Commissioner shall be entitled to demand the sum of ten shillings for the use of Her Majesty, Her Heirs and Successors.

Plots for traders—not more than one acre.

XXVIII. It shall be lawful for the Gold Commissioner to mark out for the use of any person intending to carry on temporarily any trade on or near a mine, a plot, or plots of waste Crown land convenient for that purpose, and also for garden purposes, not being larger than one acre. There shall be thereby conferred enjoyment for so long as such trader shall pay all license duties in respect thereof, and also the right to any crop standing thereon at the last payment of license duties.

Provided always, that the land on or near any mine so marked out for any of the purposes mentioned in this or the last section, shall always be resumable by the Crown and applicable to general mining purposes on six months' notice thereof given by the Gold Commissioner to any occupier thereof.

Mining Boards.

And as to Mining Boards I do enact, proclaim, and declare as follows, (viz.):

Constitution of

XXIX. Upon petition signed by not less than one hundred and one Registered Free Miners in any district, having been on the Register of such district for at least three months previous to signing such petition, and holding bona-fide claims not abandoned nor forfeited, and upon a certificate from the Gold Commissioner

of such district testifying to the number and good faith of the petitioners, it shall be lawful for His Excellency the Governor by a notification under his hand and seal to direct the Gold Commissioner acting in and for such district, to constitute therein a local board to be called the Mining Board, in the manner and with the powers hereinafter expressed.

XXX. The Mining Board shall consist of not less than six nor more than twelve of the general body of the voters of such district, according to the following scale, viz:—If there shall be not more than one hundred and fifty voters, then the Mining Board shall consist of six members. And for every complete number of fifty voters beyond the first one hundred and one, the Mining Board shall comprise one additional member, but not so as to consist of more than twelve members.

Six to twelve members according to the number of Registered Free Miners.

The members shall be elected by the votes of the Registered Free Miners of the district who shall have been on the Register during three months at the least, previous to the election, each voter to 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.

Voter's qualification.

XXXI. The votes of the electors shall be given by word of mouth and in person by the voter. The Gold Commissioner of the district shall be the receiver and examiner of votes, and the returning officer. And the first election shall take place on such day as His Excellency the Governor may appoint.

Gold Commissioner to be returning officer. &c.

The Mining Board shall meet together at such intervals as shall be appointed by the Gold Commissioner, and it shall be competent for three or more members meeting together to proceed to the dispatch of business.

XXXII. 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 assault, being armed with a lethal weapon, or of any wilful and malicious contravention of this Act, 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 again becoming entitled to vote.

Vacancy of membership.

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.

XXXIII. All vacancies in the Board shall be supplied and the full number of members for the time being, due to the district according to the tariff aforesaid, shall be made up at a general election to take place on such day in the month of January in each year, as His Excellency the Governor shall from time to time by notice under the Public Seal of the Colony direct.

Elections to take place in January.

XXXIV. The Mining Board shall, subject to the provisions hereof, have power by resolution, to make by-laws, and also from time to time to alter and repeal any existing by-laws for regulating the size of claims and sluices, the mode in which claims may be registered, worked, held and forfeited, and all other matters relating to mining matters in their district; Provided that no such new by-law, repeal, or alteration shall be of any force unless and until it shall have been approved of by His Excellency the Governor.

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

Provided further that every such by-law, repeal, or alteration, being duly made and approved, and not being contrary to the Statute or common law, and not being contrary to natural equity, shall be admitted in all Courts of British Columbia as a good local law and a copy thereof extracted from the by-laws and purporting to be signed by the Gold Commissioner of the district shall be good evidence thereof, and that the same have been lawfully made and were in full force at the time in such copy or extract in that behalf specified.

Evidence.

XXXV. Any resolution of such Mining Board and Gold Commissioner may be passed by a bare majority of the members of such Board if the Gold Commissioner shall consent thereto, or by two-thirds of the members of such Board if the Gold Commissioner shall not consent thereto. The Gold Commissioner shall, within

Majorities.

- seven days of the passing of any resolution concerning any by-law or general regulation which he shall on any grounds deem expedient to lay before His Excellency the Governor, make and send to His Excellency a fair copy thereof signed by such Gold Commissioner with his opinion thereon.
- Mode of conducting the proceedings. XXXVI. The votes on all resolutions of the Mining Board shall be given by the members personally, and by word of mouth.
- Power to the Governor to dissolve any Mining Board. 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, and of the propriety of elections and qualifications and disqualifications of members subject hereto, may be decided by the Gold Commissioner, either from time to time as any question shall arise, or by any fixed rules and orders as may be thought advisable, and with such Gold Commissioner is hereby authorized to make by writing under his hand and Seal.
- Interim acts to continue notwithstanding dissolution. XXXVII. It shall be lawful for His Excellency the Governor by an order under the Public Seal of the Colony, at any time to declare the Mining Board in any district dissolved, as from 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. And from and immediately after such dissolution, the power to make and repeal by-laws and regulations shall immediately be vested in the Governor in the same manner as if such Mining Board had never been constituted,
- Irregularities not to affect such acts. Provided always, that notwithstanding any such dissolution, all by-laws and working rules and regulations (if any) and all other acts (if any), made, done, and established in the meantime, under the authority of this Proclamation, shall be valid until the same be altered or repealed by the Governor by some order under the Public Seal of the Colony.
- Certain offences. XXXVIII. The Acts of any Mining Board, previous to such dissolution, if sanctioned as aforesaid, shall be valid notwithstanding any informality or irregularity in the mode of election, or of meeting of such Mining Board, or in the passing of any of such Acts.
- Felony. XXXIX. Any person who shall wilfully and maliciously damage or destroy any Free Miner's Certificate, or fraudulently fill up, or post date or alter any name or date or particular in a Free Miner's Certificate, or in any document purporting to be a Free Miner's Certificate or who shall falsely pretend that he is the person named in any such Certificate or document, or who shall wilfully and maliciously damage, destroy, or falsify any of the records and registers hereby directed to be kept shall be guilty of felony, and being duly convicted thereof shall be liable, at the discretion of the Court, to penal servitude for not more than ten years.
- Summary power in cases of disobedience. XL. Any person wilfully or unlawfully acting in contravention of this Act, or of any by-law, rule, or regulation to be established by virtue of this Act, 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.
- Short title. XLI. This Proclamation may in any proceedings be referred to as the "Gold Fields Act, 1859."
- Commencement of Act. XLII. This Proclamation shall come into force as to Queen Charlotte's Island on the 1st of January, 1860, and as to the rest of British Columbia on the 1st of September, 1859.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this thirty-first day of August, in the year of our Lord one thousand eight hundred and fifty-nine, in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.



RULES AND REGULATIONS

FOR THE

WORKING OF GOLD MINES.

Issued in conformity with the Gold Fields Act, 1859.

WHEREAS, it is provided by the Gold Fields Act, 1859, that the Governor, for the time being, of British Columbia, may, by writing under his hand and the Public Seal of the Colony, make Rules and Regulations in the nature of by-laws, for all matters relating to Mining. Now, therefore, I, JAMES DOUGLAS, Governor, &c., do hereby make the following Rules and Regulations, accordingly:—

I. In the construction of the following Rules and Regulations, unless there be some contrariety, or repugnancy thereto in the context, the words "Governor," "Gold Commissioner," "Mine," "to mine," shall have the same meanings as in the Gold Fields Act, 1859. The expression "Bar diggings" shall mean every mine over which a river extends when in its most flooded state. "Dry diggings" shall mean any mine over which a river never extends. "Ravines" shall include water courses whether usually containing water or usually dry. "Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight into or upon a mine. "Ditch head" shall mean the point in a natural water course or lake where water is first taken into a ditch. And words in the singular number shall include the plural, and the masculine gender shall include the feminine.

II. All claims are to be as nearly as may be, in rectangular forms, and marked by four pegs at the least, each peg to be four inches square at the least, and one foot above the surface, and firmly fixed in the ground. No boundary peg shall be concealed or moved, or injured, without the previous permission of the Gold Commissioner.

III. The size of a claim, when not otherwise established by a by-law, shall be, for bar diggings, a strip of land twenty-five feet wide at the mark to which the river rises when flooded, and thence extending down direct into the river indefinitely. For dry diggings, a space twenty-five feet wide by thirty feet. For ravine diggings, a space of twenty-five feet along the bank of the ravine and extending up to the top of each bank. In quartz claims, the size, when not otherwise established by a by-law, shall be one hundred feet in length, measured along the vein or seam, with power to the miner to follow the vein or seam and its spurs, dips, and angles, anywhere on or below the surface included between the two extremities of such length of one hundred feet, but not to advance upon or beneath the surface of the earth more than one hundred feet in a lateral direction from the main vein or seam, along which the claim is to be measured. All measurements of area are to be made on the surface of the earth, neglecting inequalities. Every claim is to have a distinguishing number marked on its boundary pegs.

IV. 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. A new stratum of auriferous earth or rock, situate in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall previously have been worked at a different level. And dry diggings discovered in the neighbourhood of bar diggings shall be deemed a new mine, and vice versa.

V. The registration of claims shall be in such manner and form as the Gold Commissioner shall in any locality direct, and shall include, besides the matters mentioned in the Gold Fields Act of 1859, all such other matters as the Gold Commissioner shall think fit to include.

VI. 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 party sought to be charged, or by his lawfully authorized agent, and registered with the Gold Commissioner.

VII. Any person desiring any exclusive ditch or water privilege, shall make application to the Gold Commissioner having jurisdiction for the place where the same shall be situated, stating for the guidance of the Commissioner in estimating the character of the application, the name of every applicant, the proposed ditch head, and quantity of water, the proposed locality of distribution, and if such water shall be for sale, the price at which it is proposed to sell the same, the general nature of the work to be done, and the time within which such work shall be complete; and the Gold Commissioner shall enter a note of all such matters as of record.

VIII. Unless otherwise specially arranged, 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.

IX. If any person shall refuse or neglect to take within the time mentioned in his application, or within such further time (if any) as the Gold Commissioner may, in his discretion, think fit to grant for the completion of the ditch the whole of the water applied for, he shall at the end of the time mentioned in his application, be deemed entitled only to the quantity actually taken by him, and the Gold Commissioner shall make such entry in the register as shall be proper to mark such alteration in the quantity, and may grant the surplus to any other person according to the rules herein laid down for the granting of water privileges.

X. 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.

XI. It shall be lawful for the owner of any ditch or water privilege to sell and distribute the water conveyed by him to such persons, and on such terms as they 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 from another, except when the difficulty of supply is enhanced. Provided further, that no person, not being a Free Miner, shall be entitled to demand to be supplied with water at all.

XII. A claim on any mine shall, until otherwise ordered by some valid by-law, be deemed to be abandoned, and open to the occupation of any Free Miner, when the same shall have remained unworked by some registered holder thereof for the space of seventy-two hours, unless in case of sickness, or unless before the expiry of such seventy-two hours, a further extension of time be granted by the Gold Commissioner, who may grant further time for enabling parties to go prospecting, or for such other reasonable cause as he may think proper. Sundays, and such holidays as the Gold Commissioner may think fit to proclaim, are to be omitted in reckoning the time of non-working.

XIII. 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 four feet of such other property.

XIV. If the owner of the property about to be so entered upon or approached shall consider three days' notice insufficient for taking proper measures of precaution, or if any dispute shall arise between the parties as to the proper precautionary measures to be taken, or in any other respect, the whole matter shall be immediately referred to the Gold Commissioner acting in the district, who shall order such interval of time to be observed before entry, or make such other order as he may deem proper.

XV. 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; and if any person shall stake out his claim, disregarding this rule, the Gold Commissioner shall have power to come and remove the first boundary peg of such wrong-doer three feet further on, notwithstanding that other claims may then be properly staked out beyond him: so that such wrong-doer shall then have but ninety-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 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.

XVI. Every such boundary wall 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 such owners.

XVII. In staking out plots of land for Free Miners and traders for gardening and residential purposes, under the powers in the said Gold Fields Act, 1859, contained, the Gold Commissioner is to keep in view the general interests of all the miners in that locality, the general principle being that every garden benefits indirectly the whole locality, and also that the earlier application is to be preferred; but where the eligible spots of land are few, or of scanty dimensions, and especially where they are themselves auriferous, it may be injudicious that the whole or the greater part should fall into the hands of one or two persons; and therefore, in such cases, the Gold Commissioner may, in the exercise of his discretion, allot small plots only to each applicant.

XVIII. Any person desiring to acquire any water privilege shall be bound to respect the rights of parties using the same water, at a point below the place where the person desiring such new privilege intends to use it.

XIX. 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 be enabled to do so in proper cases, 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 full compensation and indemnity. But wherever due compensation by indemnity can be given, and is required, the Gold Commissioner may sanction the execution of such new work on such terms as he shall think reasonable.

AS TO LEASES IN LARGER PROPORTIONS THAN CLAIMS.

XX. Applications for leases are to be sent in triplicate to the Gold Commissioner having jurisdiction for the locality where the land desired to be taken is situated. Every such application shall contain the name and additions of the applicant at full length, and the names and addresses of two persons residing in the Colony of British Columbia, or Vancouver Island, to whom the applicant is personally known. Also, a description accompanied by a map of the land proposed to be taken.

XXI. Leases will not be granted in general for a longer term than ten years, or for a larger space than ten acres of alluvial soil (dry diggings), or half a mile in length of unworked quartz reef, or a mile and a half in length of quartz, that shall have been attempted and abandoned by individual claim workers, with liberty 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, or in bar diggings, half a mile in length (if unworked) along the high water mark, or a mile and a half in length along the high water mark, where the same shall have been attempted and abandoned by individual claim workers.

XXII. 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 in any case be granted where individual Free Miners are in previous actual occupation of any part of the premises, unless by their consent.

XXIII. Every such lease shall contain all reasonable provisions for securing to the public rights of way and water, save in so far as shall be necessary for the miner-like working of the premises thereby demised, and also for preventing damage to the persons or property of other parties than the lessee. And the premises thereby demised shall be granted for mining purposes only, and it shall not be competent for the lessee to assign or sub-let the same, or any part or parts thereof without the previous license in writing of the Gold Commissioner. And every such lease shall contain a covenant by the lessee to mine the said premises in a miner-like way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And also a clause by virtue whereof the said lease and the demise therein contained may be avoided in case the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained.

XXIV. Every applicant for a lease, shall at the time of sending in his application, mark out the ground comprised in the application, by square posts firmly fixed in the boundaries of the land, and four feet above the surface, with a notice thereon that such land has been applied for, stating when and by whom, and shall also fix upon a similar post at each of the nearest places on which miners are at work, a copy of such notice.

XXV. Objections to the granting of any such lease shall be made in writing, addressed to His Excellency the Governor, under cover to the Gold Commissioner, who shall forward all such objections, together with his Report thereon.

XXVI. Every application for a lease 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 for the use of Her Majesty her heirs and successors, whether the application be afterwards abandoned or not.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this seventh day of September, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

BRITISH COLUMBIA.

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R.

PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Declaration under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same ;

Whereas it is expedient to afford a clear and speedy method of recovering small debts and demands in British Columbia ;

Now, therefore I, James Douglas, Governor of the said Colony, do proclaim and declare as follows, viz:

1. Every person whom I may from time to time hereafter commission to act as a County Court Judge in British Columbia, shall from the date of his commission, be authorised and empowered to hear and determine all personal pleas and all actions of tort cognizable by the County Courts in England in manner hereafter mentioned.
2. So much of the enactments of the 8th and 10th Victoria chap. 95, entitled an Act for the more easy recovery of small debts and demands in England as are applicable to this Colony shall be adopted by the County Court Judge.
3. The amount recoverable before any County Court Judge in British Columbia, shall not exceed the sum of £50.
4. The duties of the Clerk of the Court appointed in England shall be performed by the County Court Judge himself.
5. The duties of the High Bailiff, appointed in England, shall be performed by the Sheriff of British Columbia, or by any Deputy Sheriff of British Columbia.
6. The practice and procedure in the County Courts, over which such County Court Judge shall preside, and the fees to be taken therein shall, as herein mentioned, and until altered by some rule or order to be made as hereinafter mentioned, be the same as in the inferior Court of Civil Justice, in Vancouver Island.
7. The County Court Judge shall have a power of granting a *capius ad respondendum*, in all cases of debt of the amount of £20 or upwards.
8. Any three of the County Court Judges, and also the Judge of the Supreme Court of Civil Justice in British Columbia may make rules and orders for the governance of the County Courts of British Columbia, which rules or orders shall be of full force when confirmed by the Governor of British Columbia, and the Judge of the Supreme Court of Civil Justice of British Columbia.
9. All fees shall from time to time, be paid into the Treasury.
10. This Act may be cited for all purposes, as the "British Columbia Small Debts Act, 1859."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this tenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia.

WHEREAS, by virtue of an Act of Parliament, made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same:

And Whereas, it is expedient to raise further revenue for the purpose of opening and improving the communications, navigation, and roads in British Columbia:

Now, therefore, I do hereby declare, proclaim and enact as follows:

That the following monies and tolls shall be levied on all wares, goods, and merchandise, carried in British Columbia from the 1st of January, 1860:—

Twelve shillings for every ton of wares, goods, and merchandise transported or taken from New Westminster to any place in British Columbia.

The said twelve shillings per ton shall be paid by the person proposing to take away or transport any wares, goods, or merchandise aforesaid to Her Majesty's Collector of Customs at New Westminster, before taking away or transporting any such wares, goods, or merchandise from New Westminster aforesaid.

The ton aforesaid shall be calculated where the wares, goods, and merchandise are of a character generally estimated by admeasurement, and in all other cases by weight.

Whenever any wares, goods, or merchandise shall be proposed to be carried or transported from New Westminster aforesaid, by any common carrier, either by land or water, whether on his own account or on account of any other person, the tolls and monies aforesaid shall be levied on and payable by the common carrier aforesaid.

Any person wilfully evading or attempting to evade the payment of the same, shall be fined treble the amount of toll, or any sum not exceeding £100, at the discretion of the magistrate.

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

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this tenth day of December, one thousand eight hundred and fifty-nine, in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.s.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same; and

Whereas, doubts have arisen whether the Joint Stock Companies' Acts 1856, 1857, and 1858, apply to British Columbia.

Now, therefore I, James Douglas, do hereby declare, proclaim, and enact as follows:—

1. That the said Acts shall be taken, construed, and read together, and be taken and deemed to extend to the colony of British Columbia except as hereinafter mentioned.
 2. The third section of the Joint Stock Companies' Act, 1857, shall not apply to mining companies in British Columbia.
 3. The eleventh section of the said Act shall not come into operation until the imposition of a Stamp duty in British Columbia.
 4. The power given to Companies to empower any person as their Attorney to execute deeds on their behalf in any place not situate in the United Kingdom, shall not apply to the execution of Deeds in British Columbia, and shall include a power to empower an Attorney as aforesaid to execute Deeds in the United Kingdom.
 5. That the reports to be made to, and the powers and duties vested in and imposed upon the Board of Trade by the said Acts, shall be vested in and imposed upon the Attorney General of British Columbia until some other person or authority shall be nominated by the Governor for the time being, of British Columbia.
 6. That until some other person or authority shall be nominated as aforesaid, the Attorney General of British Columbia shall be the Registrar of Joint Stock Companies.
- That the aforesaid "The Court" in the said Acts defined shall mean the Supreme Court of Civil Justice of British Columbia.

That the "official liquidator" in the 88th section of the said Act, particularly mentioned shall be in every case appointed by the said Supreme Court of Civil Justice of British Columbia.

That the several powers by the said Act vested in the Lord Chancellor of Great Britain, shall be vested in the Judge of the Supreme Court of Civil Justice of British Columbia, who may make all rules which the Lord Chancellor of Great Britain is by the said Acts empowered to make, such rules when made, to be approved of by the Governor for the time being of British Columbia.

That any person may be appointed by the Judge of the Supreme Court of Civil Justice of British Columbia to act as a special commissioner to take evidence.

Notices by the said Acts required to be published in the London, Edinburgh, and Dublin Gazettes, shall be published in the Official Gazette of British Columbia.

The fees to be paid under the said Acts shall be paid by the person receiving the same into the Treasury of British Columbia.

This Act may be cited for all purposes as the "British Columbia Joint Stock Companies' Act, 1859."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this tenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency James Douglas, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, JAMES DOUGLAS, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace and good government of the same, and

Whereas, it is expedient, pending the operation of the survey of agricultural lands in British Columbia, to provide means whereby unsurveyed agricultural lands may be lawfully acquired by pre-emption in British Columbia by British subjects, and in certain cases to provide for the sale of unsurveyed agricultural land in British Columbia by private contract;

Now, therefore, I, James Douglas, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order and enact.

1. That from and after the date hereof, British subjects and aliens who shall take the oath of allegiance to Her Majesty and Her successors, may acquire unoccupied and unreserved, and unsurveyed Crown land in

British Columbia (not being the site of an existent or proposed town, or auriferous land available for mining purposes, or an Indian Reserve or settlement, in fee simple,) under the following conditions:

2. The person desiring to acquire any particular plot of land of the character aforesaid, shall enter into possession thereof and record his claim to any quantity not exceeding 160 acres thereof, with the magistrate residing nearest thereto, paying to the said magistrate the sum of eight shillings for recording such claim. Such piece of land shall be of a rectangular form, and the shortest side of the rectangle shall be at least two-thirds of the longest side. The claimant shall give the best possible description thereof to the magistrate with whom his claim is recorded, together with a rough plan thereof, and identify the plot in question by placing at the corners of the land four posts, and by stating in his description any other land marks on the said 160 acres, which he may consider of a noticeable character.

3. Whenever the Government survey shall extend to the land claimed, the claimant who has recorded his claim as aforesaid, or his heirs or in case of the grant of certificate of improvement 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 pre-empted at such rate as may for the time being be fixed by the Government of British Columbia, not exceeding the sum of 10s. per acre.

4. No interest in any plot of land required as aforesaid, shall before payment of the purchase money, be

capable of passing to a purchaser unless the vendor shall have obtained a certificate from the nearest magistrate that he has made permanent improvements on the said plot to the value of 10s. per acre.

5. Upon payment of the purchase money, a conveyance of the land purchased shall be executed in favor of the purchaser, reserving the precious minerals with a right to enter and work the same in favor of the Crown, its assigns and licencees.

6. Priority of title shall be obtained by the person first in occupation, who shall first record his claim in manner aforesaid.

7. Any person authorized to acquire land under the provisions of this Proclamation, may purchase in addition to the land pre-empted, in manner aforesaid, any number of acres not otherwise appropriated, at such rates as may be fixed by the Government, at the time when such land shall come to be surveyed, not to exceed ten shillings per acre; five shillings to be paid down, and the residue at the time of survey.

8. In the event of the Crown, its assigns or licencees, availing itself, or themselves, of the reservation mentioned in clause 5., a reasonable compensation for the wants and damage done, shall be paid by the person entering and working, to the person whose land shall be wasted or damaged as aforesaid, and in case of dispute, the same shall be settled by a jury of six men to be summoned by the nearest Magistrate.

9. Whenever any person shall permanently cease to occupy land pre-empted as aforesaid, the Magistrate resident nearer to the land in question, may in a summary way on being satisfied of such permanent cessation, cancel the claim of the person so permanently ceasing to occupy the same, and record the claim thereto of any other person satisfying the requisition aforesaid.

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

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

12. The procedure before the Magistrate and Judge respectively, shall be according to such rules and orders as shall be published by such Judge with the approbation of the Governor for the time of British Columbia.

13. Whenever a person in occupation at the time of

record aforesaid, shall have recorded as aforesaid, and he, his heirs or assigns, shall have continued in permanent occupation of land pre-empted, or of land purchased as aforesaid, he or they may, save as hereinafter mentioned, bring ejectment or trespass against any intruder upon the land so pre-empted or purchased, to the same extent as if he or they were seized of the legal estate in possession in the land so pre-empted or purchased.

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

15. The Government shall, notwithstanding any claim, record, or conveyance aforesaid, be entitled to enter and take such portion of the land pre-empted or purchased as may be required for roads or other public purposes.

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

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

{ L. S. }

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this fourth day of January, A. D. one thousand eight hundred and sixty, and in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS,

By Command of His Excellency:

WILLIAM A. G. YOUNG;

Acting Colonial Secretary.



RULES AND REGULATIONS

FOR THE

WORKING OF GOLD MINES.

Issued in conformity with the Gold Fields Act, 1859.

WHEREAS it is provided by the Gold Fields Act, 1859, that the Governor, for the time being, of British Columbia, may, by writing under his hand and the Public Seal of the Colony, make rules and regulations in the nature of by-laws, for all matters relating to mining.

AND WHEREAS, in conformity with the said Act, certain rules and regulations have already been issued, bearing date the 7th of September, 1859.

AND WHEREAS, since the issuing of such rules extensive mines have been discovered on the high level benches, lying on either side of the Fraser River, Thompson River, and other rivers, which benches are generally terminated by abrupt and steep descents or cliffs, the general direction of which is parallel with the general direction of the Rivers.

AND WHEREAS, such mines cannot be conveniently worked in small rectangular subdivisions, but the convenient working thereof requires a large size of claim, and may, in some cases, require that each claim should reach from the cliff in front of each bench to the cliff in the rear, or when there is no cliff in the rear then to the general slope of the mountains in the rear.

AND WHEREAS, it is also expedient to make further provision with respect to the regulation of claims and to adopt one general rule for determining the measure of the quantity of water in any ditch or channel.

Now, therefore, I, JAMES DOUGLAS, Governor, &c., do hereby make the following Rules and Regulations accordingly:

I. The mines in the said level 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," as defined in the Rules and Regulations of the 7th of September last.

II. The ordinary claims on any bench diggings shall be registered by the Gold Commissioner according to such one of the two following methods of measurement as he shall deem most advantageous on each mine, viz: One hundred feet square, or else a strip of land 25 feet wide at the edge of the cliff next the river, and bounded by two straight lines carried as nearly as possible in each case perpendicular to the general direction of such cliff across the level bench up to, and not beyond, the foot of the descent in the rear, and, in such last mentioned case, the space included between such two boundary lines when produced over the face of the cliff in front as far as the foot of such cliff and no farther, and all mines in the space so included shall also form a part of such claim.

III. The Gold Commissioner shall have authority in cases where the benches are narrow to mark the claims in such a manner as he shall think fit, so as to include an adequate claim. And shall also have power to decide on the cliffs which, in his opinion, form the natural boundaries of benches.

IV. The Gold Commissioner may in any mine of any denomination where the pay dirt is thin or claims in small demand, or where from any circumstances he shall deem it reasonable, allow any Free Miner to register two claims in his own name, and allow such period as he may think proper for non-working either one of such claims. But no person shall be entitled to hold at one time more than two claims of the legal size. A discoverer's claim shall for this purpose be reckoned as one ordinary claim.

V. All claims shall be subject to the public rights of way and water in such manner, direction, and extent as the Gold Commissioner shall, from time to time, direct; no mine shall be worked within 10 feet of any road, unless by the previous sanction of the Gold Commissioner.

VI. In order to ascertain the quantity of water in any ditch or sluice, the following rules shall be observed, viz:

The water taken into a ditch shall be measured at the ditch head. No water shall be taken into a ditch except in a trough whose top and floor shall be horizontal planes, and sides parallel vertical planes: such trough to be continued for six times its breadth in a horizontal direction from the point at which the water enters the trough. The top of the trough to be not more than 7 inches, and the bottom of the trough not more than 17 inches below the surface of the water in the reservoir, all measurements being taken inside the trough and in the low water or dry season. The area of a vertical transverse section of the trough shall be considered as the measure of the quantity of water taken by the ditch.

The same mode of measurement shall be applied to ascertain the quantity of water running in a trough or out of any ditch.

{ L. S. } Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this sixth day of January, in the year of our Lord one thousand eight hundred and sixty, and in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its dependencies, Vice Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament, made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, JAMES DOUGLAS, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order and good government of the same;

And whereas, it is expedient that town lots, suburban lots, and surveyed agricultural lands in British Columbia, which have been, or which hereafter may be offered for sale, at public auction, and remain unsold, should be sold by private contract;

Now therefore, I, JAMES DOUGLAS, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact, as follows:—

The Chief Commissioner of Lands and Works for the time being, for British Columbia, and all Magistrates, Gold Commissioners, and Assistant Gold Commissioners, by the said Chief Commissioner authorized in writing in that behalf, may sell by private contract any of the lots and lands, hereinafter mentioned, at the prices, and on the terms hereinafter respectively stated—viz.

a. Town and suburban lots which have been, or hereafter may be offered for sale at public auction, and remain unsold, at the upset price, and on the terms at and on which the same were offered for sale at such auction.

b. Agricultural lands surveyed by the Government Surveyor, which may, or shall have been offered for sale at public auction, and remain unsold, at ten shillings per acre, payable one half in cash at the time of sale, and the other half at the expiration of two years from such sale.

And the purchaser of any agricultural land aforesaid shall purchase, subject to such rights of way and water as may be hereafter declared by some writing under the hand of the Chief Commissioner of Lands and Works aforesaid.

Issued under the Public Seal of the Said Colony, at Victoria, Vancouver Island, this twentieth day of January, A. D. one thousand eight hundred and sixty, and in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's command,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia, and its dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, **JAMES DOUGLAS**, Governor of the Colony, of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same; and

Whereas, in many parts of British Columbia there is found to be great difficulty in procuring on proper occasions a sufficient number of British subjects to sit upon Grand and Petit Juries;

And, Whereas many of the provisions of the statutes relating to the summoning and qualifications and disqualifications of Jurymen cannot be complied with in British Columbia, and it is expedient to make other provisions in respect thereof;

Now, therefore I, **JAMES DOUGLAS**, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact as follows, (viz)

1st. The Acts of Parliament enumerated in the schedule hereto, and all other acts of Parliament (if any) in that behalf, shall, so far as the same relate to the qualification and summoning and returning of jurymen and challenging of jurymen except for favor, be repealed and of no further application in the said Colony.

2nd. It shall be lawful for the Sheriff or his Deputy or (in the absence of the Sheriff or his Deputy) for any other person empowered to act as Sheriff, as mentioned in the "Sheriff's Act," 1860, to summon in addition to such British subjects as he may be able conveniently to summon such additional Grand and Petty juries as he may think fit, to serve upon Grand and Petty juries, whether British subjects or not, without regard to any property qualification.

3rd. No challenge shall be permitted, save only challenge for favor.

4th. Twenty-four hours clear notice to any person so summoned to act on a jury shall be deemed sufficient notice.

5th. Every Jury in a criminal case shall be a good and sufficient jury provided the same shall consist of Twelve men at the least, not objected to by any party, or if objected to then if such jurymen be approved by the Judge.

6th. Where, on the trial of any civil case before the Supreme Court of Civil Justice, it shall be found, by reason of the paucity of Jurymen, or for any other cause that twelve men cannot be procured in a reasonable time, or without great inconvenience, shall be lawful for the Judge of said Court to certify the same under his hand and the Seal of his Court, and thereupon such trial may be had, and verdict given before the said Court and seven jurymen or any larger number.

7th. Lists of all jurymen summoned by any person appointed to act as Sheriff under the provisions of the "Sheriff's Act," 1860, shall be deposited with the Registrar, or person exercising the functions of Registrar in the said Court, and shall be by him communicated with all convenient speed to the High Sheriff of British Columbia, together with the order of court under which such acting as Sheriff was authorized.

8th. This Proclamation may, on all occasions be cited as the "Juror's Act 1860."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this eighth day of March, in the year of our Lord one thousand eight hundred and sixty, and the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE ABOVE REFERRED TO.

1 RICHARD. III., c. 4.	The whole
8 H. VI., c. 9.	do.
3 H. VII., c. 1.	do.
19 H. VII., c. 13.	do.
6 GEO. IV., c. 50.	So much as relates to the qualification, summoning, returning of jurymen and the challenging of jurymen except for favor.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia, and its dependencies Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament, made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

Whereas, divers acts, matters, and things, which, according to law ought to be done by the Sheriff, or some person appointed by him may arise to be done in parts of British Columbia in which there is no Sheriff or Deputy Sheriff lawfully authorized to act;

And, whereas, it is expedient to enable the High Sheriff of British Columbia to act as a Justice of the Peace during his Shrievalty, and in other respects to alter the law relating to Sheriffs;

Now, therefore I, **JAMES DOUGLAS**, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact as follows, (viz)

1st. Whenever any Court of lawful jurisdiction in British Columbia shall order or require to be done any act, matter, or thing, which ought by law to be done by the High Sheriff of British Columbia, or by some person acting under his authority, and no such Sheriff, or person shall be present in readiness to do such act, matter or thing, it shall be lawful for the Judge of the said Court by writing under his hand, to appoint such person as he shall think fit to act as Sheriff, taking from the person so appointed such securities for the due performance of his duties as the said Judge shall think proper, and every such appointment shall endure and be in force for the space of one Calendar month and no longer unless renewed by the said Judge or by some competent authority, and it is hereby declared that it shall be lawful for the said Judge to renew such appointments as he shall deem necessary. And every such appointment and reappointment and all things which shall be done under the same, shall, with all convenient speed be made known by the said Judge to myself, or other the Governor for the time being of the said Colony. Provided always that no act, or neglect on the part of a person appointed to act as Sheriff under the provisions hereof shall affect the High Sheriff of British Columbia with any personal liability.

2nd. All acts hitherto done, or hereafter to be done as a Justice of the Peace, by Charles Samuel Nicol, Esquire, the late High Sheriff of British Columbia, or by Peter O'Reilly, Esquire, the present High Sheriff, or by any person who may hereafter, while a High Sheriff of British Columbia, have or exercise any authority or jurisdiction as a Justice of the Peace, or Stipendiary Magistrate in the same Colony, shall be, and be deemed to have been well and lawfully done, notwithstanding an act of Parliament to the contrary.

3rd. The Office of High Sheriff shall without any new appointment be tenable during the pleasure of the Governor of the said Colony. And it shall be lawful for every High Sheriff, and also for every person holding any appointment, to act as for, or under a High Sheriff, to continue until supersession or resignation, to hold such office or appointment, and to do and exercise all acts and authority which ought to be done or exercised by a Sheriff or Deputy Sheriff, without being liable to any penalty, suit, or action, whatsoever in respect thereof, notwithstanding the lapse of the period of one year from the date of his appointment.

4th. This Proclamation may be cited on all occasions as the Sheriff's Act, 1860.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this eighth day of March, in the year of our Lord one thousand eight hundred and sixty, and in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

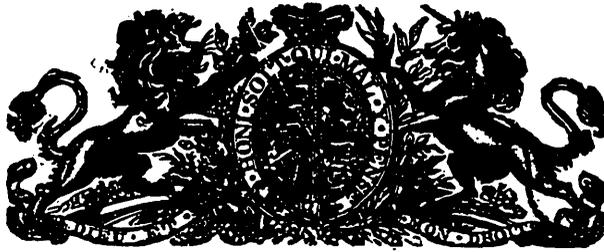
By Command of His Excellency,

WILLIAM A. G. YOUNG.

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of British Columbia, Vice Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Declaration under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

WHEREAS, the state of communications and of gaols in British Columbia is such as in many parts of the Colony, to render the detention and safe custody for any lengthened period of criminals, and also the conveyance of prisoners and of witnesses, very insecure and expensive. And it is expedient to make further provision for the speedy trial of prisoners, or persons charged with offences.

Now, Therefore, I, JAMES DOUGLAS, Gov-

ernor of the said Colony, do hereby declare, proclaim, and enact as follows:

It shall be lawful for the Judge of the Supreme Court of Civil Justice of British Columbia, whenever he shall deem it expedient to hold a Court in any part of British Columbia, for the trial of any person or persons charged with any offence, and whether in custody or not, upon such notice of trial as he shall in such case deem expedient, and every Court held by the said Judge for the trial of any criminal or alleged offender, (although no special commission may have been issued for that occasion,) have all the powers and jurisdiction of a Court of oyer and terminer, and gaol delivery, as if a special commission for that occasion had been duly issued.

..... Issued under the Public Seal of the
L. S. said, Colony at Victoria, Vancouver
..... Island, this twenty-third day of
April, in the year of our Lord one
thousand eight hundred and sixty,
and in the twenty-third year of her
Majesty's reign, by me,

JAMES DOUGLAS

By command of His Excellency.

WILLIAM A. G. YOUNG.

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

1860
no 6

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of British Columbia, Vice Admiral of the same, &c., &c.

PROCLAMATION having the force of law in Her Majesty's Colony of British Columbia.

WHEREAS under and by virtue of an act of Parliament made and passed in the session of Parliament, held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled an Act to provide for the Government of British Columbia, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions and ordinances, for the peace, order and good government of the same.

And Whereas, there has been great irregularities in many *bona fide* dealings in town lots at Lytton, Douglas, Fort Hope and Fort Yale, under the system of Crown Leases heretofore in use in those towns; and instituted by me in September 1858. And the property in many town lots held under such leases, or in parts of such town lots has been often transferred or *bona fide* intended to be transferred for valuable consideration, as well by way of absolute sale, as also by way of mortgage without any instrument in writing, containing apt words to effectuate such intention. And whereas, by reason of such irregularities, it is in many cases impossible, consistently with the known and established rules of evidence relating to land for the persons righteously entitled to the conveyance of such lands from the Crown to establish their title to have such conveyance. And whereas it is expedient to relieve such persons from the inconvenience into which they have innocently fallen.

Now, therefore, I, James Douglas, do hereby proclaim, declare and enact, as follows, viz :

1. It shall be lawful for any person, being actually in possession by himself or his tenant, of any town lot or part of any town lot, in Lytton, Douglas, Fort Hope or Fort Yale, and claiming the fee simple therein, under any conveyance, absolute or by way of mortgage, derived from any lease from the Crown thereof as aforesaid, to present a petition at any time after the date of the issuing hereof, in a summary way, addressed to the Supreme Court of Civil Justice, intituled in the matter of this Proclamation, praying to be declared entitled to have a conveyance to him from the Crown of such town lot or part of a town lot in fee. Such petition may be in the form marked A in the schedule hereto, with such variations as the facts may require, and shall, as accurately as possible, state all the circumstances connected with the alleged devolution of title under such lease, prior to the acquisition of title by the petitioner, and name all the persons appearing to have claimed the ownership of such lot, or part of a lot, prior to the petitioner. Such petition shall be accompanied by an affidavit, made by the petitioner and signed by him, and such affidavit may be in the form marked B in the schedule hereto.

2. Every such petition shall, twenty-one days at least before the day appointed for the hearing thereof, be served upon every person having a known residence within the Colony, and named in the said petition as having at any time claimed title to the land sought to be affected.

And in the case of any person who shall be known to have so claimed title at any time, but whose residence is unknown, or not within the limits of the Colony, such substituted service of the said petition shall be made as the Court in each instance shall deem sufficient.

3. Upon the hearing of any such petition, it shall be lawful for the Court to receive in evidence the books kept by the Assistant Crown Commissioner, and to treat the Assistant Crown Commissioner as being the Agent of both parties lawfully authorised to make contracts in their behalf, and to receive parole evidence in

explanation of any written memoranda contained in such books, but not so as to contradict the clear meaning of any memorandum, and to treat any note or memorandum written in such books by such Assistant Crown Commissioner, or by his Clerk, as a note in writing signed by the lawfully authorized Agent of all parties necessary for carrying out the same into effect. Any statute, or rule, or law of evidence, to the contrary in any wise notwithstanding.

4. So soon as such petition shall be filed, the said Court shall have the same jurisdiction over the subject matter thereof, and the parties presenting the same, and all parties entitled to appear thereon, as if a suit had been instituted regularly between the same parties, and respecting the same subject matter. And upon the hearing of any such petition, it shall be lawful for the Court to adjourn the hearing of such petition for any purpose, or to dismiss the same, or to make any declaration of title respecting the lot, or the part of the lot, therein mentioned, as shall seem just; and to make all such orders, and give all such directions to the proper authorities, for executing and delivering out proper conveyance, as shall be deemed necessary.

5. It shall be lawful for the said Court to treat any person who shall be found in the unmolested possession of any such town lot, or any part thereof, and who shall, while in such possession, have paid instalments of the purchase money under the said lease, as a mortgagee in possession, or a purchaser, as the case may be, of the whole interest of the original lessee.

6. It shall be lawful for the Court, where the title to part of any lot shall appear sufficiently clear, and the title to other part shall not appear clear, to make such declaration as to the part which shall be clear, as shall seem just, and to reserve all declarations of title as to the remaining parts of the lot. And it shall also be lawful for the said Court, where two or more persons shall appear to be entitled, in undivided shares, to any lot, or part of a lot, to direct a division of the said lot, or part of a lot, in the same manner as on a partition suit, properly constituted, if either of the persons so entitled shall so require. And, also, where any person shall be declared entitled in severalty to a portion of a lot, to direct that a several conveyance shall be made from the Crown to such person, of the portion to which he shall appear to be entitled.

7. Any order of the said Court, made on the hearing, or adjourned hearing, of any such petition, shall be a complete indemnity to all persons acting in obedience thereto, or conformity therewith, and shall operate as a complete bar to all actions, suits and proceedings, against any persons presenting or served with such petition, or a copy thereof, or acting in pursuance of any order made thereupon, save only that any person feeling aggrieved at any order made upon any such petition, may, within one calendar month from the date thereof, apply for a re-hearing of the same. And it shall be lawful for the Court to grant any such application, upon such terms as to giving security for prosecuting such re-hearing, and abiding the further order to be made thereon, as to the said Court shall seem fit.

8. Any person served with a copy of the said petition, and not appearing thereon, may be deemed at the hearing to have abandoned all claim to the subject-matter mentioned in the said petition.

9. The costs of all parties appearing on such petition, shall be in the discretion of the Court.

10. This Proclamation may be cited on all occasions as "The Town Lot Leases Relief Act, 1860."

..... Issued under the Public Seal of the
L.S. Colony of British Columbia, at Vic-
..... toria, Vancouver Island, this eighth
day of May, in the year of our Lord
one thousand eight hundred and
sixty, and in the twenty-third year
of Her Majesty's reign, by me,

JAMES DOUGLAS

By command of His Excellency.

WILLIAM A. G. YOUNG.

Acting Colonial Secretary.

(The Schedule above referred to.)

FORM A.—PETITION.

TO THE SUPREME COURT OF CIVIL JUSTICE
IN BRITISH COLUMBIA.

The Petition of John William Smith, of Fort Hope,
sheweth as follows, viz:

1st. On the day of 1858 Thomas
Brown, of Fort Hope, became entitled to a town lot
there, being lot No. 90, in Block C. on the official map,
under a lease from the Crown according to the estab-
lished printed form, such lease being dated on the said
day of

2nd. On or about the day of 1858, the
said Thomas Brown sold the said lot to Robert Jones.

3rd. On or about the day of 1859, the said
Robert Jones agreed verbally for a valuable considera-
tion to hold the said lot in partnership, in equal shares
with Peter Robinson and Hiram Coles. The said
Robert Jones and Hiram Coles shortly afterwards went
to the upper country, and have never since been heard
of, and it is not known whether they, or either of them
are alive or dead, or if dead, who are their heirs, or the
heirs or either of them.

4th. The said Peter Robinson ever after such de-
parture, and until the 18th of October 1859, continued
in possession of the said lot, and paid all the instalments
thereon, and assumed to be the sole owner thereof, and
on the 18th day of October 1859, he sold the corner
part thereof, fronting forty feet on Douglas street, to
your petitioner in fee for £80.

5th. The said original lease has been lost.

6th. The said Peter Robinson afterwards went to
Victoria, Vancouver's Island, with the intention of pro-
ceeding to San Francisco, and then returning hither,
but he has not yet returned.

7th. The last known place of abode of Thomas Brown,
Robert Jones, Peter Robinson and Hiram Coles, was at
Fort Hope aforesaid, (these names and addresses to be
in a tabular form if more than one.)

8th. No other person is known to your petitioner, who does or is entitled to claim any part of the said lot prior to your petitioner becoming entitled thereto.

Your petitioner therefore prays that he may be declared entitled to the fee simple of the corner of the said lot, viz: Forty feet fronting on Douglas street, and entitled to have a grant from the Crown of such portion and that all proper directions may be given in that behalf or that such other order may be made herein, as shall be just.

And your petitioner will ever pray

JOHN WILLIAM SMITH.

FORM B.—AFFIDAVIT.

IN THE SUPREME COURT OF CIVIL JUSTICE
OF BRITISH COLUMBIA.

In the matter of the "Town Lot Leases Relief Act 1860,"
ex parte. John William Smith.

I, John William Smith, do swear that all the statements in the annexed Petition by me presented this day, to this honorable Court, so far as they are within my own knowledge are true, and that so far as they are not within my knowledge, I believe them to be true.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, by virtue of an Act of Parliament, made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, and good government of the same, and

Whereas, it is expedient to establish a Municipal Council in the city of New Westminster;

Now, therefore, I, James Douglas, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order and enact:

1. That from and after the date of this Proclamation, the tract of land specified in the first part of the Schedule hereto, shall be deemed for the purposes of this Proclamation the city of New Westminster.

2. The said city shall be divided into four wards, called respectively: Number One Ward, Number Two Ward, Number Three Ward, and Number Four Ward.

The Number One Ward shall include the tract of land specified in the second part of the said Schedule. The Number Two Ward shall include the tract of land specified in the third part of the said Schedule. The Number Three Ward shall include the tract of land specified in the fourth part of the said Schedule, and the Number Four Ward shall include the tract of land specified in the fifth part of the said Schedule.

3. The Municipal Council shall consist of seven Councillors possessed of the qualifications and subject to none of the disqualifications hereinafter specified. The Municipal Council.

4. Being a Male British Subject of full age. Qualifications.

Having resided in the City of New Westminster for a space of three calendar months previous to election.

Being seised or possessed in his own right, in fee simple of a town lot or part of a town lot in the city of New Westminster, of the market value of not less than fifty pounds sterling.

5. Being a minister of any religious denomination. Disqualifications.

Being a Sheriff or Sheriff's officer, or returning officer under this proclamation.

Being a bankrupt, insolvent debtor, or outlaw, or having been convicted of any felony

Having taken the oath of allegiance to or having become the subject or citizen of any foreign state or nation or having forsworn or declared his intention of forswearing his allegiance to Her Majesty or Her Successors unless he shall have taken the oath of allegiance to Her Majesty and Her Successors before the Judge of the Supreme Court of Civil Justice of British Columbia three months at least before the time of election.

Election of Councillors.

Having directly or indirectly any contract with the Municipal Council.

6. The persons possessed of the qualifications and under none of the disqualifications hereinafter mentioned concerning electors of the said Municipal Council shall have one vote a piece in the election of a Councillor or Councillors for the ward wherein he has a property qualification, but he shall only vote once in the same ward, and may either split his vote between the candidates if more than one, or vote for one only, and if he shall vote for one only his vote shall only count one.

7. There shall be elected in Number One Ward one Councillor, in Number Two Ward three Councillors, in Number Three Ward two Councillors, and in Number Four Ward one Councillor respectively.

8. The candidate or candidates as the case may be in each ward (duly qualified) who shall obtain the greatest number of votes in the ward for which he or they may stand shall be Councillors.

Open Voting.

9. The voting for Councillors shall be open and no person shall vote by proxy.

Duration of Office of Councillors.

10. The Councillors shall be elected for one year only. Provided always that if any of the Councillors or any person on his or their behalf, or any person in partnership with him or them shall enter into or obtain any interest directly or indirectly in any contract entered into by or with the Municipal Council; such Councillor shall immediately resign his Councillorship. Provided always, that if any Councillor shall vote at any meeting of the Council, or shall not resign his office as aforesaid within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid such Councillor shall forfeit to the Municipal Council a sum of £50, which said sum may be recovered by action to be brought in the name of the "Municipal Council of the city of New Westminster."

Time of Election of Councillors.

11. The nomination shall be on the 6th day of August in each year, and the election day on the 7th day of August in each year; and if either of the said days shall fall on a Sunday, the nomination or poll, as the case may be, shall be holden on the next day.

Place of Voting.

12. The Voting shall take place in such place in the City of New Westminster, as the Chief Inspector of Police for the time being of British Columbia shall appoint, and such person, or in his absence, such person as the Governor shall appoint, shall for the purpose of this Proclamation, be the returning Officer.

13. The returning Officer, shall on the 25th day of July in each year make out a list of qualified voters, and such list shall be final and conclusive.

The returning Officer shall give at least 7 days public notice of the place of voting.

Qualification of Voters.

14. Being a Male of full age.

Being, at the time of tendering his vote aforesaid, placed on the list of voters. Provided always, that at the first election of Councillors, which shall be holden at New Westminster, the voters shall be such male persons of full age as shall, being owners or lessees of a town lot or part of a town lot, in New Westminster aforesaid, be placed upon the list of voters for that purpose by the Chief Inspector of Police of British Columbia aforesaid, who is hereby authorized to make up such list of voters, and to take such measures for that purpose as he may think proper.

Disqualification of Voters.

15. Being a Sheriff, or a Sheriff's Officer, or Returning Officer.

Being a bankrupt, insolvent debtor, or outlaw, or having been convicted for felony.

16. Every person tendering his vote at any election of a Councillor, shall before voting, take such of the following oaths as he may be required by some other duly qualified voter.

I, I. A. B., do hereby swear that I am the same A. B. who is mentioned on

the list of voters, and that I am now in my own right possessed of, or tenant of (statement of qualification) in respect of which I have been entered on the (list of voters or assessment roll, as the case may be.)

II. I, A. B., do hereby solemnly swear that I have not received or been promised, or to my knowledge has any other person on my behalf, or for my benefit received or been promised any money, gift, advantage, place, or consideration for, or for the purpose of influencing the vote which I now tender.

17. The Returning Officer shall on the day of nomination, nominate such persons as shall present themselves before him, or who shall be put in nomination in their behalf by some duly qualified voter, as candidates for the office of Councillor. A show of hands will then take place, and the Returning Officer shall thereupon declare which of the Candidates has or have been elected by the show of hands.

Nomination and Poll.

Any candidate may demand a poll which shall be taken on the day of election, and the Returning Officer shall immediately after the close of the poll, declare who has or have been elected by the greatest number of votes.

18. The Poll shall be kept open between the hours of eleven o'clock A.M., and four o'clock P.M.

19. The Councillor who shall be elected by the majority of the Council shall preside at each meeting of the Council, and in case of the death, bankruptcy, insolvency, resignation or permanent absence of such president, another Councillor shall be elected the president.

President of the Council.

20. In case of the death, bankruptcy, insolvency, resignation or permanent absence from the city of New Westminster, for the space of three calendar months, of any Councillor, the President of the Council shall by writing, call upon the Returning Officer to cause some duly qualified person to be elected, in the stead of the vacating Councillor, by some day, not sooner than 21 days from the date of the said notice, and such election shall take place accordingly, and such Councillor shall act for the residue of the term for which such Councillor so dead, bankrupt, insolvent, absent, or resigned, would have held the same.

Vacancies in the Council.

21. The Returning Officer shall within forty-eight hours after the declaration of the Poll, deliver over the Poll Books to the Stipendiary Magistrate of New Westminster.

Custody of Poll Books.

22. Any person may obtain a certified copy of the Poll Books from the Stipendiary Magistrate aforesaid, upon payment of one shilling per folio.

23. The validity of all Elections shall be tried by the Returning Officer aforesaid, for the time being, and his decisions thereon shall be final.

Validity of Elections,

24. All acts whatsoever authorized or required by virtue of this proclamation, to be done by the Council, and all questions of adjournment, or others, that may come before the Council, may (save as hereinafter excepted,) be done and decided by the majority of the members of the Council, who shall be present at any meeting held in pursuance of this Proclamation; the whole number of members present at such meeting not being less than four, and at such meeting the President of the Council, if present, shall preside, and the President, or, in the absence of the President, such Councillor as the members of Council then assembled shall choose to be the Chairman of that meeting, shall have a second or casting vote in all cases of equality of voters, and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the President or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of any person who may also make copies thereof, and extracts therefrom, at all reasonable times, on payment of a fee of one shilling.

Proceedings of the Council

25. Previous to any meeting of the Council, a notice of the time and place of such intended meeting, shall be given three clear days at least before such meeting, by fixing a copy of the said notice on the door of the place of meeting, on the door of the Magistrate's Court, and on the door of the Post Office, and such notice shall be signed by the President of the Council, who shall have power to call a meeting of the Council as often as he shall think proper, and in case the President shall refuse to call any such meeting after a requisition for that purpose, signed by three members of the Council at the least, shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Council, by giving such notice as is hereinafter declared in that behalf; such notice to be signed by the

said members, instead of the President, and stating therein the business proposed to be transacted at such meeting, and in every case a summons to attend the Council, specifying the business proposed to be transacted at such meeting, signed by the President or members, as the case may be, shall be left at the usual place of abode of every member of the Council, or at the premises in respect of which he is placed on the Municipal Assessment Roll, three clear days at least before such meeting, and no business shall be transacted at that meeting other than the business which is specified in the notice. Provided, however, that there shall be four quarterly meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall be required of the business on such quarterly days, and the said quarterly meetings shall be holden at noon, on the 15th day of August, or if the 15th day of August, shall fall on a Sunday, then on the 16th day of August, and upon such other three days as the Council at the quarterly meeting on the 15th day of August, shall decide.

26. The Council may, out of their own body, from time to time, appoint such and so many Committees either of a general or special nature, and consisting of such members as they may think fit, for any purpose which, in the discretion of the Council, would be better regulated and managed by means of such Committee. Provided always, that the acts of every such Committee shall be submitted to the Council for their approval.

27. The Council shall determine their own place of meeting.

Powers of the Council.

28. The Council shall have power to pass by-laws for any of the following purposes:

I. To regulate the sanitary condition of the said city.

II. To regulate the markets situate within the said city.

III. To provide means for the preservation of the said city from fire, and to regulate all matters affecting the liability of the said city to fire.

IV. To provide for the prevention and removal of nuisances.

V. To regulate the introduction of diseased and unhealthy meat, and to provide for the inspection of the same.

29. The Council shall also have power, by a resolution passed as hereinafter mentioned, to devote any portion of the monies raised by the assessments hereinafter mentioned, to any of the following purposes:

A. The construction, erection, maintenance, and repair of the streets, ways, footpaths and bridges, situate within the said city.

B. The drainage and sewerage of the said city.

C. The improvement of the sanitary condition of the said city.

D. The clearing of the lots situate within the said city.

30. Every by-law shall be passed by the vote of at least four members of the Council, and at a meeting where at least five members of the Council shall be present. The by-law passed by the said Council, shall when confirmed by the Governor for the time being of British Columbia, have the force of law.

31. The penalty by which any by-law may be sought to be enforced, may be stated in the by-law, and if no penalty is therein mentioned, the breach of any by-law shall be punished in a summary way, by a fine not exceeding £10, or by imprisonment for any time not exceeding three months, at the discretion of the Magistrate before whom the offender may be brought; the Magistrate before whom any offender may be brought, may, in case of a fine, adjudge that such offender shall pay the same, either immediately or within such period, or by such instalments, as the said Magistrate shall think fit, and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress, or sale of the goods and chattels of the offender, and for want of a sufficient distress, such offender may be imprisoned, with or without hard labour, in the common gaol, for any term not exceeding three months, or for the period mentioned in the by-law, as the case may be. The imprisonment to cease, if for default, upon payment of the fine and costs.

32. The Council may, by a resolution passed in manner provided for the passage of a by-law, devote any portion of the municipal funds, not exceeding in the whole for any one year, one-third of the municipal revenue, towards defraying the ordinary expenditure of the Council, in the conduct of its general business, and to any of the purposes in respect whereof the Council is empowered to pass by-laws.

33. Provided always, that the Council shall have no power to incur any per-

sonal liability other than a liability for the misapplication of the municipal revenue, or any liability, against the municipality, or the revenue thereof, beyond the municipal revenue of the city for the current year.

24. The Council may, by a by-law passed and confirmed as aforesaid, direct that a tax be levied on all town lots within the said city, and all erections thereon, other than the property of the Government, not to exceed two pounds in the hundred on the value of such town lots, and erections as aforesaid. Such value to be assessed as hereinafter mentioned.

Provided always, that such tax shall not extend over, or be levied for a longer time, than the financial year in which the same is authorized to be levied by any by-law aforesaid.

25. The Council may, if called on so to do as hereinafter mentioned by a by-law passed and confirmed as aforesaid, direct the levy of a further rate, not exceeding £5 in the £100 on the value aforesaid, in addition to the rate lastly hereinbefore mentioned, and to continue for the same period, provided always that such further rate shall not be levied until a requisition to that effect shall have been made in writing by a majority of the rate-payers on the Assessment Roll. Such further rate to be of the amount specified in such requisition.

26. An Assessment Roll shall on such day in each year as the Council shall appoint, be prepared by or on behalf of the Council, and the freehold and leasehold property situate within the said city, shall be therein specified, together with the names of the persons occupying the same, and the names of the persons owning the same. Assessment Roll.

An Assessor shall be appointed for the purpose of making such assessment by the Council, and the said Assessor shall make such assessment according to the actual value of the property, at the time of such assessment, and lay the same before the Council within fourteen days from the said day of assessment. The assessment shall be made as well on the leasehold interest of every lessee of any portion of a lot as upon the freehold interest of the same lot. Any person so assessed may, if he feels himself aggrieved by the assessment, appeal to the Council, who shall summarily decide thereon.

The decision of the Council shall be final. The Council may, in addition to the by-laws, which they are authorized to make as aforesaid, make by-laws, providing for the manner in which such appeal may be conducted. Such by-law to be passed and confirmed, and to have the force aforesaid.

In the event of non-payment by any person, of any rate or tax duly imposed by the Council, the same may be levied by the Magistrate of the said city, by distress on the goods and chattels of the person liable to pay the same, and in default of a sufficient distress, by sale of the lot, or portion of a lot, together with the erections aforesaid, in respect of which such rates or tax shall have been imposed, within 30 days from the day on which such payment ought to have been made, and such sale shall be made in manner provided for the sale of lots in Clause 27, and such sale shall have exactly the same effect as if made under such clause.

27. The Council may give notice to any persons, owners of town lots within the said city, by advertisement in the *Government Gazette* and local newspapers, to cut down within any time to be mentioned in such notice, not being less than thirty days from the date of the insertion of such notice, all timber and other trees standing thereon, except such as may be reserved with the consent of the Council for ornament; and in case such notice be not complied with, the Council shall have power to cause the said timber and other trees to be cut down at the expense of the person or persons, on whose lot the same may be, and if such person or persons do not, within sixty days after the timber or other trees shall have been cut down as aforesaid, defray such expense, the Magistrate may adjudge that such person or persons shall pay the same, either immediately, or within such period as the said Magistrate shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by sale of the lot upon which such timber or other trees shall have been so cut down as aforesaid, in manner hereinafter mentioned. Clearing of Lots.

Any sale so adjudged to be made as aforesaid, shall be made upon the simple order of the magistrate in writing, upon such day, and in such manner as the said magistrate may specify in such order, and the magistrate shall convey such lot to the purchaser at such sale, and the title of such purchaser shall be

an absolute fee simple, notwithstanding any irregularity or informality in such sale, or in the proceedings prior thereto, or subsequent thereon.

The magistrate aforesaid, shall defray the expenses of, and attendant upon the said sale, and such expenses for cutting as aforesaid, out of the purchase monies arising from such sale, and shall pay the residue of such purchase monies into the Treasury of British Columbia, in trust for the person or persons to whom, as real estate it may belong.

Provided always, that in no case shall the expense of clearing any lot so to be cleared as aforesaid, exceed the sum of seven pounds sterling.

Provided, that unless the Council shall completely cut down the trees on any lot, no demand shall be made on the owner, nor shall any sale of any such lot be made under the provisions of this Proclamation.

38. This Proclamation may on all occasions be cited as the "New Westminster Municipal Council Act, 1860."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this sixteenth day of July, in the year of our Lord one thousand eight hundred and sixty, and in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By His Excellency's Command,

WILLIAM A. G. YOUNG.

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

FIRST PART.

All that tract of land now marked and laid out on the Official Map, as the city of New Westminster.

SECOND PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said city, as Blocks 1, 2, 8, 9, 10, 11, 22, 23, and 28.

THIRD PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said city, as Blocks 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, and 17.

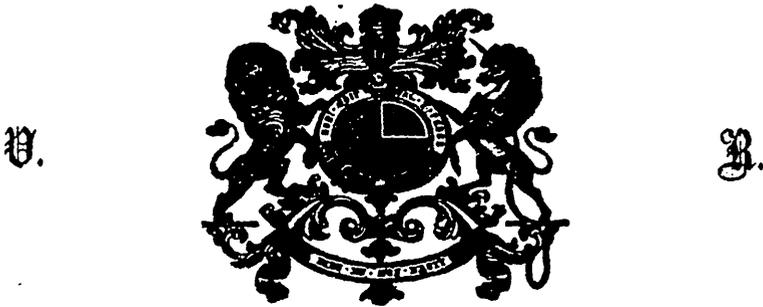
FOURTH PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said city, as Blocks 24, 25, 26, 29, 30, and 31.

FIFTH PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said city, as Blocks 18, 19, 20, 21, 27, 32, and 33.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same;

AND WHEREAS, by a certain Indenture, dated the 12th day of June, 1860, and made between **RICHARD CLEMENT MOODY**, Chief Commissioner of Lands and Works in British Columbia, of the one part, and **FRANKLIN WAY**, of Spuzzem, and **JOSIAH C. BEEDY**, of Fort Yale, of the other part, the said **FRANKLIN WAY** and **JOSIAH C. BEEDY** have contracted and agreed to construct a certain trail or road as described in the said indenture, and within the time and on the terms, and subject to the approval therein mentioned, for the price of Four Thousand Four Hundred Pounds, to be paid in such instalments as therein mentioned, by means of British Columbia Treasury Bonds, issued and redeemable, and bearing interest in the manner hereinafter mentioned.

Now, therefore, I **JAMES DOUGLAS**, do hereby declare, proclaim and enact as follows:

I. On the completion of each section of the said road, as mentioned in the said indenture, certified by the proper person appointed to approve and take over the same, there may be delivered to the said **FRANKLIN WAY** and **JOSIAH C. BEEDY**, their executors, administrators or assigns, thirteen bonds, in the form set forth in the Schedule hereto annexed, each bond being for the amount of £50, and bearing interest at the rate of £6 per cent per annum.

II. At the expiration of three calendar months from the completion of the whole of the said road, certified as aforesaid, there may be delivered to the said **FRANKLIN WAY** and **JOSIAH C. BEEDY**, their executors, administrators and assigns, such an additional number of the like bonds as shall together with with those already delivered under Clause I., make up the full amount of £4,400, or eighty-eight bonds in all. All the said bonds shall be numbered in a regular series, according to the natural numbers from one to eighty-eight, according to the order in which the same shall be issued.

III. The bonds numbered 1 to 16, both inclusive, shall be payable on the 1st January, 1861. The bonds numbered 17 to 32, both inclusive, shall be payable on the 1st of January, 1862. The bonds numbered 33 to 88, both inclusive, shall be payable on the 1st January, 1863, unless presented for payment on such respective dates, the bonds respectively shall thence forth cease to bear any interest.

IV. The Treasurer for the time being of the Colony, is hereby ordered and directed to pay the amount of every such bond and interest, out of any monies belonging to the Colony in his hands, and at the time when such bond shall be presented to him for payment, according to the tenor thereof.

V. The Schedule hereto shall be deemed to be part of this Proclamation.

VI. This Proclamation may be cited on all occasions as the "Spuzzem Road Bonds Act, 1860."

{ L. S. }

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this tenth day of August, in the year of Our Lord, One thousand eight hundred and sixty, and in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By Command of His Excellency,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

TREASURY BOND.

PROCLAMATION

Fort Yale and Spuzzem Road.

1860.

No. £50 day of 186 .
Payable 1st January, 186 .

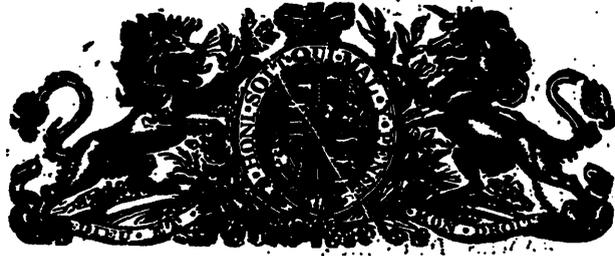
The Government of British Columbia is hereby bound to pay to the bearer hereof, on the 1st January, 186 , at the Treasury of British Columbia, the sum of £50, together with interest thereon from the date hereof, after the rate of £6 per cent per annum.

By order of His Excellency the Governor,

TREASURER.

Colonial Secretary.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said colony, and have been authorised by Proclamation under the Public Seal of the said colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

WHEREAS by a certain Indenture dated the 17th day of this present month, and made between Richard Clement Moody, Chief Commissioner of Lands and Works in British Columbia, of the one part, and Edgar Dewdney of New Westminster of the other part, the said Edgar Dewdney has contracted to construct a certain trail or road, and works as described in the said Indenture, and within the time, and on the terms, and subject to the approval therein mentioned, for the price of Seventy-six Pounds per mile, to be paid in such proportion as the said Chief Commissioner shall determine, and as to One Thousand Pounds part thereof in cash, and the remainder by means of British Columbia Treasury Bonds bearing interest at the rate of Six per cent. per annum, of which Bonds Eight Hundred Pounds are to be redeemed on the 31st day of December, 1860; One Thousand Pounds on the 31st day of December, 1861; and the remainder on the 31st day of December, 1862.

And whereas it is by the same Indenture provided that one-fifth of the value of the works executed shall be retained until three months after the date of completion and acceptance of the whole by the said Chief Commissioner, or his agent.

Now, therefore, I, JAMES DOUGLAS, do hereby declare, proclaim, and enact, as follows:—

1. On the production of any certificate of the said Chief Commissioner stating his approval of any portion of the said works as determined by him and the price of such proportion according to

the said recited agreement, there may be delivered from time to time by the Treasurer of British Columbia to the Chief Commissioner of Lands and Works for the time being such a number of Treasury Bonds in the form set forth in the schedule hereto, each Bond being for the amount of £500., and bearing interest at the rate of 6 per cent. per annum from the date thereof as shall in the aggregate amount to four-fifths of the price of the whole proportion specified in such certificate.

2. At the expiration of three calendar months from the completion of the whole of the said works certified and accepted as aforesaid, and on the production of a certificate of approval and acceptance thereof, signed by the said Chief Commissioner and stating the entire length of the whole of the said trail or road and works and the entire price thereof there may be delivered by the said Treasurer to the said Edgar Dewdney, his executors, administrators, or assigns such an additional number of the like Bonds as shall with those already delivered under clause 1 make up the full price of 760. per mile on the entire length so certified to be approved and accepted.

3. All the said Bonds shall be numbered in a regular series according to the natural numbers, beginning with No. 1 according to the order in which the same shall be issued.

4. The Bonds numbered 1 to 16, both inclusive, shall be payable by the Treasurer with interest in cash on the 31st December, 1860. The bonds numbered 17 to 36 both inclusive shall be payable by the Treasurer with interest in cash on the 31st December, 1861. The remainder of the said bonds shall be payable by the Treasurer with interest in cash on the 31st December, 1862. All of the said Bonds shall be dated as of the days on which they shall respectively be issued.

5. The Treasurer for the time being of the colony is hereby ordered and directed to pay the amount of every such Bond and interest out of any moneys belonging to the colony in his hands, at the time when such bond shall be presented to him for payment, according to the tenor thereof.

6. The schedule hereto shall be deemed to be

part of this Proclamation.

7. This Proclamation may be cited on all occasions as "The Shimilkomeen Roads Bonds Act, 1860."

..... Issued under the Public Seal of the
 : L. S. : said colony, at Victoria, Vancouver Is-
 : land, this twentieth day of August in the
 year of our Lord, one thousand eight
 hundred and sixty, and in the twenty-
 fourth year of Her Majesty's reign by
 me

JAMES DOUGLAS.

By command of his Excellency.

WILLIAM A. G. YOUNG,
 Acting Colonial Secretary.

SCHEDULE.
 TREASURY BOND.

PROCLAMATION Shimilkomeen Road. 1860.

No. £50 day of 186
 Payable 31st December, 186

The Government of British Columbia is hereby bound to pay to the bearer hereof on the 31st December, 186 , at the Treasury of British Columbia, the sum of 50l. together with interest thereon from the date hereof, after the rate of 6 per cent. per annum.

Treasurer.

By order of his Excellency the Governor.

Colonial Secretary. : L. S. :
 : :

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same;

And Whereas it is expedient in some respects to alter the rates of duties of customs now leviable upon goods and other articles and things imported into British Columbia, and to make further provisions for the levying thereof;

NOW, therefore I, do hereby declare, proclaim, and enact as follows, viz:—

1st. That so much of the Proclamation dated the 2nd of June, one thousand eight hundred and fifty-nine as imposes a duty upon the several articles specified in the schedule hereto, shall as to the duty thereby imposed be repealed from the 15th day of October next.

2nd. That the duties specified in the said schedule shall be paid on the articles thereon specified from the said 15th day of October next.

3rd. This Proclamation may on all occasions be cited as the "Customs Amendment Act, 1860."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twentieth day of August, one thousand eight hundred and sixty, in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By His Excellency's Command.

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

SCHEDULE.

	£	s.	d.		£	s.	d.
Flour,.....per barrell	0	3	1½	Ale and Porter in wood per gallon	0	0	7
Bacon, Salt and Dried Pork, per lb	0	0	1	Wine in wood and Bottle, do.	0	2	1
Beans,.....per 100 lb	0	1	3	Bitters,.....do.	0	2	1
Barley,..... per 100 lb	0	1	3	Blankets,.....per pair	0	2	1
Butter,.....per lb	0	0	2½	Cheese,.....per lb	0	0	2½
Candles,..... per lb	0	0	2½	Opium,.....per lb	0	2	1
Lard,..... per lb	0	0	1	Dried Fish,.....per lb	0	0	1
Rice,.....per 100 lb	0	3	1½	Salt Fish,.....per lb	0	0	0½
Tea,.....per lb	0	0	2½	Chinese Medicated Wine, per gal.	0	3	1½
Coffee,.....per lb	0	0	1½	Dried Vegetables (Chinese) per lb	0	0	1
Sugar,..... per lb	0	0	1	Salt do. do. per lb	0	0	0½
Ale and Porter in Bottle, per dozen	0	1	8				

GOD SAVE THE QUEEN.

1860
No. 11

BRITISH COLUMBIA.

U.



B.

PROCLAMATION.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same.

WHIEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order and good government of the same; and

WHIEREAS, it is of great importance to proceed with all possible expedition with the construction of the Roads now in progress, from Fort Yale, Fort Hope, and Douglas through the several passes of the Cascade Range of Mountains, viz., from Fort Yale, along the course of the Fraser River; and from Fort Hope, along the course of the Quequealla River, and from Douglas along the course of the Lillooet River;

And whereas as well for the maintenance of the said several Roads considerable sums of money are required;

And whereas in the course of the past year, the cost of carriage to points beyond the said Mountains has been lessened by fully the moiety thereof (viz.,) by sums varying from sixpence to one shilling on the carriage of each pound weight avoirdupois.

And whereas petitions have been presented from Fort Hope and Fort Yale praying that such a Toll as hereafter mentioned may be established and levied, and that the money so raised may be applied in forming, maintaining and improving the means of land communication from the points at which such Tolls may respectively be levied:

Now, therefore I, **JAMES DOUGLAS**, do hereby declare, proclaim and enact as follows:

I. There shall be levied and paid as, and from the Tenth day of November next, unto and to the use of Her Majesty, Her Heirs and Successors, the sum of one shilling for every fifty pounds weight avoirdupois of all goods (and so in proportion for a greater or less quantity than 50 pounds weight of goods) taken or carried beyond Douglas in the direction of Lake Lillooet, whether on the Lillooet River on the Trail or Road. And upon every fifty pounds weight avoirdupois of all goods taken or carried beyond Fort Yale by land or water in the direction of Spuzzem, and of all goods taken or carried beyond Fort Hope by land in the direction of Boston Bar or the Shimilkomeen.

II. The duties hereby imposed shall be deemed to be Custom 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.

III. Every infraction or attempted infraction of this Proclamation shall be deemed an act of smuggling, or attempted smuggling, as the case may be, and every Justice of the Peace in the Colony shall have all such powers to deal with every person charged with an offence against this Proclamation as a Stipendiary Magistrate for a Metropolitan District in England has to deal with a person charged with smuggling in such District.

IV. Upon payment of any Duties leviable under this Proclamation, a receipt shall be given by the person receiving the duty, in which shall be given the nature of the goods, the date of payment, the name and address of the person from whom payment has been received, and of the person to whom the goods are consigned, or (where there shall be no consignee) of the person to whom the same shall have been given in charge; and such receipt may be in the form in the schedule hereto, and shall be signed by the person appointed to receive the said Duties; and it shall be lawful for any Constable, or for any person thereto authorized by the said Collector of Customs to demand the production of such receipt by any person found in charge of goods upon any of the Trails, Roads, or Rivers herein before mentioned; and wherever any goods shall be found without such receipt, or not fully covered and described in such receipt, or without any person being in charge, all the goods so found shall, until the contrary be proved, be deemed to be smuggled goods, and they and all persons connected with the same, and the vehicles and animals on which the same may be laden shall be dealt with accordingly.

V. Such portion as shall be thought fit, not exceeding one moiety of any fine which may be imposed under this Proclamation may by the convicting Justice in any case be directed to be paid to, or distributed in such manner as he shall think fit, amongst the person or persons giving evidence or information leading to the conviction in such case.

VI. All monies received under this Proclamation at each of the said three Towns shall be carried to separate accounts, entitled respectively the "Yale Fund," the "Douglas Fund," and the "Fort Hope Fund," and shall be applicable to the several purposes aforesaid.

VII. In the construction of this Proclamation the Town of Douglas shall be held to include all places within a radius of one mile from the Court House there. The Town of Fort Yale shall be taken to extend to the commencement of the blasting on the River shore, and for the space of 800 yards from the Bridge up the present mule Trail towards Spuzzem. The Town of Fort Hope shall include all the space between Fraser River, the Quequeculla and the Millrace at Fort Hope. The expression "goods" shall include every description of inanimate personal property, except such as shall be actually employed for the purposes of carriage of other goods: as Waggon, Drays, Packsaddles in actual use, and the like.

VIII. There shall be exempt from all duty payable under this Act:

1st. The food, necessaries, tools and materials *bona fide* taken and supplied to persons working on said Roads.

2nd. Miners' packs carried by the owners and not exceeding 30lbs avoirdupois in weight for each man's load. Provided always that it shall be lawful for the Executive to direct that the duties imposed by this Proclamation shall not be levied on goods actually belonging to and borne by Indians, or *bona fide* belonging to and taken by the occupiers of any lands within two miles of Fort Yale, Fort Hope, and Douglas for *bona fide* use upon such lands.

IX. This Proclamation may on all occasions be cited as the "Roads Tolls Act, 1860."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this fifteenth day of October, in the year of our Lord one thousand eight hundred and sixty, and the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [Ls.]

By His Excellency's Command.

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE ABOVE REFERRED TO.

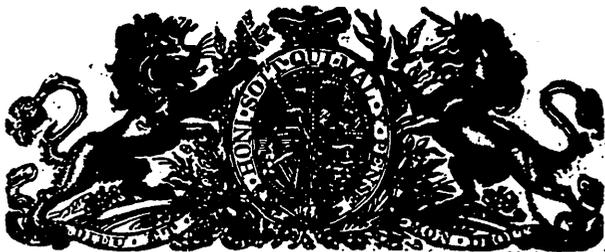
Date of payment.	Description of goods.	Weight in lbs.	Name & address of person paying duties.	Name & address of Consignee.	Name and address of party in charge.
1860. Aug. 20.	Flour.	1750.	A. B., F. Yale, Front street.	None.	C. D. of Fort Yale & Lytton

20th August. 1860. Received £1 15 0.

(Signed.)

E. F. _____,
Deputy Collector.

BRITISH COLUMBIA.



PROCLAMATION.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, to make laws, institutions, and ordinances, for the peace, order and good government of the same, and

WHEREAS the Port of New Westminster is the only Port of Entry for goods in British Columbia—

And whereas many persons have imported goods into British Columbia across the southern boundary thereof, contrary to law—

And whereas it is expedient that all persons importing goods into British Columbia across the said boundary should be notified that such importation is contrary to law, and can be permitted only pending the completion of the communications in British Columbia,

And whereas the collection of the Customs duties is rendered very expensive by the importation of goods across the southern boundary aforesaid, and it is expedient to impose a fine on such importation, to meet the additional costs of collection,

Now these are to give notice,

1. That no goods, wares, animals, or merchandize shall be imported into British Col-

umbia which shall not have been entered at New Westminster aforesaid, unless the duties, tolls, and fines hereinafter specified shall have been first paid to some duly qualified officer of customs, and such officer shall have first granted to the importer a permit on behalf of such goods.

2. The duties and tolls aforesaid shall be as follows:

A. The duties at present imposed by virtue of the Proclamation of the second day of June one thousand eight hundred and fifty-nine, and the twentieth day of August one thousand eight hundred and sixty.

B. For every fifty pounds weight avoirdupois of such goods, wares, or merchandize (and so in proportion for a greater or less quantity than fifty pounds weight of goods,) one shilling; miners' packs, carried by the owners and not exceeding thirty pounds weight avoirdupois, for each man's load, being exempt from such duty aforesaid.

C. For every ton of such goods, wares, or merchandize, twelve shillings.

3. In addition to the aforesaid duties and tolls, a fine equivalent to three per cent. on the market value of such goods, wares, animals, or merchandize shall be paid to such officer of Customs—such market value to be calculated upon the market value of the goods, wares, animals, or merchandize, at the place of collection.

4. Any person wilfully evading, or attempting to evade the payment of any of the duties,

tolls, or fines, aforesaid, shall be fined treble the amount of the duties, tolls, or fines, or any sum not exceeding one hundred Pounds, at the discretion of the Magistrate.

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

6. This Proclamation may be cited as the "Southern Boundary Act, 1860."

Issued under the Public Seal of
 { L. S. } the said Colony, at Victoria, Van-
 couver Island, this twenty second
 day of December, in the year of our

Lord one thousand eight hundred and sixty, and in the twenty-fourth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's command.

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

NO. 1, A. D. 1861.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an "Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And, whereas, by the second section of the Proclamation issued under the Public Seal of the said Colony, on the 4th day of January, 1860, it was (amongst other things) provided that the piece of land therein authorized to be acquired by pre-emption, should be of a rectangular form, and the shortest side of the rectangle should be at least two-thirds of the longest side.

And, whereas, it was also provided by the seventh section of the said Proclamation, that any person authorized to acquire land under the provisions of the said Proclamation, might purchase, in addition, any number of acres not otherwise appropriated.

And, whereas, it is expedient that land purchased under the provisions of the said Proclamation, should be of the same form as land acquired by pre-emption by virtue of the said Proclamation.

And, whereas, it is expedient that persons acquiring land, either by purchase or pre-emption, should upon payment of the price of the land acquired, be enabled to obtain a conveyance thereof.

And, whereas, it is expedient to make further provisions with regard to the form of land acquired under the provisions of the said Proclamation as well by pre-emption as purchase.

Now, therefore, I do declare, proclaim, and enact as follows:—

I. That land sought to be acquired, either by purchase or pre-emption, under the provisions of the said Proclamation of the 4th day of January, 1860, shall be of a rectangular form, and the shortest side of the said rectangle shall be two-thirds the length of the longest side, as provided in the said Proclamation touching land sought to be acquired by pre-emption.

Lands purchased as well as lands pre-empted shall be of rectangular shape, the shortest side being two-thirds the length of the longest side.

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

The boundaries shall be nearly as may according to the cardinal points of the compass.

Natural boundaries may be taken in certain instances.

When land is bounded by a purchased or pre-empted claim, the line of such claim may be adopted notwithstanding any irregularity in said line.

Land inclosed partially or entirely between two or more claims and not exceeding 160 acres in area, may be purchased or pre-empted notwithstanding irregularity of form or disproportion in length of sides.

Sworn Surveyors.

Application for sworn survey may be made to Chief Commissioner of Lands and Works.

Sworn Surveyor to make survey and report, on which a conveyance may be issued.

Sworn Surveyor may report on Improvements.

Scale of Remuneration.

Short Title.

III. 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 pre-emptor or purchaser to show to the satisfaction of the magistrate in the said Proclamation last mentioned, that the said form conforms, as nearly as circumstances permit, to the Provisions of the said proclamation.

IV. If the land sought to be acquired be bounded by a purchased or pre-empted claim the line of such purchased or pre-empted claim may be adopted by the person so seeking to acquire, notwithstanding any irregularity in such line which may have been occasioned by the person's adoption of a natural boundary by the purchased or pre-empted claim.

V. Where a piece of land not exceeding 160 acres in area is partially or entirely enclosed between two or more claims, the person seeking to pre-empt or purchase may pre-empt or purchase such enclosed piece notwithstanding any irregularity of form or disproportion in length of any of the sides.

VI. The Chief Commissioner of Lands and Works may, from time to time, appoint sworn Surveyors to survey the piece of land acquired under the provisions of the said recited Proclamation and shall administer to them the oath set forth in the schedule hereto, and shall also acquire from each of them security to the value of £100 that they will well and efficiently survey such piece of land as they may be required to survey.

VII. Any person desirous of paying for any land acquired by him or her may apply to the Chief Commissioner of Lands and Works to appoint a "Sworn Surveyor" to survey the said land at the expense of the applicant.

VIII. The "Sworn Surveyor" shall make an accurate survey of the said land, and report thereupon to the Chief Commissioner of Lands and Works, and the Chief Commissioner of Lands and Works may, if the title of the applicant be clear and undisputed, receive payment for the same land, and a conveyance may thereupon be issued to the applicant.

IX. The report of a "Sworn Surveyor" may also be received as evidence upon an application for a certificate of improvement.

X. The Chief Commissioner of Lands and Works may issue a scale of remuneration to be paid to the "Sworn Surveyor."

XI. This Proclamation may be cited for all purposes as the pre-emption Amendment Act, 1861.

Issued under the Public Seal of the said Colony at Victoria, Vancouver Island, this nine-teenth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the Twenty-fourth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's command.

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

GOD SAVE THE QUEEN.

— SCHEDULE. —

FORM OF OATH.

I, A. B. of——do hereby make oath that I will whilst Acting as Sworn Surveyor, make the surveys which I may be appointed to make by the Chief Commissioner of Lands and Works in a true, faithful, and accurate manner, and will report in like manner the surveys so made.

BRITISH COLUMBIA.



PROCLAMATION.

No. 2, A. D. 1861.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament, held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order and good government of the same;

And whereas, by a Proclamation issued under the Public Seal of the said Colony, on the 4th day of January, 1860, the price of unsurveyed land acquired by purchase or pre-emption under the provisions of the said Proclamation, was stated to be at such rate as might for the time being be fixed by the Government of British Columbia, not exceeding the sum of ten shillings per acre;

And whereas, by a Proclamation issued under the Public Seal of the said Colony, on the 20th day of January, 1860, the price of agricultural land, surveyed by the Government Surveyor, which may or shall have been offered for sale at public auction and remain unsold, was fixed at ten shillings per acre payable one-half in cash at the time of sale, and the other half at the expiration of two years from the time of sale;

And whereas I have been empowered by Her Majesty's Government to lower the price of Country Lands in British Columbia, in all cases, to the sum of four shillings and two pence (4s. 2d.) per acre.

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

I. So much of the said Proclamation of the 20th day of January, 1860, as fixed the price of surveyed agricultural land at ten shillings per acre is hereby repealed.

II. The price of all unsurveyed country land in British Columbia, whether acquired by pre-emption or purchase under the Proclamation dated the 4th day of January, 1860, shall be four shillings and two pence (4s. 2d.) per acre.

III. The upset price of all country lands in British Columbia exposed for sale at public auction, shall be four shillings and two pence (4s. 2d.) per acre.

IV. This Proclamation may be cited for all purposes as the 'Country Land Act, 1861.'

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the nineteenth day of January, in the year of our Lord One Thousand Eight Hundred and Sixty-one, and in the Twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By command of His Excellency.

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

Repeal of so much of the Proclamation of the 20th January, 1860, as fixes the price of land in B. C. at 10s. per acre.

Price of unsurveyed lands to be 4s. 2d. per acre.

Upset price of surveyed lands 4s. 2d. per acre.

Short Title.

BRITISH COLUMBIA.



PROCLAMATION.

No. 3, A. D. 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the 'Government of British Columbia,' and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same.

AND WHEREAS, It is expedient to afford remissions in the purchase money of country lands purchased for actual settlement to certain officers of Her Majesty's Royal Army and Navy in certain cases.

Now therefore, I, JAMES DOUGLAS, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact as follows, viz :

That from and after the date hereof Military and Naval officers in Her Majesty's service, of the rank hereinafter specified, who

shall purchase country land in British Columbia, shall, subject as hereinafter mentioned, and upon production of the certificate hereinafter also mentioned, be entitled in paying for such country lands to the remissions following :

Field officers, of 25 years' service, in the whole,	£600
Field officers of 20 years' service and upwards, in the whole,	500
Field officers of 15 or less years in the service, in the whole,	400
Captains of 20 years' service and upwards, in the whole,	400
Captains of 15 years' service or less, in the whole,	300
Subalterns of 20 years' service and upwards, in the whole,	300
Subalterns of 7 years' service and upwards, in the whole,	200

Regimental Staff Officers and Medical Officers of the Army and Navy shall be entitled, but Military Chaplains, Commissariat officers, officers of any of the Civil departments of the Army, Pursers, Chaplains, Midshipmen, Warrant officers of every description, and officers

of any of the Civil Departments of the Navy, shall not be entitled to the remissions aforesaid.

Every person desiring to take advantage of the remissions aforesaid, shall, before obtaining the same, produce to and leave with the Chief Commissioner of Lands and Works for British Columbia, a certificate from the office of the General Commanding-in-Chief in England, or from the office of the Lords Commissioners of the Admiralty showing that the settlement of the said person in a British Colony has been duly sanctioned, and showing also the rank, and length of service of such person, but nothing herein contained shall entitle any person to any of the remissions aforesaid, except such person shall at the time of purchasing, be either on half pay or full pay, unless the person purchasing shall have quitted the service for the purpose of settling in a British Colony, as hereinafter mentioned.

Every person who shall have so quitted the service for the purpose of settling as aforesaid, shall before obtaining such remission as aforesaid, obtain a statement by the proper authority, to be made in one of the offices aforesaid, upon his certificate aforesaid of the date of his retirement from the army or navy, for the purpose aforesaid.

The person so having retired as aforesaid, who shall have conformed to the regulations aforesaid, shall present his certificate aforesaid, to the Governor for the time being aforesaid, within one year from the date of his retirement aforesaid, and in default thereof, shall cease to be entitled to any remission.

Provided always that every person obtaining a remission as aforesaid, shall not be entitled to a grant of the land in respect whereof such remission shall have been allowed until he shall have obtained from the Governor for the time being of British Columbia, a certificate that he has been a *bona fide* settler in British Columbia for the space of two years.

Provided, that until such person shall have obtained a grant as aforesaid, he shall be entitled to a location ticket to be issued to him by the Chief Commissioner of Lands and Works in British Columbia.

Provided, that unless the person holding such location ticket, shall obtain a grant of the land in respect of which such location ticket shall have been granted within twelve months from the expiration of the said term of two years, the land in respect of which such location ticket shall have been granted, shall absolutely revert to the Crown, and be capable of being sold, pre-empted or granted *de novo*.

Provided, that no location ticket shall be granted, and no remission claimed unless such remission shall be claimed in respect of some specific land within two years from the date of such certificate from the offices aforesaid.

Provided, that the land in respect of which such remission shall have been claimed, shall not be transferable until a grant thereof as aforesaid shall have been made thereof.

Provided, that the Governor for the time being of British Columbia may, in case of the death of the person entitled to the remission aforesaid, before a grant of the land aforesaid, by any writing under his hand, confer the benefit of the remission aforesaid, to such child or children or other relative of the person entitled to such remission as he may think proper.

Provided, that such child, children or other relative shall enjoy the right to such remission to the same extent and subject to the same conditions as the person so dying would have done had he lived.

{ L. S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this eighteenth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and in the twenty-fourth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's command.

WILLIAM A. G. YOUNG,

Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 4, A. D. 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c, &c.

WHEREAS, by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the 'Government of British Columbia,' and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same, and

Whereas by a Proclamation issued under the Public Seal of the Colony of British Columbia, and dated the 15th day of June, 1859 it was enacted that certain fees for Pilotage mentioned in the Schedule to the said Proclamation should be levied, collected and paid at the Port of Queensborough,

And Whereas the Port of Queensborough is now the Port of New Westminster.

Now therefore, I do hereby declare, proclaim and enact as follows:

That so much of the said Proclamation as renders the payment of half Pilotage compulsory on vessels drawing less than seven feet of water is hereby repealed.

This Proclamation may be cited as the "Pilotage Act 1861."

{ L. S }

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the 9th day of May, in the Year of our Lord, one thousand eight hundred and sixty one, and in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By Command of His Excellency,

WILLIAM A. G. YOUNG,

Colonial Secretary.

BRITISH COLUMBIA.



PROCLAMATION.

No. 5, A. D. 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, to make laws, institutions and ordinances, for the peace, order and good government of the same, and

Whereas certain pieces of ground have been set apart for the use of the Roman Catholic Church in British Columbia.

And whereas it is necessary to grant the said pieces of land.

Now therefore I do hereby declare, proclaim and enact as follows:—

That all conveyances made by the Crown to the Roman Catholic Bishop of Vancouver Island, shall vest the same in the Roman Catholic Bishop of

Vancouver Island for the time being and his successors in Office from time to time upon trust for the Roman Catholic Church in British Columbia.

That in the interval between the appointment of the successive Bishops, the person who shall for the time being be appointed to administer the affairs of the Roman Catholic Church in British Columbia, shall have entire control over the rents, issues, and profits of the same pieces of land until the appointment aforesaid.

This Proclamation may be cited as the "Roman Catholic Land Act, 1861."

{ L. S. }

Issued under the Public Seal of the said Colony at Victoria, this tenth day of May, one thousand eight hundred and sixty one, and in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 6, A. D. 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

Whereas by the Country Land Act, 1861, the price of all unsurveyed Country Land in British Columbia whether acquired by Pre-emption or Purchase under the Proclamation dated the 4th day of January, 1860, was fixed at four shillings and two pence per acre, and

Whereas it is inexpedient that any person other than a bonâ fide settler should take up land under the said Proclamation, and without the occupation and improvement necessary under the said Proclamation to complete his Title as a Pre-emptor.

Now therefore I do hereby declare, proclaim, and enact as follows:—

That all persons who may after the date hereof purchase land under the provisions of the Proclamation of the 4th day of January, 1860, or the

Country Land Act, 1861, shall hold the same under precisely the same terms and conditions of occupation and improvement as are mentioned in the said Proclamation of the 4th day of January, 1860, with regard to lands pre-empted without purchase.

No person shall be entitled to hold by Pre-emption more than 160 acres under the said Proclamation, or any of them, at one time.

If any person, being already registered as a Pre-emptor, pre-empt any other land under the provisions of the said proclamation, the land so previously pre-empted shall *ipso facto* be forfeited and shall with all improvements made thereon be open to settlement by any other person.

This Proclamation may on all occasions be cited as the "Pre-emption Purchase Act, 1861."

{ L. S. }

Issued under the Public Seal of the said Colony at Yale, this 28th day of May, in the year of our Lord, one thousand eight hundred and sixty one, and in the twenty-fourth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 7, A.D. 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same.

And whereas it is expedient to protect the members of the Fire Companies, and other Associations in New Westminster in their efforts to prevent the destruction of property by fire in the Town of New Westminster and its vicinity.

Now therefore, I do hereby declare, proclaim, and enact as follows:

I—Any Member of a Fire Company whose name is enrolled in manner prescribed by the By-Law made and passed by the Municipal Council, and approved by me on the 15th day of July, 1861, and called the Fire By-Law 1861 shall not be liable for damage done by him to the property of any other person in the extinction or attempted extinction of Fire or in the removal of any erection, edifice, or building, which, regard being had to the safety of the adjacent property, may be reasonably deemed expedient to remove.

Members of Fire Companies protected from liability in their execution of their duty.

No person to be protected who acts without orders of the person in charge of the Fire Department.

II.—PROVIDED always that in the destruction or removal of property aforesaid the immunities hereinbefore given shall not extend to any person who shall act in such destruction or removal contrary to, or without the order of the person who by the said By-Law shall be authorized to direct the actions of the said Company.

No immunity to persons guilty of malice, mischievousness or gross negligence.

III.—PROVIDED, also, that the immunities aforesaid shall not extend to any person who shall in the destruction or removal of any property aforesaid, be guilty of malice, wanton mischievousness, or gross negligence.

Plea of this Proclamation.

IV.—In case of any Suit or Action brought by any person against any Member of any Fire Company so enrolled as aforesaid in respect of damage done by such member, such member may obtain the benefit of this Act by a plea in the words and figures following: "Not guilty" by Statute without malice, wanton mischievousness, or gross negligence.

No fee for enrolment.

V.—No fee shall be made demandable for enrolment aforesaid.

Short Title.

This Proclamation may be cited for all purposes as the "Fireman's Protection Act, 1861."

Issued under the Public Seal of the said Colony at Victoria, Vancouver Island, the 16th day of July, in the year of our Lord One Thousand Eight Hundred and Sixty One, and in the Twenty Fifth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By command of His Excellency,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 8, A.D., 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good government of the same,

And whereas, for the more effectually securing the Title to and facilitating the transfer of real property in the Colony of British Columbia it is expedient to provide the means of registering matters affecting the same,

Now, therefore, I do hereby declare, proclaim, and enact as follows:

1. There shall be established in New Westminster and in such other Districts in British Columbia as may from time to time be nominated by the Governor by Proclamation under his hand and the Public Seal of the Colony, Offices for the Registration of Instruments in writing affecting Real Estate in the Colony, and the office at New Westminster shall be styled "The Land Registry Office," and the other offices shall be styled the "District Land Registry Offices," with the addition of the names of the Districts wherein the same are established.

2. It shall be lawful for His Excellency the Governor to appoint by Commission under the Public Seal of the Colony proper persons to perform the duties of the said offices, who shall be styled the "Registrars," and also upon any vacancy in the said offices to appoint from time to time in like manner other proper persons to be the Registrars.

The Registrar appointed at New Westminster shall be styled "Registrar General of British Columbia," and shall have the superintendence of all the said offices.

Offices in New Westminster and other Districts in British Columbia.

Appointment of Registrar General and Registrars for Districts.

Magistrates may be appointed District Registrars.

Places of business. Seals of Office to be kept and impressions thereof to be taken judicial Notice of.

Deputy Registrar.

Registrar's Bonds and Oaths.

Salaries.

Date of opening Office at New Westminster and in the other Districts.

All instruments affecting real estate in a District, are to be registered in the District office when nominated.

Office Hours.

Registration of instruments affecting real estate.

Upon the opening of a District office a transcript of Registrations in that district to be sent to the District Registrar.

Custody and preservation of records.

3. The Magistrates in British Columbia may be appointed Registrars pro tempore.

4. There shall be provided at the public expense houses or other places convenient for carrying on the business of the said offices, with all proper means for making and preserving the Records and Registers hereinafter directed to be made and kept, and also Seals of office with suitable devices, whereon shall be inscribed "Land Registry Office," with the addition of the name of the District wherein the same is situate; the said Seals shall be in the custody of the Registrars for the time being, to be used in their official capacity only, and they shall be responsible for the safety and the use thereof, and judicial notice shall be taken in all Courts of the impressions thereof without any evidence of such seal having been impressed, or any other evidence in relation thereto.

5. The "Registrar General" shall from time to time by writing under his hand and official seal appoint a Deputy who may perform the duties of the office, but all the official Acts of the said Deputy shall be in the name of the Registrar General who shall be responsible for the same. The instrument under which such Deputy shall be appointed shall be deposited among the Records of the office for public reference. And in case of a vacancy in the office of Registrar General, the Deputy shall during such vacancy perform the duties of the office as the Registrar General and until a successor be appointed.

6. Before entering upon the duties of their offices the Registrars and Deputy Registrar shall find good and sufficient bonds conditioned for the faithful performance of their duties and shall take the oaths of allegiance and supremacy, and shall be sworn to the faithful performance of their duties before entering thereon.

7. There shall be paid to the "Registrar General," an annual salary not to exceed the sum of £500, to the Deputy and Registrars an annual salary not to exceed £300, and an adequate remuneration to each of the Magistrates appointed Registrars.

8. The office at New Westminster shall be opened on the 1st day of November 1861, and the other offices shall be opened on the 28th day next after the proclamations of nomination respectively, and until the opening of the District Offices the Registration of all instruments affecting real estate in British Columbia shall be effected at the Land Registry Office at New Westminster.

9. From and after the nomination of a District and the opening of an office therein as aforesaid, all instruments affecting any real estate in the said District shall be registered in the office of such District, and in none other.

10. The place of business of the said offices shall be kept open every day in the year, except Saturdays, Sundays, Good Friday, Christmas Day, New Year's Day and such other public holidays and Fast days as are or may by law or proclamation from time to time be declared in the Colony, from the hour of 10 o'clock in the morning to the hour of 4 o'clock p.m.

11. It shall be the duty of the Registrars when requested and upon the payment of the proper fees to register or cause to be registered all instruments in any manner affecting real estate situate within their respective Districts or the Title thereto which shall be certified as hereinafter required by correctly transcribing or copying the same with the certificates endorsed thereon or attached thereto word for word, letter for letter, figure for figure, sign for sign, and erasure for erasure in Books appropriate to the Titles respectively endorsed on such instruments.

12. Upon the opening of a District Office a transcript of the Registrations affecting real estate in such District prior to such opening shall be sent to the Registrar of such District from the Registrar General's Office, and shall be kept in such District Office as part of the records of such office.

13. The Registrars shall have the custody of and shall safely keep and preserve all the records, the furniture and seal of their offices, but shall not be responsible if the same are lost or destroyed by fire or other inevitable accident.

14. Before any instrument other than a decree, judgment, or order of a Court of Civil Jurisdiction, is registered and to entitle the same to be registered in the said office, the execution thereof shall first have been acknowledged or proved in the manner hereinafter provided, such fact of acknowledgment or proof shall appear by a certificate under the hand and seal of the proper officer or other person authorized to take such acknowledgments endorsed upon or attached to such conveyance, deed, or other instrument.

To entitle instruments to be registered.

15. The acknowledgment or proof of execution of all instruments hereby authorized to be registered, if acknowledged or proved within the Colony may be made to any Registrar or to any person commissioned in that behalf by the Judge of the Supreme Court of Civil Justice of British Columbia, and if acknowledged or proved without the Colony and within the British Dominions may be made to any Judge of a Court, or Clerk or Registrar of any Court having a Seal, or to any Notary Public, or to any Magistrate of any Town or District within the said dominions, and if acknowledged or proved without the British Dominions may be made to any British Ambassador, Chargé d'Affairs, or Minister, Consul, or Consular Agent appointed to reside in the Country where such acknowledgment or proof is made, or to any Judge of any Court of Record having a Seal, or to any Notary Public practising in such Country.

Acknowledgments of proofs of execution to whom to be made within the Colony, and within the British Dominions. If acknowledged without the British Dominions.

16. The Judge of the Supreme Court of Civil Justice for the time being may appoint by Commission such and as many competent persons other than the persons before mentioned as may be necessary for the accommodation of the public, to take the acknowledgment and proof of the execution of all instruments in writing within the Colony which may by law be registered.

Judge of Supreme Court to appoint officers to take acknowledgments.

17. No acknowledgment of the execution of any instrument affecting any real estate within this Colony shall be taken unless the party offering to make such acknowledgment shall appear before the Officer taking the same, and unless such party shall either be personally known to the Officer or his identity be proven by the oath or affirmation of a competent witness, and no certificate of acknowledgment shall be valid unless it recites in substance and legal effect the facts required by this Section.

Party acknowledging must either be known to officer taking acknowledgment or identity proven.

18. Acknowledgments and proofs of the execution of instruments entitled to be registered may for the purposes of this Act be made by

Who may make acknowledgments, what facts to be acknowledged, and Forms and contents of Certificates.

1. The party executing in person such instrument.

2. The Attorney in fact when such instrument is executed by an Attorney in fact.

3. The Secretary of any Corporation when such instrument is executed by such Secretary.

4. A subscribing witness to such instrument.

Provided always that no acknowledgment of any party executing in person such conveyance, deed, or other instrument shall be taken, unless in addition to what is required by Section 17 of this Act, such party acknowledge that he is the person mentioned in such instrument as the maker thereof and whose name is subscribed thereto as a party, that he knows the contents thereof and that he executed the same voluntarily, and no certificate of acknowledgment shall be valid unless in addition to what is required by Section 17 to be recited, it recites in substance and legal effect the facts required by this proviso. And provided also that no acknowledgment by an Attorney in fact shall be taken unless in addition to what is required by Section 17 of this Act, such Attorney in fact shall acknowledge that he is the person who subscribed the name of (naming the maker) to the instrument, that said (naming the maker) is the same person mentioned in the instrument as the maker thereof, that (naming the Attorney in fact) knows the contents of the instrument and subscribed the name of (naming the maker) thereto voluntarily as the free act and deed of the said (naming the maker), and no certificate of such acknowledgment shall be valid unless in addition to what is required by Section 17 to be recited it shall recite in substance and legal effect, the facts required by this proviso.

And provided also that no acknowledgment by the Secretary of any Corporation shall be taken unless in addition to what is required by Section 17 of

this Act, such Secretary acknowledge that he is the person who subscribed his name and affixed the seal of such Corporation as the Secretary, to such instrument and that he was first duly authorized to subscribe and to affix the said seal to the same, and no certificate of such acknowledgment shall be valid unless in addition to what is required by Section 17 to be recited, it recites in substance and legal effect the facts required by this proviso. And provided also that no acknowledgment by a married woman shall be taken unless in addition to what is required by Section 17 such married woman shall be first made acquainted with the contents of the instrument and the nature and effect thereof, and shall acknowledge on examination apart from and out of hearing of her husband that she knows the contents of the instrument and understands the nature and effect thereof, that she executed the same voluntarily without fear or compulsion or undue influence of her husband, that she is of full age and competent understanding, and does not wish to retract the execution of the same, and no certificate of such acknowledgment shall be valid unless in addition to what is required by Section 17 to be recited, it recites in substance and legal effect the facts required by this proviso. And provided also that no acknowledgment or proof by a subscribing witness shall be taken unless in addition to what is required by Section 17 of this Act, such subscribing witness shall acknowledge that he is the person whose name is subscribed to the instrument as a witness, and shall prove that (naming the maker) whose name is subscribed thereto as the maker did execute the same, and no certificate of such acknowledgment or proof shall be valid unless in addition to what is required by Section 17 to be recited, it recites in substance and legal effect the facts required by this proviso.

Registrar General may subpoena party or witness to testify.

19. That upon the application of any person taking any grant, lease, mortgage or charge, under or by virtue of any instrument entitled under this Act to be registered, or of any person claiming under such last mentioned person, verified under the oath of the applicant, that any party or witness to such instrument residing or being within twenty miles of any Office refuses to appear and acknowledge or testify touching the execution thereof, and that such instrument cannot be registered without such acknowledgment or testimony the Registrar may issue a notice in writing requiring such party or witness to appear before him, and to acknowledge or testify.

Penalty for refusing to obey subpoena or to acknowledge or testify. When not bound to obey subpoena.

20. That every person who after having been served with such notice as aforesaid shall refuse or neglect to appear without reasonable cause assigned, or appearing shall refuse to acknowledge or answer upon oath or affirmation touching the matter aforesaid, shall be liable to a penalty not exceeding £20 Sterling, which may be recovered before any Justice of the Peace in a summary way, and for such damages as may be sustained by such party on account of such neglect or refusal; but no person shall be required to attend unless his reasonable expenses shall have been first tendered to him, together with a reasonable sum for his loss of time.

Commission may issue to take deposition.

21. That it shall be competent for the Supreme Court of Civil Justice aforesaid to issue a commission for taking the deposition of any subscribing witness to any instrument entitled under this Act to be registered, in the same manner as for taking the testimony of any witness in a cause pending before it; and that all the costs of such commission, and all directions for executing the same shall be at the discretion of the said Court, regard being had to the general provisions of this Act.

Registrar's duty on receipt of instruments.

22. When any instrument authorized by law to be registered shall be deposited in the Registrar's Office for Registration, the Registrar or in the case of the Registrar General, the Registrar General or his Deputy shall endorse upon the same the exact time when it was so deposited noting the year, month, day, hour and minute of its reception which shall be considered the date of registration and when the same shall have been registered, shall also note at the foot of the register or record thereof, the year, month, day, hour, and minute when it was deposited for Registration and shall sign the Record thereof and shall also note under his signature and seal upon each instrument registered the Book, and pages of the Book, in which, and the time when it is, registered, before it is returned to the party entitled to the same.

23. From the time any instrument affecting Real Estate, acknowledged and certified as required by this Act, shall be delivered to a Registrar, or in case of the Registrar General to him or his Deputy Registrar for Registration, all persons shall be deemed to have notice of the contents and legal effect of such instrument.

Registration to impart notice.

24. No person, other than the actual parties thereto, shall be deemed to have notice of any instrument affecting Real Estate in the said Colony executed after the said 1st day of November 1861, unless the same be acknowledged or proved and certified, and registered pursuant to this Act, and every instrument hereafter made which shall not be acknowledged or proved, certified and registered pursuant to this Act, shall be void as against any subsequent purchaser or incumbrance of the same Real Estate who shall have registered the instrument under which his Title as purchaser or incumbrance arises previously, provided always that nothing herein contained shall be construed to impair the power of the Court of Chancery to grant relief upon Bill filed charging actual fraud or conspiracy.

Unregistered conveyance &c, not to impart notice to third parties.

25. Whenever any lien or incumbrance registered as aforesaid affecting any real estate shall be released, satisfied, or discharged it shall be the duty of the person from whom such release, satisfaction, or discharge moves, to give to the person in whose favor the same is made an instrument in writing acknowledging the same to have been made, and such instrument shall be acknowledged or proved and certified as hereinbefore required.

Lien &c., when released to be satisfied of Record.

And if any person whose duty it is to give such release, satisfaction, or discharge, refuses or neglects for the space of ten days after being thereto requested by the party entitled to the same to execute and acknowledge such instrument; he shall be liable to a like penalty of £20 as aforesaid to be levied in manner aforesaid, and also for all actual damages occasioned by such neglect or refusal.

26. No Power of Attorney when registered as required by this Act, shall be deemed to be revoked by any Act of the grantor thereof until the instrument containing such revocation acknowledged or proved and certified in the manner required by this Act shall be delivered for registration.

Power not to be revoked until revocation is registered.

27. The death, insanity, bankruptcy, or insolvency of any maker of a Power of Attorney, or the marriage of any female maker of a power of Attorney, shall not be deemed to revoke such Power of Attorney as far as any real estate in any district in British Columbia is concerned until an affidavit of such death, insanity, bankruptcy, or marriage shall have been served upon the Registrar General or his Deputy, and the Registrar of each District in which such real estate is situate.

Revocation by death insanity &c., not to revoke until registration of an affidavit.

28. It shall be the duty of every Registrar, or Deputy Registrar served with such affidavit, as last aforesaid, immediately to register the same in an affidavit book to be kept for that purpose, and to write on the pages of the register on which such power of Attorney is registered, a note to the effect following "alleged to be revoked by" (death insanity &c. &c.,) see registered affidavit (page affidavit book volume)

Registrar to register affidavit accordingly.

29. Every instrument which shall be acknowledged or proved and certified as in this Act prescribed may together with the Certificate of acknowledgment or proof be read in evidence in all Courts of Law and Equity without further proof of execution.

Original Deed duly acknowledged may be read in evidence

30. Copies of all instruments, duly deposited for registration, or registered in a Registrar's Office certified by the Registrar, or in case of the Registrar General's office by him or the Registrar General's Deputy to be full, true, and correct, copies may in the absence of the original and if produced by a party not having the control of the original be read in evidence in all Courts of Law and Equity without further proof.

Certified copies of Deeds to have the force of originals in certain cases.

31. The Certificate of any Officer authorized to take acknowledgments pursuant to this Act shall be prima facie evidence of the facts therein recited, but shall not be conclusive.

Certificate of acknowledgment to be prima facie evidence.

32. Each Registrar shall form and keep indices in separate volumes in such manner as to afford correct and easy reference to the several records of his Office.

Indices to be kept.

Registrar to make searches and to furnish certificates thereof.

33. It shall be the duty of registrars upon the application of any person set forth in distinct and specific terms in writing, to make searches for all instruments deposited and registered in his Office, touching or affecting the real estate specified in such application, and to furnish a certificate of every such search, stating the names of the parties to such instruments, the dates thereof, the year, month, day, hour, and minute they were deposited or registered, and the book and page where they are registered.

Fees of Office.

34. For the official services rendered by the Registrars they are hereby authorized and empowered to charge the following fees, viz:

For taking the acknowledgment or proof of any instrument which may by law be registered, for each signature of a party if more than one, Four Shillings, if only one signature Eight Shillings, including a certificate of acknowledgment of execution in both cases; for administering an oath, four shillings; for endorsing the time of depositing any instrument and for noting the same in the record, and for endorsing the Registration thereof upon every such instrument, Two Shillings; for registering any instrument, for every Folio of one hundred words and figures therein, each and every figure to count as a word, Three Shillings, fractions of a folio to count as a folio; for making in the indices the several entries of instruments registered, required by law to be indexed, for every such instrument, Two Shillings and Sixpence; for the use of the Records, for inspection and examination by persons desiring to inspect the same, for every such inspection and examination at one time, One Shilling; for making certified copies of all instruments, matters and things deposited and of record in the office, the same fees as for registering instruments; for every subpoena, Four Shillings; for every official certificate, Four Shillings. for registering plans, maps, charts, surveys, diagrams, schedules, drawings, and other writings, matters, and things not herein enumerated and mentioned, and for making certified copies of any such, and for making searches, and for all other services not herein specified to be rendered by the Registrars, such fees to be charged, as may be agreed upon between them and the party requiring the performance of the same, and in case of difference the fees to be determined under the direction of the Judge of the Supreme Court, whose decision shall be final; for persons not connected with the Office making for themselves transcripts or extracts from the records, no charge, but the making of such transcripts and extracts to be allowed only subject to such rules as shall be established by the Registrar General as aforesaid, and which shall be suspended in the office for the information of the public.

Authority to alter Fees under certain conditions.

35. It shall be lawful for the Registrar General from time to time as he shall see fit, with the sanction of the Supreme Court of Civil Justice, to change the amount of any of the aforesaid fees, and to establish such other and reduced or additional fees as may be deemed expedient, provided that a list of all such changes and additions, shall when made and sanctioned, be laid before the Governor within a fortnight; and provided also, that a similar list shall be suspended in a conspicuous place in the Registrar General's Office for one calendar month, at least, before the same shall come into operation, after which period it shall be lawful for the Registrars to charge and recover such altered fees.

Fees to be pre-paid.

36. The Registrars shall not be bound to receive or register any instrument or furnish any copies, or make any search, or render any service connected with their offices until the fees for the same, as prescribed by law, are first paid or tendered.

The Registrars shall keep a strict account of all fees received in their offices, and shall quarterly pay over all such fees to the Colonial Treasurer, whose receipt in writing will be a sufficient discharge for the same.

And such fees when so received by the said Treasurer shall form part of the public monies belonging to the Colony.

Meaning of certain words, expressions, and terms in this Act.

37. In the construction of this Act, the following words used therein shall have the following meanings, unless there be something repugnant or contradictory in the context, viz: "Real Estate" shall include lands, tenements, and hereditaments, whether corporeal or incorporeal. "Instrument" shall include every deed or agreement in writing, and every judgment, decree, or order of any Court of Civil Jurisdiction in British Columbia.

38. Nothing hereinbefore contained shall be deemed to apply to any instrument of whatever nature made before the said 1st day of November, 1861, but any instrument made prior to the said 1st of November, 1861, although not acknowledged or proved and certified as provided in this Act, may be registered in the offices of the said Registrars, and all such last mentioned records shall be made and kept in a manner as nearly as may be the same as herein appointed for instruments of a like nature dated subsequently to the 1st day of November, 1861.

Exceptions as to conveyances made.

And indices shall also be kept thereof as nearly as may be similar to those herein appointed for instruments dated subsequently to the said 1st day of November, 1861, but all such records and indices shall be kept separate and distinct from the records and indices relating to instruments made subsequently to the said first day of November, 1861.

And all persons shall be deemed to have notice of any instrument executed prior to the said 1st day of November, 1861, which shall be registered pursuant to this Section, from the time the same shall be delivered to the Registrar General for registration.

39. This Act may be cited as the "British Columbia Land Registry Act, 1861."

Short Title.

{ L. S. }

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the twenty-sixth day of August, in the year of our Lord, one thousand eight hundred and sixty one, and in the twenty-fifth year of Her Majesty's Reign, by me,

JAMES DOUGLAS,

By His Excellency's Command,
WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 9, A.D. 1861.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas it is expedient to amend and consolidate the laws affecting the settlement of unsurveyed Crown Lands in British Columbia;

Now, therefore, I do hereby declare, proclaim, and enact as follows:

I. The Proclamation issued by me, under the Public Seal of the said Colony, dated the 4th day of January, 1860, and the Pre-emption Amendment Act 1861, and the Pre-emption Purchase Act, 1861, are hereby repealed.

Repeal of former Proclamations.

II. All purchasers of unsurveyed land in British Columbia, who shall have made their purchases subsequently to the 20th day of June, 1861, and previously to the 27th day of August, 1861, shall hold the land purchased under precisely the same terms and conditions of occupation and improvement as are mentioned in the said Proclamation of the 4th day of January, 1860, with regard to lands pre-empted without purchase.

Purchasers since the 20th June to hold on the ordinary terms of Pre-emption.

III. That from and after the date hereof, British subjects and aliens who shall take the Oath of Allegiance to Her Majesty and Her Successors, may acquire the right to hold and purchase in fee simple, unoccupied and unsurveyed and unreserved Crown Lands in British Columbia, not being the site of an existing or proposed Town, or auriferous land available for mining purposes, or an Indian Reserve or Settlement, under the following conditions.

British subjects, and aliens who shall take the oath of allegiance, may acquire the right to hold land, and to purchase the same when surveyed, on certain conditions.

The settler shall enter into possession and record his claim to any quantity not exceeding 160 acres.

A holder of land may acquire additional land contiguous to the 160 acres, by paying an instalment of the purchase money.

Proposing purchaser shall hold and record.

Description of the land, how to be stated.

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

Natural boundaries may be adopted in certain cases.

Lines of adjacent claims may be adopted.

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

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

Purchase on Survey.

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

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

IV. The person desiring to acquire any particular plot of land of the character aforesaid, shall enter into possession thereof, and shall record his claim to any quantity not exceeding 160 acres thereof, with the Magistrate residing nearest thereto; paying to the said Magistrate the sum of eight shillings for recording such claim.

V. Any person in possession of 160 acres of land as aforesaid, may acquire the right to hold and purchase any further tract of unsurveyed and unoccupied land aforesaid, over and above the quantity of 160 acres aforesaid, and contiguous thereto, upon payment to the nearest Magistrate of the sum of 2s. 1d. per acre for the same, as and by way of instalment of the purchase money to be ultimately paid to the Government upon the survey of the same land.

VI. Any person so paying such deposit shall enter into possession and record his claim to such last mentioned tract of land, in manner hereinbefore prescribed.

VII. The claimant shall in all cases give the best possible description of the land to the Magistrate with whom his claim is recorded; together with a rough plan thereof, and identify the plot in question by placing at the corners of the land four posts, and by stating in his description any other land marks of a noticeable character.

VIII. Every piece of land sought to be acquired under the provisions of this Proclamation, 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.

IX. 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 Magistrate that the said form conforms as nearly as circumstances permit to the provisions of this Proclamation.

X. If the land sought to be acquired be bounded by a claim, the line of such claim 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 claim.

XI. 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, of any of the sides.

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

XIII. When the Government Survey shall extend to 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 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.

XIV. When the claimant, his heirs or devisees, shall prove to the nearest Magistrate 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 marked A, in the Schedule hereto.

XV. Upon the grant of the certificate of improvement aforesaid, the person to whom the same is issued may, subject to any unpaid instalments, sell, mortgage, or lease the land in respect of which such certificate has 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

XVI. Upon payment of the purchase money a conveyance of the land purchased shall be executed in favor of the purchaser, reserving the precious minerals with a right to enter and work the same in favor of the Crown, its Assignees and Licensees.

Conveyance on payment of the purchase money.

XVII. In the event of the Crown, its Assignees or Licensees, availing itself or themselves of the privileges (other than the taking of land required for roads) mentioned in clauses 25 and 26, a reasonable compensation for the land taken, wasted, or damaged shall be paid to the person whose land shall be taken, wasted, or damaged as aforesaid, and in case of dispute the same shall be settled by a jury of six men, to be summoned by the nearest Magistrate.

Compensation to owner whose land may be taken or injured in certain cases

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

Priority of title.

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

Cancellation of claim on permanent cessation of occupation.

XX. All deposits paid in respect of such forfeited claims, and all improvements, buildings and erections thereon, shall, (subject to the appeal 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.

Deposits and improvements forfeited on cancellation.

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

Appeal.

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

Security on Appeal.

XXIII. The procedure before the Magistrate and Judge respectively, shall be according to such Rules and Orders as shall be published by such Judge with the approbation of the Governor for the time being of British Columbia.

Procedure.

XXIV. Whenever a person in occupation at the time of record aforesaid, shall have recorded as aforesaid, and he, his heirs, or (in the case of a certificate of improvement) his assigns, shall have continued in permanent occupation of the same land since the date of such record, he or they may, save as hereinbefore 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.

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

Saving of right to search and get Gold in favor of free miners.

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

Power to Government to re-take land for public purposes.

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

Water for mining purposes may be taken.

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

If new claim taken up the old claim is lost.

Arbitrament of Magistrate

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

Short Title.

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

{ L. S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 27th day of August, in the year of Our Lord One Thousand Eight Hundred and Sixty One, and in the Twenty-fifth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE A.

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

Signed,

this _____ day of _____

BRITISH COLUMBIA.



PROCLAMATION.

No. 10, A. D., 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good government of the same.

Now, therefore, I do hereby declare, proclaim, and enact as follows:

1. No person, other than a person licensed in the manner hereinafter provided, shall act as a Distiller in British Columbia, or shall distil, manufacture, rectify, or make therein any Spirits from vegetable or saccharine matter, under a penalty of £10 for each day on which any such offence is committed, and on pain also of forfeiting, over and above the penalty aforesaid, all spirits distilled, brewed, manufactured, or made in contravention to this Act, and every still, mash tub, fermenting tun, or other vessel, machinery, or utensil of any kind used by him, or in his possession, or on his premises.

Distillers to take out a License.

2. Any establishment or place used for the rectifying of spirits, by any process, shall be deemed a Distillery, within the meaning of this Act.

Definition of a Distillery.

3. The Magistrates in British Columbia shall issue a License to act as a Distiller in some certain premises situate at some certain place to be approved by such Magistrate within such Magistrate's district, and to be described in the license, to any person or partnership of persons requiring the same, and being residents or having his or their place of business in such district, and having previously complied with the requirements of this Act in that behalf; and each such license shall remain in force for one year from the date thereof, and no longer.

Licenses to be for one year at a place certain.

- License Fee:** 4. The party in whose favor a license to act as a Distiller is granted shall, on requiring such license, pay to the Magistrate issuing the same, the sum of £5 as a duty to Her Majesty upon such license.
- Application for License to be signed by applicant.** 5. No license to act as a Distiller shall be granted to any party except on a written requisition addressed to the Magistrate and signed by the party requiring such license, or, if it be required by a partnership, then by one of the partners.
- Security to the extent of £200 to be taken by bond with sureties.** 6. No such license shall be granted to any party until such party has jointly and severally with two good and sufficient sureties, to the satisfaction of the Magistrate issuing the license, entered into a bond to Her Majesty, Her Heirs and Successors, in the sum of £200, and such bond shall be taken before the said Magistrate, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things provided by this Act whatsoever.
- Duration of the bond to be until full satisfaction of all accounts, duties, and penalties.** 7. The bond aforesaid shall remain in force as long as any duties upon any spirits distilled, manufactured, or made, while the licence to which the bond relates is in force, or any penalty incurred during the said time by any breach of the conditions of the bond remain due and unpaid by the party to whom such license was granted.
- New bond with fresh license.** 8. Whenever any new license is granted to any party, a new bond shall likewise be entered into with reference to such new license.
- New bond on death, insolvency, or bankruptcy of any surety.** 9. A new bond shall also be given whenever, during the period for which the license to which it relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of the Colony; in any of which cases the license shall be void from the time the party is required by the Magistrate to enter into a new bond until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a license.
- Name and calling of Distiller to be publicly exhibited.** 10. Every party licensed as a Distiller shall have his name and calling as such inscribed in legible characters and exposed on some conspicuous part of the front of the building or premises in which such calling is exercised, under a penalty not exceeding £10 for each day on which he exercises such calling without complying with the requirements of this section.
- Duty of 2s. per gallon on spirits.** 11. All such spirits as aforesaid lawfully distilled, manufactured, or made within the Colony shall be respectively subject to the duty to Her Majesty hereinafter mentioned, that is to say: on every gallon, imperial measure, of spirits of any kind, not exceeding the strength of proof by Syke's Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, two shillings; and such duty shall be computed and charged upon the quantity of spirits to be ascertained, after the first process of rectification, and shall be paid by the party distilling, manufacturing, or making such spirits, to the Magistrate, in the manner hereinafter mentioned.
- Book detailing the products used and the spirits obtained by distillation.** 12. Every person or party licensed as a Distiller shall keep a book or books (in a form to be approved by the Collector of Customs) and to be open at all reasonable hours to the inspection of any Magistrate, or Customs, or Excise Officer, or of any person authorized by Magistrate to inspect such book, in British Columbia, wherein such Distiller shall enter from day to day the quantities of grain or other vegetable production or other substance put by him into the mash tub, or otherwise used by him for the purpose of producing spirits, or otherwise disposed of; and also the quantity of spirits by him distilled, manufactured, or made, showing the quantity produced at each separate time if there have been any distinct set or sets of operations by reason of which duties have become payable. And for any wilful false entry, or any wilful neglect to make any entry hereby required, the Distiller shall incur a penalty not exceeding £50, and the Magis-

trate, Customs, or Excise Officer, or other authorized person may at all times demand to be shown all the stock of such grain, vegetable production, or other substance aforesaid, then on the premises mentioned in the license.

13. Every party licensed to act as a Distiller and acting as such shall, within ten days after the first day of each of the months in each year render to the nearest Magistrate a just and true account in writing, extracted from the books to be kept by such person as aforesaid, and signed by such party, or his Agent, or Chief Clerk, showing;

Accounts to be rendered to the Magistrate.

1. The total quantity in gallons of each kind of spirits (with the strength thereof) on which a duty is payable, by him distilled, manufactured, or made.

2. The quantity produced at each separate time, if there have been any distinct set or sets of operations, by reason of which duty became payable.

3. The quantities of each kind of grain or other vegetable production or substance used by such party in his business as a Distiller.

4. And such account shall be attested by the person signing the same by an affidavit in the following form:

"I do solemnly swear that the account above written, to which I have also subscribed my name, contains a true account of the total quantity of every kind of spirits or strong waters, or spirituous liquors distilled, manufactured, or made by me (or by as the case may be) within the time mentioned in the same account, and on which duty is payable, and of the quantities of each kind respectively, and the strength thereof; and also of the quantities produced at each separate time therein mentioned by a distinct set of operations, and also of the quantities of all grain or other vegetable production or substance consumed by me (or by the said) during the same time, so help me God."

14. Such affidavit shall be made before the said Magistrate, and shall be delivered with such account to the said Magistrate, who may put to the person making it such question as he may deem necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct, and may require his answers to be sworn to before him, and may reject the account if such account or the answers so given are insufficient according to the true intent and meaning of this Act.

Affidavit to be made before the Magistrate who may interrogate affidavit.

15. And any wilfully false statement in any affidavit or answer to a question required by this Act, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Wilfully false statement to be perjury.

16. Every licensed Distiller shall, at the time of rendering such account as aforesaid to the Magistrate, pay over to that officer the amount of duties which by such account appear to be payable, other than such duties which may be payable in respect of spirits deposited in a bonded or certified warehouse as hereinafter mentioned.

Sums due to be paid in to the Magistrate.

And if any licensed Distiller refuses or neglects to render such account or to pay over such duties as aforesaid, according to the true intent and meaning of this Act, he shall by such refusal or neglect in either case incur a penalty not exceeding £50, and the Magistrate may also at his discretion cause a notice to be inserted in one or more of the local papers, or the Government Gazette, declaring the party so refusing or neglecting to have forfeited his license as a Distiller, and such license shall be forfeited accordingly and shall be null and void from and after the date of such notice, nor shall any new license be granted to the defaulter until after the debt and penalty aforesaid have been paid and satisfied.

17. Any spirits subject to duty under this Act may be deposited in a bonded or certified warehouse as hereinafter mentioned.

Bonded and certified warehouses.

18. A certified warehouse shall be some place approved by the Magistrate within his district for the storage of spirits on which the duty is unpaid.

Certified warehouse.

19. The key to the certified warehouse shall be kept by the said Magistrate, and he or his agents may at any time, either in the day or night, enter therein and inspect the spirits therein contained, and may test and examine the same, and take such other steps for the protection of the Revenue as in his absolute discretion he may think proper.

Magistrate to have the key and may enter at all hours.

- Magistrate or person by him nominated to be present at the removal of spirits from a certified warehouse.
20. No spirits shall be removed from a certified warehouse after having been placed therein without the presence either of the Magistrate or of some person nominated by him in that behalf, and the amount of duty after the rate aforesaid shall be payable on the spirits so removed on the next monthly settlement of account.
- Penalty on persons entering a certified warehouse without the consent of the Magistrate.
21. Any person entering into a certified warehouse without the consent of the Magistrate shall be liable to a penalty not exceeding £50, and any person removing any spirits from a certified warehouse except in the presence of the Magistrate or person nominated by him shall be liable to a penalty not exceeding £100.
- Collector of Customs may make regulations with regard to warehousing.
22. The Collector of Customs may, with the approval of the Governor, make such regulations as to him may seem necessary relative to the warehousing of spirits under this Proclamation.
- Magistrate may inspect books.
23. Every licensed Distiller shall on being thereunto required by a Magistrate or by any person authorized by Magistrate, produce to him, at any reasonable time and hour, and shall allow him to take copies and extracts from such books and accounts as are requisite to enable him to verify any account rendered as aforesaid, and shall at all times and hours allow the Magistrate, or any person employed by him, free access to the buildings and premises in which such Distiller exercises his calling as such, under a penalty of £5 for each neglect or refusal to comply with the requirements of this section.
- Place of Production to be on the business premises.
24. Except that no Magistrate or other person shall require any such book or account to be produced to him elsewhere than at the place where such Distiller carries on his business as such.
- Notice to Magistrate previously to working the distillery.
25. No Distiller shall work his Distillery at any time unless he has given at least twenty-four hours previous notice in writing to the nearest Magistrate of his intention to work the same at such time, and such notice, shall not extend to a longer period than thirty days from the delivery thereof to the said Magistrate.
- Meaning of working a distillery.
26. Any use made of any still, mash tub, or fermenting tun, for the purpose of distillation, mashing, or fermentation, shall be deemed to be a working of the Distillery, and an acting as a Distiller within the meaning of this Proclamation.
- Penalty for working without a notice.
27. And if any Distiller works his Distillery at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such Distillery incur the same penalty and forfeiture as if he had worked the same without a License.
- Distiller to furnish lights, ladders, measures, &c., for the purpose of inspection.
28. Every licensed Distiller shall at all times furnish the Magistrate or his Assistant, or other authorized person with lights, ladders, measures, and other things requisite to enable him properly to examine, inspect, measure, or gauge any still, auxiliary vessel, mash tub, fermenting tun, or other vessel, or any grain vegetable or other substance, or matter as aforesaid on the premises of such Distiller or any part of such premises under a penalty of £5 for any refusal or neglect to comply with the requirements of this section.
- Magistrate may enter.
29. The Magistrate and any person or persons acting under him or by his directions may, at any hour of the day or night enter any premises referred to in any license granted under this Proclamation and may make all necessary inquiries and searches therein for the purpose of ensuring the execution of this Act according to its true intent and meaning, subject to the restrictions hereinbefore mentioned.
- Recovery of duties.
30. Any duties payable under this proclamation shall be recoverable at any time after the same ought to have been accounted for and paid, whether on account of the quantity of spirits as aforesaid on which they are payable, has or has not been rendered as aforesaid, but in the case last mentioned, the party by whom such duties are payable shall incur a penalty not exceeding the sum of £50 and the amount of the duties for his neglect to render the accounts relative to the same as hereinbefore required in addition to any other penalty incurred by him by such neglect; and all such duties shall be recoverable with full costs of suit in favor of Her Majesty.

31. The payment of any penalty imposed by this proclamation, shall not discharge the party paying the same, or his sureties from the obligation to pay all duties due by such parties and the same shall be paid and may be recovered as if such penalty had not been paid or incurred, and all such duties shall be recoverable with full costs of suit, as a debt due to Her Majesty.

Payment of penalty not to affect the payment of duties

32. And without any prejudice to the liability of any other property of the debtor or his sureties the stock in trade, stills and mash tubs, fermenting tuns, and other machinery and utensils, whether so fixed as to form part of the real or immoveable property or not, which are on the premises mentioned in the license at the time any such duties become due, shall be liable for such duties, and for any penalty incurred by the Distiller on whose premises they are by special privilege and lien in favor of the Crown; and may be seized and sold in satisfaction of the same under any warrant of Distress or Writ of Execution and removed by the purchaser, to whomsoever the same might otherwise belong or into, or in whose lands or possession soever the same have passed or are found, and notwithstanding any claim to the same, or privilege or lien thereon in favor of any other person or party whomsoever; and if the same be forfeited under the provisions of this Proclamation for any contravention thereof, they may be seized by the Magistrate or any person acting by his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained, or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offenders and if condemned they shall be removed or sold or otherwise dealt with in such manner as the Magistrate shall direct.

Stock in trade and utensils &c. to be liable for duties.

33. The penalty or forfeiture incurred for any offence against the provisions of this Proclamation and the duties payable hereunder may be sued for and recovered before the Magistrate of the District in which the offence was committed or the premises used as a Distillery is situate; and any such penalty or duty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Magistrate, or the said Magistrate may in his discretion commit the offender to Gaol, until the penalty with the costs of prosecution shall be paid.

Summary procedure.

34. Provided always that any pecuniary penalty or any forfeiture imposed by this proclamation, whatever be the amount thereof may be sued for and recovered with costs, on the oath of any competent witness in any Court having Civil Jurisdiction to the amount of such penalty or forfeiture by Her Majesty's Attorney General, or by any other person or officer thereunto authorized by the proper authority; and such penalty or forfeiture shall belong to Her Majesty.

General Jurisdiction.

35. No person making any seizure under this Proclamation, shall be liable to damages if such seizure be declared not valid, providing the Court or Magistrate declaring it not valid certify that there was probable cause for making it.

Saving of persons who may seize with probable cause.

36. Any person refusing or neglecting to appear before any Magistrate or any Court to give evidence when summoned, concerning any alleged offence against the provisions of this Act shall, for such refusal or neglect incur a penalty of not more than £50 to be recovered in the manner hereinbefore provided for the recovery of other penalties of like amount.

Penalty on witnesses refusing to appear and answer.

This Proclamation may be cited as "The Distiller's Excise Act, 1861."

Short Title.

{ L. S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the 10th day of September in the year of Our Lord One Thousand Eight Hundred and Sixty One, and in the Twenty-fifth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 11, A. D., 1861.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good Government of the same.

And whereas it is expedient to increase the limits of the Municipality, and the number of Councillors of New Westminster, and to extend the operation of the New Westminster Municipal Council Act 1860, accordingly.

Now, therefore I do hereby declare, proclaim, and enact as follows:—

From and after the date of this Proclamation,

Adds Block 36 to No. I. Ward.

1. All that tract of land, which includes the piece of land described on the official maps of the said City, as Block XXXVI. shall be included in the second part of the Schedule of the said Act, and be deemed and taken, for all the purposes of this Act as an integral portion of Number One Ward.

Adds Block 35 to No. III. Ward.

2. All that tract of land, which includes the piece of land described on the official maps of the said City, as Block XXXV. shall be included in the second part of the Schedule of the said Act, and be deemed and taken for all the purposes of this Act as an integral portion of number Three Ward.

Adds Block 34 to No. IV. Ward.

3. All that tract of land which includes the piece of land described on the official maps of the said City, as Block XXXIV. shall be included in the fifth part of the Schedule to the said Act, and be deemed and be taken for all the purposes of this Act as an integral portion of number four Ward.

Creates two additional Councillors, one for No. I. and one No. IV. Ward.

4. In addition to the Councillors already provided by the said Act, there shall be elected, in the same manner and with the same qualifications as at present, one additional Councillor for number One Ward, and one additional Councillor for number Four Ward.

Extends the provisions of the "New Westminster Municipal Act, 1860," to the additional limits and Councillors.

5. The "New Westminster Municipal Council Act 1860," shall be deemed and taken, and is hereby declared to extend, and apply in all respects to the additional limits and Councillors hereby created for the said City, as if the same had been originally included in the said Act.

Short Title.

6. This Act shall be cited as the "New Westminster Municipal Council Extension Act, 1861."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-second day of October, in the year of Our Lord One Thousand Eight Hundred and Sixty-one, and in the Twenty-fifth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 12, A. D., 1861.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good Government of the same.

And whereas by a certain Indenture dated the 5th day of September, A.D. 1861, and made between Henry Reynolds Luard, Captain of Royal Engineers, acting on behalf of Richard Clement Moody, Colonel of Royal Engineers, and Chief Commissioner of Lands and Works for British Columbia, acting on behalf of the Government of British Columbia, of the first part; and Joseph William Trutch, Contractor, of Victoria, Vancouver Island, of the second part; the said Joseph William Trutch contracted to construct and complete a certain Waggon Road and Works, as described in the said Indenture and the Specification thereto annexed, and within the time, on the terms, and subject to the approval therein mentioned, for the price of Six Thousand One Hundred Pounds Sterling, payable at the following times and in the following manner, viz: in three separate instalments of Eight Hundred and Twenty Six Pounds Thirteen Shillings and Four Pence Sterling in cash, payable as therein mentioned, and Eight Hundred Pounds in British Columbian Government Bonds, each instalment to be paid from time to time after the execution of one third of the whole work in manner therein mentioned, and the balance of said price in manner next hereinafter appearing.

And whereas it is by the same Indenture provided that the balance of the said sum of Six Thousand One Hundred Pounds, namely Six Hundred and Twenty Pounds Sterling in cash, and Six Hundred Pounds in British Columbian Government Bonds, shall be retained until four months after the completion and acceptance by the Government of the whole work for the purposes in the said Indenture mentioned.

Now therefore, I do hereby, declare, proclaim, and enact as follows.

On the production of any, and every certificate of the said Chief Commissioner stating that any, one third of the whole of the said work has been executed to the satisfaction of the said Chief Commissioner, there may be delivered from time to time, for each such one third, to the said Chief Commissioner of Lands and Works, or the time being to be applied to payments under the said Contract, such a number of Treasury Bonds in the form set forth in the Schedule hereto as shall represent at par an amount of Eight Hundred Pounds, each Bond being for the amount of Fifty Pounds, and bearing interest at the rate of six per cent per annum from the date thereof

On Chief Commissioner granting Certificate of approval of any 1rd of the whole work, £800 in Treasury Bonds to be issued in part payment of such 1rd.

Provided at the expiration of Four Calendar Months after the completion of the works and approval of the same for the payment of the balance of money due under the contract,

2. At the expiration of four calendar months from the date of the completion, and acceptance by Government of the whole of the said works, and on the production of a certificate of approval, and acceptance thereof signed by the said Chief Commissioner, and stating that the whole of the said works have been executed in accordance with the said Contract, there may be delivered by the Treasurer of British Columbia, to the said Joseph William Trutch, his executors administrators or assigns, such portion of the said, Six Hundred and Twenty Pounds Sterling in cash, and Six Hundred Pounds Sterling in said Treasury Bonds, and other sum payable on account of extra work performed under the Contract, as shall not have been applied, or expended by the Government of British Columbia, in keeping the said works in repair, under the provisions of the said Contract in that behalf contained:

Numbering of Bonds.

3. All the said Bonds shall be numbered in a regular series, according to the natural numbers, beginning with number one, according to the order in which the same shall be issued.

Dates of liquidation of Bonds in orders of numbers.

4. The Bonds numbered One to Thirty, both inclusive, shall be payable by the Treasurer, with interest in Cash, on the Thirty First day of December, A. D. 1862. The Bonds numbered Thirty one to Sixty, both inclusive, shall be payable by the said Treasurer, with interest in Cash, on the Thirty First day of December, A. D. 1863. All of the said Bonds shall be dated as of the days on which they shall respectively be issued.

Authority to Treasurer to pay amounts of Bonds out of general Revenue.

5. The Treasurer for the time being of the Colony, is hereby ordered, and directed to pay the amount of every such Bond, and interest, out of any monies belonging to the Colony in his hands, at the time when such Bond shall be presented to him for payment according to the tenor thereof.

Schedule to be deemed part of this proclamation. Short Title.

6. The Schedule hereto shall be deemed to be part of this Proclamation.

7. This Proclamation may be cited on all occasions, as the "Harrison Lillooet Portage No. 2 Roads Bonds Act, 1861."

{ L. S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-ninth day of October, in the year of Our Lord One Thousand Eight Hundred and Sixty-one, and in the Twenty-fifth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE.

TREASURY BOND.

HARRISON LILLOOET PORTAGE No. 2 ROAD ACT, 1861.

No. £50 day of 186
Payable 31st, December, 186

The Government of British Columbia, is hereby bound to pay to the bearer hereof, on the 31st December, 186 , at the Treasury of British Columbia, the sum of Fifty Pounds, together with interest thereon from the date hereof, after the rate of six per cent per annum.

TREASURER.

By order of His Excellency the Governor,

COLONIAL SECRETARY. { L. S. }

BRITISH COLUMBIA.



PROCLAMATION.

No. 13, A. D. 1861.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHIEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make laws, institutions, and ordinances for the peace, order, and good Government of the same.

And whereas it is expedient to raise by loan, secured on the General Revenue of the said Colony, funds for the construction and maintenance of Roads and other means of communication in the said Colony.

Now therefore, I do hereby declare, proclaim, and enact as follows.

I. It shall be lawful for the Governor, for the time being, of the said Colony, from time to time, or at any time to cause to be made out and issued Debentures secured upon the General Revenues of the said Colony, for such sum or sums of money, not exceeding One Hundred Thousand Pounds Sterling in the whole, as may be required for the purpose of constructing and maintaining Roads and other communications with the interior of the said Colony.

Power to Governor to cause Debentures to be issued for the sum of £100,000.

II. All Debentures made out and issued under this Act, shall be divided into two classes, and shall bear interest at the rate of Six Pounds Sterling per centum per annum, payable half yearly, and shall be redeemable at the expiration of twenty years from the date thereof.

Debentures to be divided into two classes and to bear interest at six per cent per annum. Interest payable half-yearly. Debentures redeemable in 20 years.

III. Every debenture of the first class shall be for any sum or sums, not less than One Hundred Pounds Sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London only; and every Debenture of the second class, shall be for any sum or sums not less than Ten Pounds Sterling which the said Governor shall determine, and which, together with the interest thereon, shall be payable in New Westminster in the said Colony only.

1st Class Debentures for sums not less than £100 to be payable in London. 2nd Class for sums not under £10 to be payable in New Westminster.

IV. The amount for which Debentures of the first class shall be made out and issued shall not exceed Eighty Thousand Pounds Sterling, and the amount for which Debentures of the second class shall be made out and issued shall not exceed Twenty Thousand Pounds Sterling.

The amount of 1st Class Debenture not to exceed £80,000 and of 2nd Class £20,000.

Debentures to be deemed a primary charge on the Revenue.

V. All Debentures made out and issued under this Act shall be entered in a Register to be called the "Debenture Register," and kept by the Auditor of the said Colony, and shall be deemed a primary charge upon all the Revenues of the said Colony, from whatever source; and all interest thereon and the principal when due shall be paid by the Treasurer of the said Colony out of such Revenues, under Warrant to be issued by the said Governor in priority of all demands thereon, except the charge and expenses of the collection thereof, and the ordinary expenditure of the Government. Provided that nothing herein contained shall be construed to prejudice in any way the claims, either for principal or interest, of the holders of Bonds which have been issued prior to the passing of this Act.

Saving existing rights.

As form, to date, and numbering of Debentures.

VI. The said Debentures shall be in the form set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof. Those of the first class shall be marked conspicuously with the letter "A," and those of the second class with the letter "B," and the said classes shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Debentures transferable without Indorsement or Assignment.

VII. The said Debentures shall be made payable to the Bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the bearer of every such Debenture shall have the same rights and remedies as if he were expressly named therein.

The Treasurer subject to direction may offer Debentures for sale at certain times.

VIII. The Treasurer may under such regulations, at such times, in such sums, on such conditions, and in such manner as the said Governor may direct, offer or cause to be offered for sale such Debentures.

Power of the Governor to appoint an Agent or Agents to negotiate sale of 1st Class Debenture.

IX. It shall be lawful for the said Governor to authorize the whole or any portion of the monies to be raised by the sale of Debentures of the first class to be negotiated or contracted for by the Agent General for Crown Colonies, or by such other Agent or Agents as may be appointed for that purpose by the said Governor.

All monies raised by this Act to be paid into "British Columbia Roads Loan Account."

X. All monies, raised under this Act, shall be paid to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the "British Columbia Roads Loan Account," to be applied to the purposes of constructing and maintaining roads and other communications with the interior of the said Colony, and no other; and shall be accounted for in the same manner as if they formed part of the current Revenue of the said Colony.

Power of the Governor to repurchase Debentures.

XI. The said Governor may from time to time authorize the Treasurer to repurchase the said Debentures to the amount of such monies as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the current Revenue of the Colony appropriate for that purpose; and all Debentures so purchased shall be forthwith cancelled and shall not be resold under any circumstances whatever.

Forgery.

XII. Any person who shall forge or alter, or shall offer, utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act shall be guilty of felony, and, being thereof convicted, shall be imprisoned for any period not exceeding three years with or without hard labor at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

XIII. This Act may be cited as "The British Columbia Roads Loan Act, 1861."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this Fourteenth day of November, in the year of Our Lord One Thousand Eight Hundred and Sixty-one, and in the Twenty-fifth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE.

CLASS A. or B. (as the case may be.)

No.

BRITISH COLUMBIA GOVERNMENT DEBENTURE ROADS LOAN.

TRANSFERABLE BY DELIVERY.

Under the authority of "The British Columbia Roads Loan Act, 1861," this Debenture entitles the Bearer to _____ Pounds Sterling, on the day of _____ One Thousand Eight Hundred and _____, which, with interest thereon at the rate of Six Pounds Sterling per centum per annum, is hereby secured upon the General Revenue of the Colony of British Columbia, such interest being payable half yearly on the _____ day of _____ and the _____ day of _____ in every year, at _____.

Dated the _____ day of _____ 186 .

TREASURER.

Entered at the Audit Office in the Debenture Register this _____ day of _____ 186 .

BRITISH COLUMBIA.



PROCLAMATION.

No. 1, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same.

And whereas it is expedient to raise by loan, secured on the General Revenue of the said Colony, funds for the construction and maintenance of Roads and other means of communication in the said Colony, and to make provisions for the redemption of such loan. And whereas to effect this it is expedient to repeal the "British Columbia Roads Loan Act, 1861."

Now therefore, I do hereby declare, proclaim, and enact as follows.

- I. The "British Columbia Roads Loan Act, 1861," is hereby repealed. Repeals the "British Columbia Roads Loan Act, 1861."
- II. It shall be lawful for the Governor for the time being of the said Colony from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums of money, not exceeding Fifty thousand pounds sterling in the whole, as may be required for the purpose of constructing and maintaining roads and other works of communication with the interior of the said Colony. Power to Governor to issue Debentures for the sum of £50,000.
- III. All Debentures made out and issued under this Act shall bear interest at the lowest procurable rate, not in any case exceeding Ten pounds sterling per centum per annum, payable half yearly, and shall be redeemable at the expiration of Ten (10) years from the date thereof. At the lowest rate of interest procurable, not exceeding 10 per cent per annum, payable half yearly. Debentures redeemable in ten years.
- IV. Every Debenture shall be for any sum or sums not less than One Hundred pounds sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London, at the Office of the Agents General for the time being for Crown Colonies, or at the Treasury of the said Colony. Debentures for sums not less than £100, payable with interest in London or New Westminster.
- V. And the bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the Office, in London, of the Agents General for Crown Colonies, or by giving six At option of bearer, who by six months notice to Agents General or Colonial Treas-

rer, and endorsement of Debentures, may alter place of payment,

months previous notice in writing, terminating on the 1st day of January, or the 1st day of July, at the previous place of payment, the Treasury in New Westminster, or Offices in London of the Agents General aforesaid, as the case may be, of his wish to make such alterations and causing the Officer in New Westminster, acting as Treasurer for the time being, or the said Agents General in London, as the case may be, who is and are hereby required to endorse on such Debenture a memorandum of the alteration.

Debentures to be registered with Agents General in London, and Auditor in Colony, and to be a primary charge on the Revenue from whatever source.

VI. All Debentures made out and issued under this Act shall be entered in a Registry to be called the "Debenture Register," one copy whereof shall be kept by the Agents General at the Offices in London, and another copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a primary charge upon all the Revenues of the said Colony, from whatever source arising; and all interest thereon, and the principal when due, shall be paid by the Treasurer of the said Colony out of such Revenues, under warrant to be issued by the said Governor in priority of all demands thereon, except the charge and expenses of the collection thereof.

From date and numbering of Debentures.

VII. The said Debentures shall be in the form set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Debentures made payable to bearer, and transferable without indorsement or Assignment.

VIII. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any Assignment or Indorsement, and the holder or bearer of every such Debenture for the time being shall have the same rights and remedies in respect of the same, as if he were expressly named therein.

Governor may authorize sale of Debentures by Agents General.

IX. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Agents General for Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.

Loan to be paid to a separate account at the Treasury, New Westminster, and expended solely on roads and internal communications, and repayment of interim loans so expended, and to no other purpose whatsoever, and accounted for as a General Revenue.

X. All monies raised under this Act shall be paid in such manner as the said Governor shall prescribe to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called "The British Columbian Roads Loan Account," to be applied to the purpose of surveying, constructing and maintaining Roads and other works of communication with the interior of the said Colony, and in or towards the repayment of any sums which may be hereafter borrowed and expended in such surveying, construction or maintenance, and to no other purpose whatsoever, and the said monies shall be accounted for in the same manner as if they formed part of the Current Revenue of the said Colony.

Creation of a Sinking Fund as a further security for the redemption of Debentures.

XI. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony yearly and every year, until the whole principal sum and interest of the loan hereby authorized shall have been fully paid, to remit to the Agents General for the time being of Crown Colonies, such sums of money out of the Current General Revenue of the said Colony for the time being, as shall from time to time be found necessary in and towards the formation of a Sinking Fund as a further security for, and applicable solely to, the redemption of the said Debentures, as and when the same shall respectively become due and payable.

Power to Governor to authorize the repurchase of Debentures out of any New Loan or Current Revenue. Debentures so purchased to be cancelled.

XII. Provided nevertheless that it shall be lawful for the said Governor, from time to time, to authorize the Agents General for the time being, for Crown Colonies, or the said Treasurer of the said Colony for the time being, to repurchase the said Debentures to the amount of such monies as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the Current Revenue of the Colony, appropriate for that purpose; and all Debentures so repurchased shall be forthwith cancelled, and shall not be resold under any circumstances whatsoever.

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

And subsequent contributions to Sinking Fund to be proportionately reduced.

XIV. It shall be lawful for the Agents General for the time being for Crown Colonies, from time to time and at any time, to make and vary such investments of all and any portion or portions of such Sinking Fund, on such securities and terms, and in such manner as the Lords Commissioners of Her Majesty's Imperial Treasury shall, from time to time, in that behalf prescribe.

Investments of Sinking Fund under the Lords Commissioners of Her Majesty's Treasury.

XV. It shall be lawful for any Trustees, Executors, Administrators or Guardians, having the disposition of any trust monies, to purchase any such Debentures by and out of such trust monies; and every such purchase shall be deemed a due investment of such trust monies.

Trustees may invest in the Debentures.

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

Colonial Government not to be liable for, or affected by, notice of trusts, save by special agreement in writing.

XVII. Any person who shall forge or alter or shall offer, utter or dispose of, or put off, knowing the same to be forged or altered any Debenture made out and issued under this Act, shall be guilty of Felony; and being then convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour at the discretion of the Judge, before whom any such person shall be tried and convicted.

Forgery of Debentures Felony

XVIII. This Act may be cited as the "British Columbia Roads Loan Act, 1862."

Short Title.

{ L. S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 26th day of July, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command.

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE.

No. _____

BRITISH COLUMBIA GOVERNMENT DEBENTURE ROADS LOAN.

TRANSFERABLE BY DELIVERY.

Under the authority of "The British Columbia Roads Loan Act, 1862," this Debenture entitles the Bearer to _____ pounds sterling on the _____ day of _____, one thousand eight hundred and _____, which, with Interest thereon at the rate of _____ pounds sterling per centum per annum, is hereby secured upon the General Revenue of the Colony of British Columbia, such interest being payable half yearly, on the _____ day of _____ and the _____ day of _____, in every year, at

Dated the _____ day of _____, 186 _____.

Duly entered in the Debenture Register this _____ day of _____, 186 _____, Treasurer.

BRITISH COLUMBIA.



PROCLAMATION.

No. 2, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same. Preamble.

And whereas, by a Proclamation duly made and passed in the said Colony, and intituled the "British Columbia Roads' Loan Act 1862," the Governor for the time being of the said Colony of British Columbia has been authorized to raise a Loan of Fifty Thousand Pounds Sterling, by the sale, in London, of Debentures, secured upon the General Revenue of the said Colony, and by the creation of a Sinking Fund, for the redemption of the said Loan. "British Columbia Roads' Loan Act, 1862."

And whereas, from the remoteness of the said Colony from England, some time must elapse before the proceeds of the sale of the said Debentures can be remitted to the said Colony.

And whereas it is expedient for the due and immediate prosecution and completion of the Roads and Communications now under Contract and in active process of construction, to effect an immediate Loan or Loans, upon the credit of the monies to arise from the sale of Debentures under the said "British Columbia Roads Loan Act, 1862."

Now therefore, I hereby declare, proclaim, and enact as follows:

I. It shall be lawful for the Governor for the time being of the said Colony, to borrow, and for any person or persons to advance or lend for, unto, and for the use of Her Majesty, Her Heirs and Successors, upon the credit of the monies to arise from the sale of Debentures under the "British Columbia Roads' Loan Act, 1862," any sum or sums of money, not exceeding in the whole the sum of Twenty Thousand Pounds Sterling, upon such terms and at such rates of interest, and for such periods as the Governor for the time being of the said Colony shall deem expedient.

A Loan of not more than £20,000 may be made upon the credit of the proceeds of the sale of Debentures under the "British Columbia Roads Loan Act, 1862," upon terms to be prescribed by the Governor.

II. The sums so obtained shall be paid into the Treasury of the said Colony, to a separate account, and applied from time to time, in all respects in the same man-

The monies borrowed under this Act to be paid to Colo-

nia Treasury to separate account, and expended in the same way as "Roads' Loan Act" monies, and accounted for like General Revenue.

Loans hereunder to be a first charge on proceeds of "British Columbia Roads' Loan Act, 1862," and repayable with interest thereon.

Certificate entitling Bearer to Principal and Interest.

Forgery to be Felony.

Short Title.

ner, under the Warrant of the said Governor, to the same purposes only as by the said "British Columbia Roads Loan Act, 1862," is prescribed for the payment, expenditure, and application of the sums of money to be raised thereunder, and shall be accounted for in the same manner as if they formed part of the General Revenue.

III. Every Loan which shall be effected under the provisions of this Act, shall be deemed a first charge upon, and be repayable out of, the monies that shall arise and be received by the Treasurer of the said Colony from the sale of Debentures under the said "British Columbia Roads Loan Act, 1862," and the Treasurer of the said Colony shall apply the said last mentioned monies, in such sums and manner as the said Governor for the time being shall from time to time direct, in or towards the repayment of the principal and interest of any Loans which may be contracted under this Act, as when and where the same may respectfully become due.

IV. Upon presentation of a Certificate, of the form prescribed in the Schedule hereto, (and which the Treasurer of the said Colony is hereby empowered to issue) at the Treasury of the said Colony, the Treasurer shall pay to the Bearer thereof all sums of money, which shall for the time being be, or remain due, or payable, under such Certificate for principal and interest, according to the form and tenor of each and every such Certificate.

V. Every person who shall forge or alter, or shall offer, utter, present, dispose of, or put off, knowing the same to be forged or altered, any Certificate issued, or purporting to be issued under this Act, shall be guilty of felony, and, being thereof convicted, shall be imprisoned for any period not exceeding three years, and with or without hard labor, in the discretion of the Judge before whom any such person shall be tried and convicted.

VI. This Act may be cited as the "Temporary Loan Act, 1862."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 28th day of July in the year of Our Lord One Thousand Eight Hundred and Sixty-two, and in the Twenty-sixth Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

THE SCHEDULE TO WHICH THIS ACT REFERS.

No.

BRITISH COLUMBIA.

CERTIFICATE.

Issued under the "British Columbia Temporary Loan Act, 1862."

This is to Certify that the sum of _____ pounds sterling, has this day been advanced and paid into the Treasurer of British Columbia, by _____, of _____, under the provisions of "The Temporary Loan Act, 1862."

And that the same sum is repayable to the Bearer hereof at the said Treasury on the _____ day of _____, A. D. 186____, with interest in the meantime after the rate of _____ per cent. per _____, payable thereon at the said Treasury on the _____ day of _____, the _____ day of _____, and the _____ day of _____, in every year, to the Bearer, and upon presentation hereof, until all principal and interest due hereon is fully paid.

_____, Treasurer.

BRITISH COLUMBIA.



PROCLAMATION.

No. 3, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good Government of the same. 21st and 22nd Vict.

And, whereas, a petition has been received from the inhabitants of Lillooet and the neighbouring districts, praying for the formation of a road from Lillooet to the Northern Agricultural and Mining Districts of the Colony, and that Tolls should be imposed to defray the expense of constructing, maintaining, and improving a continuous line of communication from Lillooet with the interior.

And, whereas, by an agreement, dated the sixteenth day of August, A. D. one thousand eight hundred and sixty-two, and made between Richard Clement Moody, a Colonel in the Royal Engineers, Chief Commissioner of Lands and Works, acting on behalf of the Government of the Colony of British Columbia, of the first part, and Gustavus Blin Wright, of Lillooet, in the said Colony, Merchant, of the other part.

The said Gustavus Blin Wright contracted to construct and complete a certain Waggon Road, from a certain point at or near Lillooet, on the Fraser River, along a certain route to a point to be fixed on the same river at or near Alexandria, upon and subject to the several terms, payments, conditions, and stipulations in the said agreement, more particularly set forth; and by the said agreement it was among other things provided that, in part consideration of the due completion of the first fifty miles of the said waggon road, Tolls should be imposed in manner hereinafter mentioned, on goods, chattels and cattle using any part of the said road, and that during the construction of the said waggon road the said Government should make advances to the said Gustavus Blin Wright, by way of loan repayable out of Tolls, and at the rate, in the manner, and subject as in the said agreement is more particularly mentioned.

And, whereas, the first fifty miles of the said road have been duly completed, and the sum of Three thousand pounds has already been paid by the said Richard Clement Moody to the said Gustavus Blin Wright on account of advances as aforesaid thereon.

And, whereas, it is expedient for the cheaper transport of merchandize and provisions, and for facilitating the operations of commerce, and the development of the country, that such reproductive expenditure should be incurred, and that the proposed road from Lillooet to Alexandria should be executed as speedily as possible.

NOW KNOW YE, that I do hereby declare, proclaim, and enact as follows:

Creates a Toll of one half-penny per lb. on goods, and one shilling per head on cattle.

I. From and after the first day of September, One thousand eight hundred and sixty-two, there shall be levied, assessed, and collected, from all persons whatsoever, the sums following: (that is to say) for every pound avoirdupois of goods, merchandize, stores, productions, and chattels, other than those belonging to or employed in the service of the Government of British Columbia, taken or carried along (but not across) any part of the said road between Lillooet and Alexandria, the sum of One half-penny sterling; and for every head of cattle of every description passing on or along (but not across) any part of the said road, the sum of one shilling sterling.

Exemptions.

II. Provided that such Tolls shall not be demandable on goods, chattels, or cattle, simply carried or passing across any part of such road, or belonging to or employed in the service of the Government, or *bona fide* used in the construction of the said road upon proof satisfactory to the person for the time being collecting the said tolls of such use, or on manure or machinery for mill, or manufacturing, or steamboat purposes, passing or carried along any part of the said road, or on goods, chattels, or cattle passing or carried along any part of the said road, within a circle of two miles, to be defined by the said Chief Commissioner, around any existent or future town in or immediately adjoining the line of the said road.

Toll on articles not by weight.

III. Provided nevertheless that such goods, chattels, articles, and things not herein before exempted from Toll as, from their construction or otherwise, cannot be estimated by weight, shall be subjected to such Tolls, to be collected and recoverable with the same penalties as Tolls under this Act, as shall from time to time be prescribed by notice in that behalf.

Power to Chief Commissioner to regulate weights carried and width of tires.

IV. Provided also that it shall be lawful for the said Chief Commissioner of Lands and Works by notice at any time or times hereafter to regulate the weight which shall be allowed on any carts, waggons, carriages, or other vehicles using any part of the said road, having regard to the width of the tire, and also to regulate the width of the tire to be used on the said road.

Power to reduce and vary Tolls with consent of Contractor.

V. It shall be lawful for the said Chief Commissioner of Lands and Works, with the consent in writing of the said Gustavus Blin Wright, his executors, administrators, or assigns, until redemption or forfeiture hereinafter referred to, and afterwards without such consent, by notice from time to time or at any time to reduce, vary, or re-establish all or any of the said Tolls to any sums not exceeding the said rates, and for such periods as shall for the time being or from time to time be specified in that behalf in any such notice.

Collection of Tolls.

VI. Until the lien of the said Government in the said Tolls is fully paid and satisfied, all Tolls levied under the provisions of this Act shall be collected by such person or persons, and with and in such forms and manner subject to the provisions of this Act as the Chief Commissioner of Lands and Works for the time being shall from time to time in that behalf direct.

Until repayment of Government advances. Three-fourths of Tolls to go to repay Government advances.

VII. Until the Government lien aforesaid is fully paid and satisfied by the said Gustavus Blin Wright, his executors, administrators, or assigns, whether by collection of Tolls, repayment of advances, redemption, resumption, or forfeiture, three-fourth parts of all such Tolls, less the cost of collecting the same, shall be retained by the said Government, and paid and applied to and for the uses, and in the manner, in the said agreement of the 16th day of August A.D. one thousand eight hundred and sixty-two, in that behalf provided.

VIII. The remaining one-fourth part of all the said Tolls, less the cost of collecting the same, shall by the Chief Commissioner of Lands and Works, or his agent, be paid to the said Gustavus Blin Wright, his executors, administrators, or assigns, by regular monthly payments, on the first day of every month, during the period of five years, from the first day of September, A.D. 1862, or until the redemption or forfeiture of the said Road and Tolls, under the provisions in that behalf, in the said agreement of the 16th day of August, contained, subject nevertheless, to the expenditure of such portion thereof for such repairs, deviations, and improvements of the said road, by the said Gustavus Blin Wright, his executors, administrators, or assigns, and for such Government inspections as the Chief Commissioner of Lands and Works, for the time being of the said Colony, or his agent, shall from time to time in that behalf direct, in the manner in the said agreement of the 16th day of August A.D. one thousand eight hundred and sixty-two, in that behalf provided.

The remaining one-fourth to be paid to Contractor, subject to payment of outgoings of road.

IX. When and so soon as the whole charge of the said Government upon the said Tolls, whether for advances, loans, or otherwise have been fully paid and satisfied from Tolls collected, repayment of advances, redemption, resumption, or forfeiture, the whole of the Tolls to be thenceforth levied, assessed, and collected under the provisions of this Act, shall be levied, assessed, and collected by and for the benefit of the said Gustavus Blin Wright, his executors, administrators, and assigns, for such portion of the term of five years, from the first day of September A.D. one thousand eight hundred and sixty-two, as shall then be subsisting, and undetermined under any of the provisions and conditions of the said agreement, subject nevertheless to the payment thereout by the said Gustavus Blin Wright, his executors, administrators, or assigns, and when and so often as the same shall be required by the said Chief Commissioner, of the cost of all repairs, deviations, inspections, and improvements hereinbefore mentioned or referred to.

After repayment of advances, &c., all tolls to be paid to Contractor for his own use, subject to repairs and outgoings.

X. Provided always, and notwithstanding anything hereinbefore contained, that it shall be lawful for the said Government, at any time within eighteen calendar months from the date of this Act, to redeem the said road and the privileges here conferred, or to be conferred, at a price not less than thirty-two thousand pounds sterling, nor greater than forty-two thousand pounds sterling, to be fixed by such one arbitrator as shall be mutually agreed upon by the said Gustavus Blin Wright, his executors, administrators, or assigns, and the said Chief Commissioner of Lands and Works for the time being, within one calendar month after the publication of any notice or by order of the said Chief Commissioner of Lands and Works, and in case they cannot agree upon such single arbitrator, or in case from any cause whatsoever, and whether before or after the appointment of such single arbitrator, at any time during the progress of the proposed arbitration or preliminaries thereto, there shall appear to the said Chief Commissioner to be any delay or difficulty in carrying on the same, then at such price between the said limits as the said Chief Commissioner shall for the time being, within three calendar months of the said notice, specify by any other notice, such decision to be final in all respects, at law and in equity, and the amount or price so finally fixed, less the amount then remaining due and unpaid to the said Government on account of the advances and expenses aforesaid, shall, within two calendar months next after such decision, be paid over by the said Chief Commissioner, upon demand at the Office of Lands and Works, New Westminster, to the said Gustavus Blin Wright, his executors, administrators, or assigns; and such payment, or in default of such demand, a tender of such sum shall be deemed a discharge in full of all demands by the said Gustavus Blin Wright, his executors, administrators, or assigns, and the loans so guaranteed by Government, and advances then still due from the said Gustavus Blin Wright, his executors, administrators, or assigns, shall then, as between him or them and the said Government, be considered as paid and cancelled, and any liability then connected therewith shall be borne by the said Government.

Power of redemption.

XI. Nothing herein contained shall be construed in any way to entitle the said

Saving of certain existing and future rights.

Gustavus Blin Wright, his executors, administrators, or assigns, to infringe any existing private rights, or any existing or future public rights.

- Penalty upon evasion of Tolls. XII. Any person, either directly or indirectly, wilfully evading or attempting to 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, with or without imprisonment, for any term not exceeding three months, at the discretion of the Magistrate.
- How recoverable. XIII. Any penalty under this Act may be recovered before any Magistrate in British Columbia, in a summary way, and such fines shall be paid into the Treasury of the said Colony as part of the general Revenue.
- Toll permit, XIV. Every person liable to the payment of Tolls under the provisions of this Act, shall obtain a Toll permit from the person to whom such Tolls shall be payable, and who is hereby directed to issue the same, in such forms, subject to the provisions of this Act, as the said Chief Commissioner shall from time to time in that behalf direct.
- Production of Toll permit. XV. Every such permit shall be produced upon every demand, to any person for the time being authorized under this Act to collect Tolls on any part of the said road, and shall contain a true statement of names of owners or consignees, and addresses, and destination, number, marks, weights, and contents of every package containing goods or merchandise, liable hereunder to the payment of Toll, and similar particulars so far as practicable as to cattle and other dutiable articles.
- Notice. XVI. Every notice under the hand of the Chief Commissioner of Lands and Works for the said Colony for the time being, or other officer for the time being, appointed in that behalf by the said Governor, and published in the Government Gazette, or in any newspaper circulating in the said Colony, shall in every case where notice is required under the provisions of this Act, be deemed to be good and sufficient notice for all purposes whatsoever, both at law and in equity.
- Short Title. XVII. This Act may be cited for all purposes as "The Lillooet-Alexandria Road Toll Act, one thousand eight hundred and sixty-two."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 18th day of August, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 4, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good Government of the same. 21st and 22nd Vict.

And, whereas, petitions have been received from the inhabitants of Lytton, Yale, and the neighbouring districts, praying for the formation of a road from Lytton to the Northern Agricultural and Mining Districts of the Colony, and that advances should be made by Government and Tolls imposed to defray the expense of constructing, maintaining, and improving such a continuous line of communication from Lytton with the interior.

And, whereas, by an agreement, dated the sixteenth day of August, A. D. one thousand eight hundred and sixty-two, and made between Richard Clement Moody, a Colonel in the Royal Engineers, Chief Commissioner of Lands and Works, acting on behalf of the Government of the Colony of British Columbia, of the first part, and Charles Oppenheimer and Walter Moberly, of Lytton, in the said Colony, of the other part; the said Charles Oppenheimer and Walter Moberly, contracted to construct a certain Waggon Road, from a certain point at or near Lytton, on the Fraser River, along a certain route to a point to be fixed on the same river at or near Alexandria, upon and subject to the several terms, payments, conditions, and stipulations in the said agreement, and hereinafter more particularly set forth; and by the said agreement it was among other things provided that, on the completion of a certain portion of the said waggon road, Tolls should be imposed on goods, chattels and cattle using any part of the said road in manner hereinafter mentioned, and that during the construction of the said waggon road the said Government should make advances to the said Charles Oppenheimer and Walter Moberly, by way of loan repayable out of Tolls, and at the rate, in the manner, and subject as in the said agreement is more particularly mentioned.

And, whereas, the first twelve miles from Lytton of the said road have been duly completed, and the sum of Four thousand pounds has already been paid by the said Richard Clement Moody to the said Charles Oppenheimer and Walter Moberly on account of advances as aforesaid thereon.

And, whereas, it is expedient for the cheaper transport of merchandise and provisions, and for facilitating the operations of commerce, and the development of the country, that such reproductive expenditure should be incurred, and that the proposed road from Lytton to Alexandria should be executed as speedily as possible.

NOW KNOW YE, that I do hereby declare, proclaim, and enact as follows:

Creation of Toll of one half-penny per lb. on goods, and one shilling a head on cattle.

I. From and after the first day of September, One thousand eight hundred and sixty-two, there shall be levied, assessed, and collected, from all persons whatsoever, the sums following: (that is to say) for every pound avoirdupois of goods, merchandise, stores, productions, and chattels, other than those belonging to or employed in the service of the Government of British Columbia, taken or carried along (but not across) any part of the said road between Lytton and Alexandria, the sum of One half-penny sterling; and for every head of cattle of every description passing on or along (but not across) any part of the said road, the sum of one shilling sterling.

Exemptions.

II. Provided that such Tolls shall not be demandable on goods, chattels, or cattle, simply carried or passing across any part of the said road, or belonging to or employed in the service of the said Government, or *bona fide* used in the construction of the said road upon proof satisfactory to the person for the time being collecting the said tolls of such use, or on manure or machinery passing or carried along any part of the said road, or on goods, chattels, or cattle passing or carried along any part of the said road, within a circle of two miles, to be defined by the said Chief Commissioner, around any existent or future town on or immediately adjoining the line of the same road.

Toll on articles not by weight.

III. Provided nevertheless that such goods, chattels, articles, and things not hereinbefore exempted as, from their construction or otherwise, cannot be estimated by weight, shall be subjected to such Tolls, to be collected and recoverable with the same penalties as Tolls under this Act, as shall from time to time be prescribed by notice in that behalf.

Power to Chief Commissioner to regulate weight on carriages and width of tire.

IV. Provided also that it shall be lawful for the said Chief Commissioner of Lands and Works by notice at any time or times hereafter to regulate the weight which shall be allowed on any carts, waggons, carriages, or other vehicles using any part of the said road, having regard to the width of the tire, and to regulate the width of the tire to be used on the said road.

Power to reduce and vary Tolls with consent of Contractors.

V. It shall be lawful for the said Chief Commissioner of Lands and Works, with the consent in writing of the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, until redemption or forfeiture hereinafter referred to, and afterwards without such consent, by any notice from time to time or at any time to reduce, vary, or re-establish all or any of the said Tolls to any sums not exceeding the said rates, and for such periods as shall for the time being or from time to time be specified in that behalf in any such notice.

Collection of Tolls.

VI. Until the lien of the said Government on the said Tolls is fully paid and satisfied, all Tolls levied under the provisions of this Act shall be collected by such person or persons, and with and in such forms and manner subject to the provisions of this Act as the Chief Commissioner of Lands and Works for the time being of the said Colony shall from time to time in that behalf direct.

Until repayment of Government advances.

VII. Until the Government lien aforesaid is fully paid and satisfied by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, whether by collection of Tolls, repayment of advances, redemption, resumption, or forfeiture, three-fourth parts of all such Tolls, less the cost of collecting the same, shall be retained by the said Chief Commissioner, and paid and applied to and for the uses, and in the manner, in the said agreement of the 16th day of August A.D. one thousand eight hundred and sixty-two, in that behalf provided.

Three-fourths of Tolls to go to repayment of Government advances.

The remaining one-fourth part of all the said Tolls, less the cost of collecting the same, shall by the Chief Commissioner of Lands and Works, or his agent, be paid to the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, by regular monthly payments, on the first day of every month, during the period of five years, from the date hereof, or until the redemption or forfeiture of the said Road and Tolls, under the provisions in that behalf, hereinafter contained, subject nevertheless, to the deduction and expenditure thereout of such portion thereof for such repairs, deviations, inspections, and improvements of the said road, by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, as the Chief Commissioner of Lands and Works, for the time being of the said Colony, shall from time to time by any writing under his hand in that behalf direct.

The remaining one-fourth to be paid to Contractor, subject to payment of outgoings of road.

VIII. When and so soon as the whole charge of the said Government upon the said Tolls, whether for advances, loans, or otherwise have been fully paid and satisfied from Tolls collected, repayment of advances, redemption, resumption, or forfeiture, the whole of the Tolls to be thenceforth levied, assessed, and collected under the provisions of this Act, shall be levied, assessed, and collected by and for the benefit of the said Charles Oppenheimer and Walter Moberly, their executors, administrators, and assigns, for such portion of the said term of five years, from the first day of September A.D. one thousand eight hundred and sixty-two, as shall then be subsisting, and undetermined under any of the provisions and conditions of this Act or of the said agreement of the 16th day of August A.D. one thousand eight hundred and sixty-two, including the condition for forfeiture in default, subject nevertheless to the payment thereout by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and when and so often as the same shall be required by the said Chief Commissioner, of the cost of all repairs, deviations, inspections, and improvements herein mentioned or referred to.

After repayment of advances, &c., all tolls to be paid to Contractor for his own use, subject to repairs and outgoings.

IX. Provided always, and notwithstanding anything hereinbefore contained, that it shall be lawful for the said Government, at any time within two years from the 1st day of September, A.D. one thousand eight hundred and sixty-two, to redeem the said road and the privileges hereby conferred, or to be conferred, at a price to be fixed by such one arbitrator as shall be mutually agreed upon by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and the said Chief Commissioner of Lands and Works for the time being, within one calendar month after the publication of any notice by the said Chief Commissioner of Lands and Works, and in case they cannot agree upon such single arbitrator, or in case from any cause whatsoever, and whether before or after the appointment of such single arbitrator, at any time during the progress of the proposed arbitration or preliminaries thereto, there shall appear to the said Chief Commissioner to be any delay or difficulty in carrying on the same, then at such price as the said Chief Commissioner shall for the time being, within three calendar months after the said notice, specify by any other notice, such decision to be final in all respects, at law and in equity, and the amount or price so fixed, less the amount then remaining due and unpaid to the said Government on account of the advances, loans, and expenses aforesaid, shall, within two calendar months next after such decision, be paid over by the said Chief Commissioner of the said Colony, upon demand at the Office of Lands and Works, New Westminster, to the said Charles Oppenheimer and Walter Moberly their executors, administrators, or assigns; and such payment, or in default of such demand, a tender of such sum shall be deemed a discharge in full of all demands by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and the loans so guaranteed by Government, and advances then still due from the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, shall be then considered as paid and cancelled as between him or them and the said Government, and any liability then connected therewith shall be borne by the Government.

Power of redemption.

- Saving of certain rights. X. Nothing herein contained shall be construed in any way to entitle the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, to infringe any existing private rights, or any existing or future public rights.
- Evasion of Tolls penal. XI. Any person, directly or indirectly, evading or attempting to 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, with or without imprisonment, for any term not exceeding three months, at the discretion of the Magistrate.
- Penalty how recoverable. XII. Any penalty under this Act may be recovered, before any Magistrate in British Columbia, in a summary way, and such fines shall be paid into the Treasury of the said Colony as part of the general Revenue.
- Toll permit, XIII. Every person liable to the payment of Tolls under the provisions of this Act shall obtain a Toll permit from the person to whom such Tolls shall be payable, and who is hereby directed to issue the same in such forms as the said Chief Commissioner shall from time to time in that behalf direct.
- Production of permit. XIV. Every such permit shall be produced to any person for the time being authorized by the Government to collect Tolls on any part of the said road, and shall contain a true statement of names of owners or consignees, and address, and destination, number, marks, weights, and contents of every package containing goods or merchandise, liable hereunder to the payment of Toll, and similar particulars so far as practicable as to cattle and other dutiable articles.
- Notice. XV. Every notice under the hand of the Chief Commissioner of Lands and Works for the said Colony, or other officer appointed for the time being in that behalf by the said Governor, and published in the Government Gazette, or in any newspaper circulating in the said Colony, shall in every case where notice is required under the provisions of this Act, be deemed to be good and sufficient notice for all purposes whatsoever.
- Short Title. XVI. This Act may be cited for all purposes as "The Lytton-Alexandria Road Toll Act, one thousand eight hundred and sixty-two."

{
L.S.
}
 Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 18th day of August, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 5, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good Government of the same.

21st and 22nd Vict.

And whereas, it is expedient to raise, by loan secured on the General Revenue of the said Colony, funds for the construction and maintenance of roads and other means of communication within the said Colony, and to make provision for the redemption of such loan, and whereas to effect this it is expedient to repeal the "British Columbia Roads Loan Act, 1861," and the "British Columbia Roads Loan Act, 1862," and the "Temporary Loan Act, 1862."

Now therefore, I do hereby declare, proclaim, and enact as follows:

I. The "British Columbia Roads Loan Act, 1861," and the "British Columbia Roads Loan Act, 1862," and the "Temporary Loan Act, 1862," are hereby repealed.

Repeals former Loan Acts.

II. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued Debentures, secured upon the General Revenue of the said Colony, for such sum or sums not exceeding Fifty thousand pounds sterling in the whole, as may be required for the purpose of constructing and maintaining roads, and other works of communication within the said Colony.

Power to Governor to borrow £50,000 on Debentures.

III. All Debentures made out and issued under this Act shall bear interest at the rate of six pounds sterling per centum per annum, payable half yearly, and shall be redeemable at the expiration of ten years, from the first day of January, A.D. 1863.

Rate of Interest six per cent per annum.

IV. Every Debenture shall be for any sum or sums, not less than One hundred pounds sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London, at the Offices of Her Majesty's Agents General, for the time being, for Crown Colonies, or at the Treasury of the said Colony.

Debentures for £100 and upwards.

- Debenture holder can vary place of payment. V. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the offices in London of the said Agents General, by giving six months previous notice, in writing, terminating on the 1st day of January, or the 1st day of July, at the previous place of payment (the Treasury in New Westminster, or the offices in London of the Agents General aforesaid, as the case may be) of his wish to make such alteration, and causing the officer in New Westminster, acting as Treasurer for the time being, or the said Agents General in London, as the case may be, (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.
- Signatures and Registry of Debentures. VI. All Debentures made out and issued under this Act shall be signed by Her Majesty's Agents General for Crown Colonies, on behalf of the Government of British Columbia, and entered in a Register, to be called the Debenture Register, a duplicate whereof shall be kept by the Agents General at the offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a primary charge upon all the revenues of the said Colony, from whatever source arising; and all interest thereon, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof.
- Form, Date, Numbering. VII. The said Debentures shall be in the form marked A. set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.
- Interest Coupons. VIII. Interest Coupons shall be attached to each Debenture, in the form marked B. set forth in the Schedule hereto.
- Debentures transferable by delivery. IX. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the holder or bearer, for the time being, of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.
- Sale of Debentures. X. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for or sold by the Treasurer, or the Agents General for Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.
- Payment of Loan. XI. All monies raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the Roads Loan Account, to be applied to the purposes of surveying, constructing, and maintaining roads and other works of communication within the said Colony, and in or toward the repayment of any sums borrowed, or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever, and the said monies shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony.
- Sinking Fund. XII. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony to appropriate, half yearly, out of the General Revenue of the Colony, such sum as shall be equal to seven and a half per cent on the total of the principal sum for which Debentures shall, from time to time, have been issued, and be for the time being outstanding, and after having paid the half years interest therefrom, shall invest or cause to be invested the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest or cause to be invested the dividends, interest, or annual produce, arising from such investment, so that the same may accumulate by way of compound interest.

XIII. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial or Colonial Government securities. The nature of such securities, and the selection of such Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies. Investment of Sinking Fund.

XIV. Provided nevertheless that it shall be lawful for the said Governor, from time to time, to authorize the Agents General for the time being for Crown Colonies, or the said Treasurer of the said Colony for the time being, to repurchase the said Debentures to the amount of such monies as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase, and all Debentures so repurchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction. Repurchase of Debentures.

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

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

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

XVIII. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted. Forgery Felony.

XIX. This Act may be cited as "The British Columbia Loan Act, 1862." Short Title.

{ l. s. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 22nd day of August, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE.

FORM A.

BRITISH COLUMBIA  GOVERNMENT DEBENTURE.

No.

£ s. d.

BRITISH COLUMBIA LOAN ACT, 1862, £50,000.

For [*One hundred pounds*] advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive interest at the rate of six per centum per annum, in half-yearly payments, payable at [*the Offices of Her Majesty's Agents General for Crown Colonies, in London, or the Treasury at New Westminster, as the case may be*] on the 1st January and 1st July in each year.

The said sum of [*One hundred*] pounds sterling, with the interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, as a first charge thereon, under the terms of the British Columbia Loan Act, 1862, and the principal will be repaid in London, at the [*aforesaid offices, or at the Treasury New Westminster, as the case may be*], at the expiration of Ten (10) years from the 1st day of January, 1863.

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

Registered,

} Agents General for
} Crown Colonies.

FORM B.

BRITISH COLUMBIA.

No. 1. Half years interest due [*1st July, 1863,*] on Debenture No. payable at the [*Offices of the Agents General for Crown Colonies, London, or the Treasury at New Westminster, as the case may be.*]

£ _____

_____, Agents General.

20 such coupons numbered from No. 1 upwards, to be attached to each Debenture Bond.

N.B. The holder or bearer of this Debenture may alter the place of payment of principal and interest, to the Treasury in New Westminster, or the Offices of the Agents General for Crown Colonies in London, by giving six months previous notice in writing, terminating on the 1st day of January, or 1st day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices of the Agents General, aforesaid, for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the officer acting as Treasurer in New Westminster, or the said Agents General for crown colonies in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

BRITISH COLUMBIA.



PROCLAMATION.

No. 6, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and Its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions and ordinances, for the peace, order and good government of the same. Preamble,

And whereas doubts have arisen whether the Proclamation made and passed on the 19th day of November, A. D., 1858, imports into the said Colony the laws in force in England for the proper observance of the Lord's Day.

And whereas for the better observance of the same it is expedient that all such doubts should be removed.

Now therefore I do hereby declare, proclaim, and enact as follows:

I. The law, statutory and otherwise, and the penalties for the enforcement thereof as at present existing and in force in England for the proper observance of the Lord's Day, commonly called Sunday, shall be deemed and taken to have been included in the Proclamation made and passed on the 19th November, A. D., 1858, and to be of full force and effect in the said Colony, with and under the same penalties, *mutatis mutandis*, in all respects as if the said laws had been specially mentioned and enacted in the said Proclamation of the 19th day of November, A. D., 1858.

Declares the English Sunday laws to be in force here.

II. This Act may be cited as "The Sunday Observance Act, 1862."

Short Title.

L. S. Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this 22nd day of August, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command.

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 7, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions and ordinances, for the peace, order and good government of the same.

Preamble,

And, whereas, the Tolls imposed by the Lytton Alexandria Road Toll Act, 1862, are evaded by the transport of goods and animals along side trails, and it is expedient to put an end to such evasion.

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

I. From and after the date of this Act, the Tolls leviable under the Lytton Alexandria Road Toll Act, 1862, shall be levied, assessed, and collected, from all persons whomsoever, not only upon goods, chattels, merchandise, and cattle passing or carried along any part of the road now in process of construction from Lytton to Alexandria, but shall also be so levied upon all merchandise, stores, productions, chattels, and cattle, of all descriptions, passing, leaving, taken or carried, whether by land or water from Lytton, in the direction of Alexandria, and levied, assessed, collected, and applied under and subject to the same exceptions, exemptions, provisos, and stipulations, and in the same manner as is enacted for the assessment, collection, recovery, and application of Tolls and Penalties by the said Lytton Alexandria Road Toll Act, 1862.

Imposing Tolls upon goods carried along all routes and trails on the Lytton Alexandria route.

II. In the construction of this and the last mentioned Act, the word Cattle shall be deemed to include all animals "*domitæ natura*."

Definition of the word Cattle.

This Act may be cited as the Lytton Alexandria Tolls Act, 1862.

Short Title.

Issued under the Public Seal of the said Colony, at Lillooet, this
{ L. S. } 29th day of September, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 8, A. D. 1862.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

Preamble,

Whereas a Requisition has been received from a majority of the Rate-payers resident in the City of New Westminster, praying that authority may be granted to the Municipal Council thereof to raise a loan or loans upon the security of the Revenues of the said City. And whereas, it is expedient that such requests should be granted, and the provisions of the "New Westminster Municipal Council Act, 1860," should be amended and extended accordingly. Now therefore I do hereby declare, proclaim, and enact as follows.

I. So much of Clause 35, of the "New Westminster Municipal Council Act, 1860," as requires the written Requisition of a majority of the whole of the rate-payers on the Assessment Roll of the said City as necessary to the making of the further rate of £5 in the £100 therein mentioned, is hereby repealed.

Repeal of portion of Clause 35, of "The New Westminster Municipal Council Act, 1860."

II. In lieu thereof, the Requisition to the said Municipal Council in writing of a majority of such portion of the Rate-payers on the Assessment Roll as shall, at the time of making every or any such Requisition, be resident or present within the said City, shall be a good and sufficient Requisition for all the purposes mentioned in the said Clause 35, of the said Act.

Requisition to be signed by resident rate-payers only.

III. It shall be lawful for the Municipal Council if called on by a special Requisition as aforesaid for that purpose, and with the confirmation and consent thereto of the Governor for the time being, to extend the time for levying or collecting the further rate authorized by Clause 35 of the Act last above cited, to any period not exceeding five years.

Power to extend the period for collecting further rate authorized by Clause 35 of cited Act, to a period not exceeding five years.

Authority to Council to raise a Loan.

The Certificate in writing of the President and Clerk, with the Seal of the Council affixed, sufficient evidence that the Requisition has been signed by a Majority of Rate-payers.

Wilful error in such Certificate a misdemeanor.

IV. It shall be lawful for the Municipal Council of New Westminster, by a By-Law duly passed and confirmed, and after the Requisition aforesaid, to borrow, and for all persons to lend from time to time, any sum or sums of money, upon the security of the whole or any part of the general or special Revenue of the said City, at such rates of interest, in such form and manner, for such terms, payable and redeemable in such time, and manner, and place, and for such purposes (but connected only with the benefit or improvement of the said city and its approaches) as shall be specially named or referred to in that behalf, in the By-Law authorising any such Loan.

V. The Certificate in writing of the President and the Clerk of the Municipal Council, with the seal of the said Council attached, shall be sufficient evidence for all purposes that the Requisition so certified has been signed by a Majority of the said Rate-payers resident or present as aforesaid.

Wilful error or mis-statement in any such Certificate shall be deemed a misdemeanor.

This Act may be cited for all purposes as "The New Westminster Municipal Extension Act, No. 2."

Issued under the Public Seal of the said Colony, at Lillooet, this
{ L. S. } 29th day of September, in the year of our Lord one thousand eight
hundred and sixty-two, and in the twenty-sixth year of Her Majesty's
Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



DITCHES.

RULES AND REGULATIONS

UNDER

“The Gold Fields’ Act, 1859.”

WHEREAS, under the “Gold Fields’ Act, 1859,” the Governor for the time being of British Columbia is empowered by writing under his hand and the Public Seal of the Colony to make Rules and Regulations in the nature of By-laws for all matters relating to mining.

And, whereas, in conformity with the said Act, certain Rules and Regulations have already been issued, bearing date the seventh of September, one thousand eight hundred and fifty-nine, and the sixth of January, one thousand eight hundred and sixty.

And, whereas, it is expedient to make further provision for cases in which Roads or Works come into contact with Ditches, or other mining rights.

Now, therefore, I do hereby enact, proclaim, and make the following Rules and Regulations:

I. 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 right whatsoever for such period as the said Commissioner shall direct.

Allows construction of roads to cross ditches with sanction of Gold Commissioner.

II. 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 effected by any such interference as aforesaid, shall be replaced by flumes or otherwise repaired, and in what manner, by the person or persons inflicting any such damage.

The Gold Commissioner to settle compensation.

III. 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 hereinbefore mentioned, and have also duly satisfied and discharged all damages by him or them occasioned to any persons whatsoever for or in respect of the damage or interference referred to.

Gold Commissioner to give certificate of authorization to create damage.

IV. 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 Two shillings for every inspection.

Such certificate to be recorded.

Every recorded certificate to be evidence in a Court of Justice.

Gold Commissioner to decide all ditch cases under the value of £200 without appeal.

Cases over £200 may be appealed to the Supreme Court, the appellant to give bond or mortgage to Gold Commissioner.

Maintenance of culverts.

Owners to keep ditches in repair to the satisfaction of the Gold Commissioner.

Liability of owners for damage occurring to roads by the giving way of ditches

Notice.

Saving of Chief Commissioner's right to cross ditches in the formation of roads.

V. 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.

VI. 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 Two hundred pounds Sterling.

VII. In cases where such amount or value shall exceed Two 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 ten days of such decision, and upon giving within such ten days to the Commissioner whose decision is appealed against a good and sufficient bond or mortgage, the amount of which shall be fixed by the Commissioner, but not exceeding Five hundred pounds Sterling, from the party or parties appellant for the prosecution of the appeal and for the payment of all such costs as may be awarded by the said Supreme Court.

VIII. The owners of every 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.

IX. 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.

X. 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.

XI. The publication of any written notice to the party intended to be effected thereby in two consecutive issues of the *Government Gazette*, or any newspaper circulating in the Colony, or by affixing the same for seven days on some conspicuous part of any premises referred to in any such notice, shall be deemed good and sufficient notice for all purposes under the said "Gold Fields' Act, 1859," and any Rules and Regulations made in pursuance thereof.

XII. 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 and ways 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.

Issued under the Public Seal of the said Colony, at Lillooet, this
{ L. S. } 29th day of September, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 1, A. D. 1863.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same;

And whereas a considerable expenditure of money is absolutely necessary to carry on and complete for public use the main routes of the Colony, now under contract and in process of construction, as well as other reproductive works of communication, urgently required for the development of the resources of this Colony;

And whereas it is expedient that such expenditure should be met by the issue of Bonds to the extent and in manner hereinafter appearing;

Now, therefore, I do hereby declare, proclaim, and enact as follows, that is to say:

I. It shall be lawful for the Governor for the time being of British Columbia, from time to time, hereafter to issue any number of Bonds in the form set forth in the Schedule hereto, each Bond being for the amount of £50, and bearing interest at the rate of 6 per cent per annum, from the period hereinafter in that behalf more particularly appearing. Creation of 600 £50
6 per cent Bonds.

II. All the said Bonds shall be numbered in a regular series according to the natural numbers, beginning with number one, according to the order in which the same shall be issued. Numbering.

III. The Bonds numbered 1 to 200, both inclusive, shall be payable on the 31st December, 1863. Term of Bonds 1 to
200.

IV. The Bonds numbered 201 to 532, both inclusive, shall be payable on the 31st December, 1864. 201 to 532.

V. The Bonds numbered 533 to 600, both inclusive, shall be payable on the 31st December, 1865. 533 to 600.

VI. The Bonds numbered 1 to 600, both inclusive, shall carry interest from the day in each such Bond in that behalf specially mentioned, although such day shall be previous to the date of this Act. Interest, how borne.

Payment out of General Revenue subject to B. C. Loan Act, 1863.

VII. The Treasurer of the said Colony, or other person for the time being acting in that capacity, is hereby ordered and directed to pay the amount of every such Bond, and the interest payable thereon, out of any monies belonging to the Colony not already appropriated, or appropriable under "The British Columbian Loan Act, 1862," for or to the payment of existing liabilities, and which shall be in his hands at the time when such Bond shall be presented to him for the payment of the principal or interest thereof, in accordance with the provisions of this Act.

Payment of Interest at B. C. or in V. I. half-yearly.

VIII. The interest due on each of the said Bonds shall be paid half-yearly, upon presentation of the Bond in respect whereof any such interest shall be due, either at the Treasury at New Westminster in the Colony of British Columbia, or, at the Bank of British Columbia at Victoria in the Colony of Vancouver Island.

Cesser of Interest.

IX. No interest shall be carried by any of the said Bonds beyond the day appointed under any of the foregoing provisions for the payment of the principal sum of such Bond.

Cancellation of paid up Bonds.

X. Immediately upon the full payment of the principal and interest due upon any of the said Bonds, the Colonial Treasurer, or other person acting as aforesaid shall cancel every such Bond; and no Bond so cancelled shall on any account whatever be re-issued.

Mode of accounting for amount of Bonds

XI. The amounts for which any of the said Bonds shall be issued and disposed of shall be accounted for as if they had been monies forming part of the current Revenue.

Schedule.

XII. The Schedule hereto shall be deemed and taken as part of this Act.

Short Title.

XIII. This Act shall be cited for all purposes as "The Road Bonds Act, 1863."

{ L.S. } Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the thirteenth day of January, in the Year of our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE.

COLONY OF BRITISH COLUMBIA.

TREASURY BOND.

UNDER "THE ROAD BONDS ACT, 1863." £30,000.

£50 0 0.

No.

Day of

186 .

PAYABLE 31ST DECEMBER, 186 .

The Government of British Columbia is hereby bound (subject to the provisions of the "British Columbian Loan Act, 1862.") to pay to the bearer hereof, on the 31st day of December, 186 , the sum of Fifty Pounds, together with interest thereon in the mean time from the day of 186 after the rate of six per cent per annum. The interest becoming due hereon shall be payable in instalments, half-yearly, either at the Treasury, New Westminster in British Columbia, or, at the Bank of British Columbia, at Victoria Vancouver Island, to the bearer hereof.

_____, Treasurer.

By order of His Excellency the Governor.

Colonial Secretary.

BRITISH COLUMBIA.



PROCLAMATION.

No. 2, A. D. 1863.

By His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas by a Proclamation duly made and issued under the Great Seal of the Colony of British Columbia, and dated on, or about, the 18th day of March 1861, certain remissions in the purchase money of Country Lands in the said Colony purchased for actual settlement, were granted to certain Officers of Her Majesty's Royal Army and Navy in certain cases;

And whereas such remissions were originally calculated upon the basis of the price of such Country Lands being one pound sterling per acre;

And whereas the price of such Country Lands has been reduced to four shillings and two pence per acre;

And whereas it is expedient to repeal the said Proclamation, and to provide that the remissions aforesaid should be reduced proportionately with the said reduction in the price of Country Lands and free grants of lands substituted for remissions in money;

Now therefore, I do hereby declare, proclaim, and enact as follows;

Repeals former Act. I. The said Proclamation of the 18th day of March, 1861, shall be, and is, hereby repealed, as and from the 1st day of January A. D. 1863.

Saving existing rights, with option of making use of the new Act. II. Every Officer who has actually settled upon Country Lands in the said Colony, under the said Proclamation, and has been duly complying with the requirements thereof, may complete his Title to such lands under such Proclamation; or, by a Notice in writing under his hand, addressed and delivered to the Chief Commissioner of Lands and Works for the Colony, may obtain Title to such Lands under this Proclamation, upon such terms as the said Chief Commissioner shall by any Certificate in writing under his hand in that behalf prescribe.

What Officers may take Free Grants of Lands. III. From and after the date hereof, Military and Naval Officers in Her Majesty's Service of the Rank hereinafter specified, or of the ranks respectively relative thereto, who shall, with the view of actually settling and residing thereon, take up any unoccupied and unsurveyed Country Lands in British Columbia, shall, subject as hereinafter is mentioned, and upon the production of the Certificate hereinafter also mentioned, be entitled without pay, to free grants of such Lands in the amounts and in manner following, that is to say;

	Acres.
Field Officers of 25 years service, in the whole.....	600
Do. do. 20 do. do. do.....	500
Do. do. 15 do. do. do.....	400
Captains of 20 do. and upwards, in the whole.....	400
Do. of 15 years service or less, in the whole.....	300
Subalterns of 20 years service and upwards, in the whole.....	300
Do. 7 do. do. do.....	200

Certificate of Rank. Service. &c. necessary: Officer must be on full or staff pay or have resigned with purpose of settling. IV. Every person desiring to take advantage of the privileges accorded by this Act shall before obtaining any of the same, produce to, and leave with, the Chief Commissioner of Lands and Works for British Columbia, a Certificate from the General Commanding in Chief in England, or from the Office of the Lords Commissioners of the Admiralty, shewing that the settlement of the said person in a British Colony has been duly sanctioned, and shewing also the rank and length of service of such person, but nothing herein contained shall entitle any person to any of the Grants aforesaid, except such person shall at the time of actually settling or residing upon, and recording such Country Lands, be either on half pay or full pay; unless the person settling shall have quitted the service for the purpose of settling in a British Colony.

Such proposing settler shall obtain a statement of date of retirement. V. Every person who shall have so quitted the service for the purpose of settling as aforesaid, shall before being entitled to the privileges afforded by this Act, obtain a statement by the proper authority, to be made in one of the Offices aforesaid, and upon his Certificate aforesaid, of the date of his retirement from the Army or Navy, for the purpose aforesaid.

VI. Every Officer who shall have conformed to the Regulations aforesaid, shall present his Certificate to the Governor for the time being aforesaid, within one year from the date of his retirement aforesaid; and in default thereof shall cease to be entitled to any of the privileges afforded by this Act. Presentation of Certificate.

VII. Provided always, that every person availing himself of the privileges of this Act, shall not be entitled to a Grant of the Land sought to be acquired under this Act, until he shall have obtained from the Governor for the time being of British Columbia, a Certificate that he has been a *bona fide* settler in British Columbia for the space of two years actually resident on the lands sought to be acquired. Governor's Certificate of *bona fide* settlement necessary.

VIII. Provided, that until such person shall have obtained a Grant as aforesaid, he shall be entitled to a Location Ticket, to be issued to him by the Chief Commissioner of Lands and Works for British Columbia. Location Ticket,

IX. Provided, that unless the person holding such Location Ticket shall obtain a Grant of the Land in respect of which such Location Ticket shall have been granted within twelve months from the expiration of the said term of two years, the Land, in respect of which such Location Ticket shall have been granted, shall absolutely revert to the Crown, and be capable of being sold, pre-empted, or granted, *de novo*. Limited time for demand of Grant.

X. Provided, that no Location Ticket shall be granted, or free grant made, unless the particular Land to be included therein, shall have been claimed specifically within two years from the date of such Certificate from the Offices aforesaid. Specification of limits.

XI. Provided, that the Land in respect of which such free grant shall have been sought, shall not be transferable, until a Grant thereof as aforesaid, shall have been made thereof. No transfer until Grant.

XII. Provided, that the Governor for the time being of British Columbia may, in case of the death of the person entitled to the privileges aforesaid, before a Grant of the Land aforesaid, by any writing under his hand confer the benefit of the privileges aforesaid, to such child or children, or other relative of the person entitled to such remission, as he may think proper. Transmission of privileges on death of claimant.

XIII. Provided, that such child or children, or other relative, shall enjoy the right to such privileges to the same extent, and subject to the same conditions, as the person dying would have done had he lived. But upon same condition.

XIV. Provided, that every Location Ticket and Grant as aforesaid, shall provide for the usual reservation of all public rights. Reserves, Public rights of way, &c.

XV. Provided, that no free grant of Town or Suburban Lots or Lands in the Colony, shall be made under this Act. Confines Free Grants to Country Lands.

Records of limits and
particulars of Land.

XVI. Provided also, that every person, entitled to avail himself of the privileges of this Act, shall enter into possession and residence upon, and stake out, and record with the nearest Magistrate, the boundaries, plan, position and particulars of the land in respect of which he seeks to obtain a free grant, in the same manner as the Record of a Pre-emption claim under the Registry law in that behalf, or as near thereto as may be. All lands, of which grants shall be claimed under this Act, shall be taken in one block and not otherwise.

Short Title.

XVII. This Act may be cited as the "Military and Naval Settlers' Act, 1863."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-third day of February, in the year of our Lord one thousand eight hundred and sixty three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 3, A. D. 1863.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made ^{Preamble.} and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas it is of great importance in lessening the freight of goods to the interior to proceed with the construction of the great routes of communication through the country, and provide funds for carrying on the same successfully, by further Tolls on the routes to be benefitted by such reproductive expenditure;

Now, therefore, I do hereby declare, proclaim, and enact as follows:

I. There shall be levied and paid as and from the first day of April, one thousand eight hundred and sixty three, unto and to the use of Her Majesty, Her heirs and successors, in addition to the duties already leviabie under the "Roads' Toll Act, 1860," the further sum of one shilling and one halfpenny for every fifty pounds weight avoirdupois of goods, and so in proportion for a greater or less quantity than fifty pounds weight of goods, taken or carried as in the "Roads' Toll Act, 1860," is more particularly mentioned, and leviabie by the same persons, with, under, and subject to the same penalties, and otherwise in all respects as duties under the said "Roads' Toll Act, 1860." Creates additional toll of 1s. 0½d. for every 50th weight of goods going by either of the river routes.

II. This Act may be cited for all purposes as the "Roads' Toll Extension Act, 1863." Short Title.

Issued under the Public Seal of the Colony, at Victoria, Vancouver Island, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Colonial Secretary.

GOD SAVE THE QUEEN.



RULES & REGULATIONS,

ISSUED IN CONFORMITY WITH THE GOLD FIELDS ACT, 1859.

WHEREAS, under the "Gold Fields Act," 1859, the Governor for the time being of British Columbia, is empowered by writing under his hand and the Public Seal of the Colony, to make rules and regulations in the nature of By-laws, for all matters relating to mining;

And whereas, in conformity with the said Act, certain rules and regulations have been issued, bearing date the 7th September, 1859, the 6th of January, 1860, and the 29th September, 1862, respectively;

And whereas, it is expedient to make further provision for the working of gold mines;

Sec. I.—The ~~the~~ No. 3 of those dated 7th September, 1859, de- Repeals rule 3, of
claring the size of mining claims, is hereby repealed, so far as it is 7th of September,
inconsistent herewith. 1859.

Sec. II.—From and after the date hereof, the size of a claim shall Size of claim.—Bar
be for bar diggings, a strip of land 100 feet wide at the mark to Diggings.
which the river rises when flooded along such high water mark, and
thence extending down direct to the river, to the lowest water level.

For dry diggings 100 feet square.

Dry Diggings.

For diggings not herein otherwise specially described 100 feet General Diggings.
square.

In quartz claims the size shall be 150 feet in length, measured along Quartz Claim.
the lode or vein, with power for the miner 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.

All measurements of area are to be made on the surface of the earth neglecting inequalities.

Number—Staking.

Every claim is to have a distinguishing number marked on its boundary pegs.

Every individual claim, whether part of a company claim or not, shall be staked out with 4 corner pegs, of at least 4 inches in diameter; the same as defined in rule 2, of the rules and regulations of 7th September, 1859.

Tunnel Claims.

In tunnelling or sinking each miner shall be allowed a frontage of 100 feet, irrespective of depth. The Gold Commissioner shall have the power to regulate what number of the miners, holding such claims, shall be employed prospecting, until gold in paying quantities shall have been discovered, after which the full number of authorized miners, must be employed on the claim. The side boundary lines of each claim shall be distinctly marked off by 2 parallel lines or rows of pegs, fixed in the ground at intervals of 50 feet or thereabouts, the said boundaries or parallel lines shall be carried in a direction as straight and square as possible to the summit level. No party shall sink or drive ahead between the said parallel lines, save with the consent of the party first in possession, until gold shall have been found as undermentioned.

Extent of claim.

The extent of claim to each miner shall be 100 feet square, and he shall be allowed to mark off the claim ahead of the spot, where gold in paying quantities shall have been obtained beyond the limits of the claim so marked out.

Rights of prospecting.

Beyond these limits any other party may prospect by shaft and tunnel from the bottom thereof, and, until a lead is struck in paying quantities, shall have the exclusive right of prospecting within two such parallel lines as aforesaid, and shall then mark out his claim as above mentioned.

Tunnelling under hills.

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 of such hills. In case two or more parties tunnelling from opposite sides of the same hill, and their side boundary lines meet or intersect, or their claims meet, the party that first mark off their claim shall be entitled to priority of claim thereon. In case of tunnelling under hills, or fronts of hills, such as occur at the junction of creeks in which there may be two leads, all parties shall, if required, take their claim on the lead nearest the side of the hill at which their tunnel commences.

Forfeiture of Claim involves Tunnel, &c.

The right to the tunnel and ten feet of ground on either side of it in addition to the above claim, shall be considered as appurtenant to the claim to which it is annexed, and be abandoned or forfeited by the abandonment or forfeiture of the claim itself to which it appertains.

Deposit of leavings.

The Gold Commissioner may, where deemed desirable, mark out a space in the vicinity for deposit of leavings and deads from any tunnel.

SEC. III.—Whereas it is expedient better to define the rights of registered free miners in their claims, it is hereby declared, enacted, and proclaimed;

Definition of Miners' Rights in a Claim.

That clause 7, of the Golds Fields Act, 1859, is hereby repealed.

Every free miner shall, save as against Her Majesty, have, during the continuance of his certificate, the exclusive right to take the gold and auriferous soil upon or within the claim for the time being duly held registered and *bona fide* not colourably worked by him and the exclusive right of entry on the claim for the purpose of working or carrying away such gold or auriferous soil, or any part thereof. And also as far as may be necessary for the convenient and minerlike working and security of his flumes and property of every description, and for a residence—but he shall have no surface rights therein for any other purpose, save as next hereinafter mentioned, unless specially granted.

SEC. IV.—In addition to the above rights, every registered free miner shall be entitled to the use of so much of the water flowing naturally through or past his claim as shall in the opinion of the Gold Commissioner be necessary for the due working thereof.

One record covers necessary Water and Claim.

SEC. V.—Where application is intended to be made for the exclusive grant of any surplus water to be taken from any creek or other locality, every such applicant shall in addition to the existing requirements affix a written notice of all the particulars of his application upon some conspicuous part of the premises to be affected by the proposed grant, for not less than 5 days before recording the same.

Exclusive Water privileges; preliminary notice.

The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant either partially or entirely, as to him shall seem just and reasonable.

Power to Gold Commissioner to modify the grant.

Every exclusive grant of a ditch or a water privilege in occupied or unoccupied creeks, shall be subject to the rights of such registered free miners as shall then be working, or shall thereafter work, in the locality from which it is proposed to take such water.

Saving of future Miners' Rights to Water.

SEC. VI.—Whereas it is expedient to confer additional power for enforcing penalties recoverable for infraction of the Gold Laws under Section 40 of the Gold Fields' Act;

Gold penalties recoverable by Distress.

It is hereby declared, enacted, and proclaimed that such penalties may if deemed proper, be ordered to be recovered by sale and distress to be levied forthwith, or at any convenient interval after conviction and nonpayment within so many hours, or such longer time as shall be allowed by distress and sale of any claim or ditch or any personal property whatsoever of the person on whom such penalty may have been imposed.

SEC. VII.—Every copy of or extract from any record or register under or by virtue of this Act, or the Gold Field's Act, 1859, or any other Act which shall be made in relation to gold mines or gold fields or any of the Rules and Regulations made in pursuance thereof respectively required to be kept by any Gold Commissioner and certi-

Certificate copy of any Gold record to be evidence.

fied 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 appearing.

Fees on recording claims.

SEC. VIII.—So much of Section 6 of the Gold Fields' Act, 1859, as imposes a fee of 4s. on the Registration or Re-registration of Claims shall be and is hereby repealed.

In lieu thereof it is hereby declared, enacted, and proclaimed, there shall be paid to the Gold Commissioner for the use of Her Majesty, her heirs and successors, the following fees: That is to say;

Upon every Registration or Re-registration or record of any claim..... { 10s. 3d.

And no person not being a free miner, shall be entitled to record a claim or any interest therein.

Gold Commissioner may enlarge ditches.

The Gold Commissioner shall have power, whenever he may deem 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 benefitted by such alteration or enlargement.

Settlement of disputes—as to boundaries, &c.

In case of dispute as to boundary or measurements, the Gold Commissioner shall have power to employ a surveyor to fix and mark the same, and to cause the reasonable expense thereof to be paid by or between such of the parties interested in the question at issue, as he shall deem fair and just.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 4, A. D. 1863.

By His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the 21st and 22d years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas it is expedient better to define the rights of registered free miners in their claims, it is hereby declared, enacted, and proclaimed;

1. That clause 7, of the Gold Fields Act, 1859, is hereby repealed.

2. Every free miner shall, save as against Her Majesty, have, during the continuance of his certificate, the exclusive right to take the gold and auriferous soil upon or within the claim for the time being duly held registered and *bona fide* not colourably worked by him and the exclusive right of entry on the claim for the purpose of working or carrying away such gold or auriferous soil, or any part thereof. And also as far as may be necessary for the convenient and minerlike working and security of his flumes and property of every description, and for a residence—but he shall have no surface rights therein for any other purpose, save as next hereinafter mentioned, unless specially granted.

3. In addition to the above rights, every registered free miner shall be entitled to the use of so much of the water flowing naturally through or past his claim as shall in the opinion of the Gold Commissioner be necessary for the due working thereof.

4. Where application is intended to be made for the exclusive grant of any surplus water to be taken from any creek or other locality, every such applicant shall in addition to the existing requirements affix a written notice of all the particulars of his application upon some conspicuous part of the premises to be affected by the proposed grant, for not less than 5 days before recording the same.

Repeals clause 7 of Gold Fields Act, 1859.

Definition of Miners' Rights in a Claim.

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

Exclusive Water privileges; reliminary notice.

Power to Gold Commissioner to modify grant.

5. The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant either partially or entirely, as to him shall seem just and reasonable.

Saving of future Miners' Rights to Water.

6. Every exclusive grant of a ditch or a water privilege in occupied or unoccupied creeks, shall be subject to the rights of such registered free miners as shall then be working, or shall thereafter work, in the locality from which it is proposed to take such water.

Gold Fields Act penalties recoverable by Distress.

7. Whereas it is expedient to confer additional power for enforcing penalties recoverable for infraction of the Gold Laws under Section 40 of the Gold Fields' Act, 1859;

It is hereby enacted that such penalties may if deemed proper, be ordered to be recovered by sale and distress to be levied forthwith, or or at any convenient interval after conviction and nonpayment within so many hours, or such longer time as shall be allowed by distress and sale of any claim or ditch or water privilege, or of any interest therein respectively, or of any personal property of the person on whom such penalty may have been imposed.

Certified copy of any Gold record to be evidence.

8. Every copy of or extract from any record or register under or by virtue of this Act, or the Gold Field's Act, 1859, or any other Act which shall be made in relation to gold mines or gold fields or any of the Rules and Regulations made in pursuance thereof respectively required to be kept by any Gold Commissioner 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 appearing.

Fees on recording claims.

9. So much of Section 6 of the Gold Fields' Act, 1859, as imposes a fee of 4s. on the Registration or Re-registration of Claims shall be and is hereby repealed.

In lieu thereof it is hereby enacted and declared there shall be paid to the Gold Commissioner for the use of Her Majesty, her heirs and successors, the following fees: That is to say;

Upon every Registration or Re-registration or record of any claim..... } 10s. 3d.

And no person not being a free miner, shall be entitled to record a claim or any interest therein.

Gold Commissioner may enlarge ditches.

10. The Gold Commissioner shall have power, whenever he may deem 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 benefitted by such alteration or enlargement.

Mining Surveyor.

11. In case of dispute as to boundary or measurements, the Gold Commissioner shall have power to employ a surveyor to fix and mark the same, and to cause the reasonable expense thereof to be paid by or between such of the parties interested in the question at issue, as he shall deem fair and just.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-fifth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 5, A. D. 1863.

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament, held in the 21st and 22nd years of the reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances; for the peace, order, and good government of the same.

And whereas it is expedient to raise, by loan secured on the General Revenue of the said Colony, funds for the vigorous prosecution and maintenance of roads and other means of communication within the said Colony, and to make provision for the redemption of such loan;

And whereas, under "The Road Bonds Act, 1863," £50 Bonds, to the amount of £12,000 (and no more), have been issued, numbered, and payable as follows, that is to say:

- Bonds Nos. 1 to 198, both inclusive, payable on 31st December, 1863, amounting to £9,900;
- Bonds Nos. 533 to 575, both inclusive, payable on 31st Dec. 1865, amounting to £2,100;

And whereas, it is expedient to repeal the power conferred by the said "Road Bonds Act," of issuing other Bonds than those already issued, as hereinbefore specified, and to provide for the payment of the Bonds above mentioned, numbered 1 to 198, and amounting to £9,900, out of the monies to be raised by the sale of Debentures in manner hereinafter appearing.

Now, therefore, I do hereby declare, proclaim, and enact, as follows:

I. So much of the "Road Bonds Act, 1863," as authorizes the issue of Bonds other than and beyond those already issued thereunder and hereinbefore specified is hereby repealed.

Repeals a portion of "The Road Bonds Act, 1863."

II. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures, secured upon the General Revenue of the said Colony, for such sum or sums not exceeding Fifty Thousand Pounds sterling on the whole, as may be required for the purpose of constructing and maintaining roads and other works of communication within the said Colony, and of providing for the repayment of the Road Bonds numbered 1 to 198 inclusive, to the amount of £9,900, as lastly hereinbefore recited.

Power to Governor to borrow £50,000 on Debentures.

III. All Debentures made out and issued under this Act shall bear interest at the rate of six pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of twenty years, from the first day of July, A. D. 1863.

Rate of Interest six per cent per annum.

IV. Every Debenture shall be for any sum or sums, not less than One Hundred Pounds sterling, which the said Governor shall determine, and which, together with

Debentures for £100 and upwards.

the interest thereon, shall be payable in London, at the Offices of Her Majesty's Agents General, for the time being, for Crown Colonies, or at the Treasury of the said Colony.

Debenture holder can vary place of payment.

V. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the Offices in London of the said Agents General, by giving six months' previous notice, in writing, terminating on the first day of January or the first day of July, at the previous place of payment (the Treasury in New Westminster, or at the Offices in London of the Agents General aforesaid, as the case may be,) of his wish to make such alteration, and causing the Officer in New Westminster, acting as Treasurer for the time being, or the said Agents General in London, as the case may be, (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.

Signatures and Registry of Debentures.

VI. All Debentures made out and issued under this Act shall be signed by Her Majesty's Agents General for Crown Colonies, on behalf of the Government of British Columbia, and entered in a Register, to be called the Debenture Register, a duplicate whereof shall be kept by the Agents General at the Offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a charge upon all the revenues of the said Colony, from whatever source arising, and, in order of priority, next after the prior charges thereon already created by the "British Columbia Loan Act, 1862," and by the remaining liabilities as aforesaid, under the said "Road Bonds Act, 1863," that is to say, a sum of £2,100 payable 31st December, 1865, and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such revenue created by the "British Columbia Loan Act, 1862," and by the remaining liabilities as aforesaid, under the Bonds Act, 1863."

Form, Date, Numbering.

VII. The said Debentures shall be in the form marked A set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Interest Coupons.

VIII. Interest Coupons shall be attached to each Debenture, in the form marked B set forth in the Schedule hereto.

Debentures transferable by delivery.

IX. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the holder or bearer, for the time being, of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.

Sale of Debentures.

X. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold, by the Treasurer or the Agents General for Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.

Payments to which Loan is applicable.

XI. All monies raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the Roads Loan No. 2 Account, to be applied to the purposes of surveying, constructing, and maintaining roads and other works of communication within the said Colony, and in or toward the repayment of the Road Bonds to the amount of £9,900 as aforesaid, or of any sums borrowed or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever, and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony.

Sinking Fund.

XII. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "British Columbia Loan Act, 1862," and to the "Road Bonds Act, 1863," to the extent aforesaid, to appropriate, half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to five per cent. on the total of the principal sum for which the said Debentures shall, from time to time, have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest or cause to be invested the residue thereof as a Sinking Fund for the final extinction of

the debt, and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest.

XIII. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial or Colonial Government securities. The nature of such securities, and the selection of such Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies. Investment of Sinking Fund

XIV. Provided nevertheless that it shall be lawful for the said Governor, from time to time, to authorize the Agents General for the time being for Crown Colonies, or the said Treasurer of the said Colony for the time being, to repurchase the said Debentures to the amount of such moneys as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase, and all debentures so repurchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction. Repurchase of Debentures.

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

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

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

XVIII. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted. Forgery. Felony.

XIX. This Act may be cited as "The British Columbia Loan Act, 1863." Short Title

Issued under the Public Seal of the said Colony, at Victoria, Vancouver
 { L. S. } Island; this 14th day of May, in the year of our Lord one thousand
 eight hundred and sixty-three, and in the twenty-sixth year of Her
 Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
 WILLIAM A. G. YOUNG.
 Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

FORM A.

BRITISH COLUMBIA



GOVERNMENT DEBENTURE.

No.

£ s. d.

BRITISH COLUMBIA LOAN ACT, 1863, £50,000.

For [*One hundred Pounds*] advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive interest at the rate of six per centum per annum, in half-yearly payments, payable at [*the Offices of Her Majesty's Agents General for Crown Colonies, in London, or at the Treasury, New Westminster, as the case may be*] on the 1st January and 1st July in each year.

The said sum of [*One Hundred*] Pounds sterling, with the interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the "British Columbia Loan Act, 1863," and the principal will be repaid [*in London, at the aforesaid offices, or at the Treasury, New Westminster, as the case may be*] at the expiration of Twenty (20) years from the 1st day of July, 1863.

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

Registered,

_____ }
_____ }

Agents General for
Crown Colonies.

FORM B.

BRITISH COLUMBIA.

No. . Half-year's interest due [*1st January, 1864,*] on Debenture No. payable at the [*at the Offices of the Agents General for Crown Colonies, London, or the Treasury, New Westminster, as the case may be.*]

£ _____

_____, Agents General.

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

N.B.—The holder or bearer of this Debenture may alter the place of payment of principal and interest to the Treasury in New Westminster, or the Offices of the Agents General for Crown Colonies in London, by giving six months previous notice in writing, terminating on the 1st day of January, or 1st day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices of the Agents General, aforesaid, for Crown Colonies in London, as the case may be,) of his wish to make such alteration, and causing the officer acting as Treasurer in New Westminster, or the said Agents General for Crown Colonies in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

BRITISH COLUMBIA.



PROCLAMATION.

No. 6, A. D. 1863.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same;

And whereas doubts have arisen, whether the Proclamation made and passed on the 19th day of November A. D. 1858, imports into the said Colony, the Laws in-force in England for the proper observance of the Lord's day;

And whereas for the better observance of the same it is expedient that all such doubts should be removed;

Now, therefore, I do hereby declare, proclaim, and enact as follows:

Declares English Sunday
Laws in force here.

I. The Law Statutory and otherwise, and the penalties for the enforcement thereof, as at present existing and in force in England for the proper observance of the Lord's day commonly called Sunday, as referred to in the Schedule hereto, shall be deemed and taken to have been included in the Proclamation, made and passed on the 19th November A. D. 1858, and to be of full force and effect in the said Colony, with and under the same penalties, *mutatis mutandis* in all respects as if the said laws had been specially mentioned and enacted in the said Proclamation of the 19th day of November A. D. 1858.

Schedule.

II. The Schedule hereto shall be deemed part of this Act.

Short Title

III. This Act may be cited as the "Sunday observance Act, 1863."

{
L. S.
}
 Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the Eighteenth day of May, in the year of Our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG.
Colonial Secretary.

GOD SAVE THE QUEEN.

THE SCHEDULE REFERRED TO BY THE
FOREGOING ACT.

- | | | | |
|-----|---|-----|-----|
| 1. | Car 1, C. 1, so far as the same is applicable to the said Colony. | | |
| 3. | Car 1, C. 1, | Do. | Do. |
| 29. | Car 2, C. 7. | Do. | Do. |

So much of 1 and 2 William IV. C. 32, S. 3, as forbids the killing or hunting for game on a Sunday or Christmas day under a penalty of Five pounds and the costs of conviction.

11, and 12, Viet, C. 49, so far as the same is applicable to the said Colony.

13,	Viet, C. 23, repealing 27 Hen 6, C. 5,	Do.
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BRITISH COLUMBIA.



PROCLAMATION.

No. 7, A. D. 1863.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same;

And whereas it is desirable for the protection of Miners, and others searching for the precious metals, to retain in possession of the Crown power to prevent such Miners or other persons from being obstructed or hindered by the Claims, and exactions of persons holding land under the provisions of the Pre-emption Consolidation Act passed on the 27th day of August, 1861;

Now, therefore, I do hereby declare, proclaim, and enact as follows:

I. It shall be lawful for the Governor, for the time being of British Columbia from time to time, and at any time hereafter by any writing under his hand, published in the Government Gazette, to erect any portion of the Colony into a Mining District, and to give to such District a distinguishing name, and to define the limits and boundaries thereof, and also again to abolish or reconstruct any such District, and from time to time to alter and vary such limits and boundaries.

Power of the Governor to create Mining Districts.

Repeals Clauses 17, 25, & 26, of Pre-emption Consolidation Act, 1861; Resumption of any part of a Pre-emption claim in Mining Districts for public purposes.

II. On and after the publication of the erection of any District into a Mining District as aforesaid the provisions of sections seventeen, twenty-five, and twenty-six, of the said Pre-emption and Consolidation Act, 1861, shall as to such District, and any part or parts thereof cease to be in force, and all persons entering thereafter into possession of land under the authority and provisions of the said Pre-emption Consolidation Act 1861, within such Mining District, shall do so subject to the resumption of the whole or any part of such lands for making Roads, Bridges, Ferries, Towns, Villages, or any other public purposes whatsoever without any compensation being made for the land so taken or resumed.

Mining Districts open for Mining under the Gold Laws.

III. Provided nevertheless that Mining Districts erected as aforesaid in any part of the Colony whatsoever, shall be free and open to all persons engaged in Mining or searching for the precious Metals, under and according to the provisions of the Gold Field's Act, passed on the 31st August, 1859, and the Rules and Regulations for the working of Gold Mines, past respectively on the 7th September, 1859, and the 6th of January, 1860, and of the Ditches Rules, and Regulations under the Gold Field's Act, passed on the 29th of September, 1862, the Rules and Regulations under the Gold Field's Act passed on the 24th of February, 1863, and the Proclamation relating to Gold Mines, passed on the 25th of March, 1863.

Saving of existing Pre-emption rights.

IV. Provided also that all rights lawfully acquired, and held under the Pre-emption Consolidation Act, 1861, prior to the passing of this Act, in any Mining District erected as aforesaid, shall continue and remain of full force and effect.

Short Title.

V. This Act may be cited as "The Mining District Act, 1863."

{
L. S.
}

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the Twenty seventh day of May, in the year of Our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG.
Colonial Secretary.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 8, A. D. 1863.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same;

And whereas, it is expedient to regulate by statute the admission of all persons who shall be allowed or entitled to practice in the Superior Courts of the said Colony, whether Barristers at Law, Attornies, or otherwise;

Now, therefore, I do hereby declare, proclaim, and enact, as follows:

I. The Sections numbered respectively V., VI., VII., VIII., IX., and XIII., and so much of Section I., as relates to the admission of Barristers, Attornies, or Solicitors in this Colony, of The Order of The Court of British Columbia, made and signed by **MATTHEW BAILLIE BEGBIE**, Esquire, Her Majesty's Judge of the said Court, in pursuance of a Proclamation made and passed on the 24th day of December, 1858, are hereby discharged and repealed. PROVIDED NEVERTHELESS that such repeal shall not be construed in any way to affect the position or right to practice, of any person who at the date of this Act, shall have been duly qualified, admitted, and actually enrolled, and entitled to practice in the Superior Law Courts of the Colony, as a Barrister at Law, Attorney, or Solicitor, and shall have continued to be so qualified and enrolled at the time of so practising; but every such admission and enrollments shall have as full force and valid ty as if this Act had not been passed.

Discharges Orders of Court as to admission.

II. From and after the passing of this Act, every person and no other (except as hereinbefore excepted) may be admitted, enrolled, and allowed to practice as a Barrister at Law, in the Superior Courts of Law in the Colony, who shall be possessed of the qualification following, viz:

Who may be Barristers.

Being a subject of the British Crown, of full age, good conduct and repute.

(1.) Who shall have been duly called and admitted to practice as a Barrister at Law, or Advocate, in any of Her Majesty's Superior Courts (not having merely local jurisdiction) in England, or Ireland; or,

(2.) who shall have been duly called and admitted to practice as a Barrister at Law, in any of the Superior Courts of Law (not having merely local jurisdiction) in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land, and who, if applying after the establishment of examinations for admission but not before, shall have passed such examination in the laws and practice of the Colony, as shall be hereafter legally established; or,

(3.) who shall have been so duly called and admitted to practice as an Advocate in the Court of Session in Scotland, or

(4.) who shall have been duly called and admitted to the Degree of Doctor of Civil Law, at any University, in England, Scotland, or Ireland, or

(5.) who shall have been instructed within the Colony, in the knowledge and practice of Law, and duly qualified to be called to the Bar, under and subject to such regulations as may hereafter be from time to time legally established in that behalf.

Who may be Attornies.

III. From and after the passing of this Act, every such person and no other (except as hereinbefore excepted) may be admitted enrolled, and authorized, and allowed to practice in the Superior Courts of Law of the Colony, as an Attorney or Solicitor, as shall be possessed of the qualification following, viz:

Being a subject of the British Crown, of full age, good conduct and repute.

(1.) Who shall have been actually and duly enrolled and entitled to practice, as a Solicitor, Attorney, Proctor, or Writer to the Signet, in any of Her Majesty's Superior Courts of Law (not having merely local jurisdiction) in England, Scotland, or Ireland, or

(2.) who shall have been actually and duly enrolled, and entitled to practice as a Solicitor or Attorney, in any of Her Majesty's Superior Courts as aforesaid, in any of Her Majesty's Colonies wherein the Common Law of England is the law of the land, and who if applying after the establishment of examinations for admission, but not before, shall have passed any such examination as shall hereafter be in that behalf legally established, or

(3.) who may have been instructed within the Colony, in the knowledge and practice of Law, and duly qualified to be enrolled in the Superior Courts of the Colony, as Attorney or Solicitor under and subject to such regulations as may from time to time hereafter in that behalf, be legally established.

Requisite preliminary to admission.

Oath of Allegiance.

Advertisement of intention.

Written application.

Statement of qualification.

Statutory declaration.

Testimonial of good conduct.

Call Certificate required.

IV. Provided that no applicant for admission shall be capable of being admitted, enrolled, or allowed to practice, whether as Barrister at Law, Attorney or Solicitor, until he shall have first taken and subscribed the Oath of Allegiance before the Registrar, or Deputy Registrar of the Supreme Court of Civil Justice of British Columbia, at New Westminster, and shall have advertised in the *Government Gazette* at least two calendar months previous, notice of his intention to apply in the next ensuing Term thereafter of the Court to which such application is intended to be made, and have delivered in writing to the said Registrar, or Deputy Registrar, his application for such admission, giving therein at full length his name and address and a statement of his qualification, and shall have also made and subscribed the statutory declaration hereinafter mentioned, and have deposited with such Registrar, or Deputy Registrar, a Certificate under the hand of at least two duly enrolled and practising Members of the legal profession of the said Colony, immediately before the application for admission, that they believe the applicant is a person of good moral conduct, and shall also have deposited with such Registrar, or Deputy Registrar, for at least one Calendar month after making such written application, the Certificate following, that is to say;

If the applicant be a Barrister at Law of England, or Ireland, or

Advocate in Scotland, as aforesaid, a Certificate under the Seal of any of the Societies or Inns of Court in England, Scotland, or Ireland duly authorized in that behalf.

If a Colonial Barrister as aforesaid;

From a Colonial Barrister.

A Certificate under the Seal of any of the Societies or Inns of Court of such Colony, duly authorized in that behalf, or where none such exists then of the Superior Court or Courts, (not having merely local jurisdiction) of such Colony.

If a Doctor of Civil Law as aforesaid :

From a Doctor of Civil Law.

A Certificate of the University as aforesaid, where such applicant has taken such degree.

If an Attorney, Solicitor, or Proctor, as aforesaid;

From an Attorney (Home or Colonial).

A Certificate of the Superior Court or Courts as aforesaid, in England, Scotland, or Ireland or any such of Her Majesty's Colonies as aforesaid :

Under the hand of the proper Officer of such Society, Inn of Court, Court or Courts or University, as the case may be, to the effect that the applicant was at the date thereof on the Books of the said Society, Inn of Court, or University, or on the Roll of such Barristers, Attornies, Solicitors, Proctors or Writers to the Signet, of such Court or Courts as the case may be; and that no application had been made to such Society, Inn of Court, Court or Courts, since his admission therein, or enrollment, against such person for misconduct in such his capacity as Barrister at Law, Advocate, Attorney, Solicitor, Proctor, or Writer to the Signet.

V. Provided that no such applicant shall be capable of any such admission and enrollment as aforesaid, until he shall have made, and subscribed, and filed with the said Registrar, or Deputy Registrar, a declaration under, and subject to, the provisions and penalties of the Act passed in the fifth and sixth years of the Reign of His late Majesty, King William the Fourth, Chapter sixty-two, to the effect and in the form marked A in the Schedule hereto.

Statutory declaration.

VI. All documents required under this Act shall be submitted for the approval of the Judge of the said Supreme Court, as to their due compliance with the requirements hereof, and upon such approval, the name of such applicant as aforesaid, shall be entered by such Registrar, or Deputy Registrar, on the proper Roll, upon payment of the proper fees.

Admission after verification.

VII. The fees to be taken by the said Registrar, or Deputy Registrar, upon the transaction or entry of the several matters and things to be done by him under this Act, shall be such as shall be from time to time made, varied, or presented by any Order of the said Supreme Court.

Fees.

VIII. Nothing herein contained shall be construed to prevent the Judge of the said Supreme Court from exercising the powers and authority usually exercised in England by Judges of the Superior Courts over Attornies on the Roll, or in respect of other the persons practising in such Courts.

Saving of Judicial Authority.

IX. Any person knowingly making a false statement in any material point under this Act, or the above cited Act of the fifth and sixth years of the Reign of his late Majesty, King William the Fourth, Chapter sixty-two, shall be liable to the penalties by such last cited Act prescribed; and any person otherwise in any way acting, or practising, in contravention of any of the provisions of this Act, shall also be deemed guilty of a Contempt of Court and punishable accordingly.

Penalties on false statement, or other contravention of this Act.

X. The Schedule hereto shall be deemed a part of this Act.

Schedule part of Act.

XI. This Act may be cited for all purposes as "The Legal Professions Act, 1863."

Short Title.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this Eighteenth day of June, in the

year of Our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG, Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

TO WHICH THE FOREGOING ACT REFERS.

FORM A.

FORM OF DECLARATION BY BARRISTERS.

I, A. B. of do solemnly and sincerely declare that I am a Barrister at Law [or Advocate], duly authorized to practice in the Superior Courts (not having merely local jurisdiction) of England, [Ireland, Scotland, or Her Majesty's Colony of as the case may be] and that I was called to the Bar by the Honourable Society of , [or duly called to the Bar, and admitted, and enrolled, as a Barrister in the Court, in the said Colony;] [[variation for an Attorney or Solicitor; That I am an Attorney of Her Majesty's Court at Westminster, or Solicitor, Proctor, or Writer to the Signet, as the case may be, and that I was duly admitted and enrolled as an Attorney or [Solicitor as the case may be], of the said Court at Westminster, [if in one of Her Majesty's Colonies vary the wording accordingly] on the day of]]

And that I am the person named in the Certificate now produced, and that I am a British subject by birth, [or naturalization, if naturalized state the date], and that I have never since changed or declared the intention of changing my allegiance. And that I am truly qualified to act in the capacity of according to the tenor of my qualification, and that I have never been disqualified, nor done any act whereby or by reason whereof I may be or become disqualified, and that no application, or proceeding, has ever been taken or commenced against me, in any part of Her Majesty's Dominions, with the object of disqualifying me, or by reason whereof I might have become disqualified from acting as a Barrister, [Advocate, Attorney, Solicitor, Proctor or as the case may be].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the fifth and sixth years of the Reign of his late Majesty, King William the Fourth, Chapter 62, intituled "An Act to repeal an Act of the present Session of Parliament intituled an Act for the more effectual abolition of Oaths and affirmations, taken and made in the various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire and effectual suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

Signature of declarant_____

Made and subscribed at this day of A.D.

Before me,

FORM OF DECLARATION BY A DOCTOR OF CIVIL LAW.

I, A. B. of do solemnly and sincerely declare that I am a Doctor of Civil Law of the University of , and was duly admitted to that Degree at on the day of . And that I am the person named in the Certificate now produced; and that I am a British subject by birth [or naturalization, if naturalized state the date], and that I have never since changed or declared the intention of changing my allegiance. And I make this solemn declaration &c. [concluding as above.]

BRITISH COLUMBIA.



PROCLAMATION.

No. 9, A. D. 1863.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same;

AND WHEREAS by a certain Indenture dated the 17th day of April A. D. 1863, and made between **RICHARD CLEMENT MOODY**, Colonel of Royal Engineers, and Chief Commissioner of Lands and Works for British Columbia, acting on behalf of the Government of British Columbia, of the first part, and **WILLIAM HOOD** of Cache Creek, in British Columbia, of the other part, the said **WILLIAM HOOD** contracted to construct and complete a certain Waggon Road and Works as described in the said Indenture and Specifications thereto annexed, and within the time, on the terms, and subject to the approval therein mentioned, for the price of Twelve thousand seven hundred and eighty-three pounds ten shillings Sterling subject to be increased, under certain contingencies therein mentioned, to Thirteen thousand nine hundred and seventeen pounds and fifteen shillings sterling, payable in British Columbian Bonds, at the following times, and in the following manner; that is to say by Bonds of the Government of British Columbia, bearing interest at the rate of six per cent per annum, from the dates of the acceptances of the said Road Works by the said Chief Commissioner, such Bonds to be redeemable in the proportions, time, and manner, hereinafter mentioned, and the said payment to be made by such proportional instalments as the said Chief Commissioner should in his discretion think fit;

AND WHEREAS it is by the same Indenture provided that one fifth of the said total amount of Bonds shall be retained until six

months after the completion and acceptance of the said Road and Works, or such earlier period as shall be appointed in that behalf by the said Chief Commissioner, for the purposes in the said Indenture mentioned;

Now therefore I do hereby declare, proclaim, and enact, as follows.

B. C. £50 Bonds up to £13000 may be delivered to Chief Commissioner to fulfil the Contract.

I. On the production of any and every Certificate of the said Chief Commissioner stating that any portion of the said Works has been executed to the satisfaction of the said Chief Commissioner, and specifying the amount that is due thereon to the Contractor, there may be delivered to the said Chief Commissioner of Lands and Works for the time being, to be applied to payments under the said contract, such a number of Bonds not exceeding in the whole the total amount before mentioned in the form set forth in the Schedule hereto, as shall represent at par the amount specified in any such Certificate; each Bond being for the amount of Fifty Pounds, and bearing interest at the rate of six per cent per annum from the date of Certificate of acceptance.

After specified delay for repairs, balance due may be paid.

II. At the expiration of six calendar months from the date of the completion and acceptance by Government of the whole of the said Road and Works, or at such earlier period as the said Chief Commissioner shall specially certify in writing under his hand in that behalf, and on the production of a Certificate of approval and acceptance thereof, signed by the said Chief Commissioner, and stating that the whole of the said Works have been executed in accordance with the said Contract, there may be delivered to the said WILLIAM HOOD, his executors and administrators, or assigns, such portion of said recited total, (or increased total) amount as the case may be, of the said Bonds issuable under this act as shall not have been applied or expended by the Government of British Columbia, in keeping the said works in repair under the provisions of the said Contract in that behalf contained.

Cesser of interest on non presentation of Bond.

III. Provided that all interest shall cease to accrue upon any of the said Bonds which shall not have been presented for payment at the Treasury upon the day therein appointed for the redemption thereof.

Numbering.

IV. All the said Bonds shall be numbered in a regular series, according to the natural numbers, beginning with Number One, according to the order in which the same shall be issued.

And classification.

V. The Bonds numbered 1 to 85 both inclusive shall, subject, as hereinafter mentioned, be payable by the Treasurer, with interest, in cash, on the thirtieth day of September A. D. 1864; the Bonds No. 86 to 170 both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the thirtieth day of September A. D., 1865; the Bonds No. 171 to 255, both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the 30th day of September A. D. 1866 and (if required under the Contract) the Bonds numbered 256 to 277 both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the 30th day of September A. D. 1867. All the said Bonds shall be dated as of the days on which the Certificates of acceptance to which they refer shall respectively be issued.

Bonds charge on General Revenue after existing special liabilities.

6. The Treasurer of the Colony, or other person for the time being acting in that capacity, is hereby ordered and directed to pay the amount of every such Bond, and all interest payable thereon, out of any monies belonging to the said Colony remaining in his hands, after providing for the existing charges on the public Revenue by loans or Bonds already raised or issued, at the time when such Bonds shall be presented to him for the payment of the principal or interest thereof in accordance with the provisions of this Act. The interest due on each of the said Bonds shall be paid half-yearly, upon presentation of the Bond in respect of which any such interest shall be due at the Treasury, at New Westminster.

Schedule.

VII. The Schedule hereto shall be deemed to be part of this Act.

Short Title.

VIII. This Act may be cited on all occasions as the "Cook's Ferry and Clinton Road Bond Act 1863."

Issued under the Public Seal at Victoria, Vancouver Island this Thirtieth day of June A. D. 1863, and in the Twenty seventh year of Her Majesty's Reign by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG, Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

COLONY OF BRITISH COLUMBIA.

TREASURY BOND.

Under the "Cook's Ferry and Clinton Road Bonds Act 1863."

£50
No.

£

Dated

A. D. 186 .

Payable 30th September 186

The Government of British Columbia is hereby bound (subject to the existing charges on the Revenue by Loans and Bonds,) to pay to the Bearer hereof, on the 30th day of September 186 . the sum of Fifty Pounds, together with interest thereon in the mean time, from the day of 186 , after the rate of six per cent per annum. The Interest becoming due hereon, shall be payable in instalments half-yearly, at the Treasury, New Westminster, to the Bearer hereof.

Treasurer.

By order of His Excellency the Governor,

Colonial Secretary,

BRITISH COLUMBIA.



PROCLAMATION.

No. 10, A.D. 1863.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas, by an Agreement, duly executed, bearing date on the 2nd day of February, A.D. 1863, and made between Richard Clement Moody, Colonel of the Royal Engineers, and Chief Commissioner of Lands and Works for British Columbia, acting on behalf of the Government of British Columbia; of the first part, and Joseph William Trutch, therein described, of the other part, for the consideration therein mentioned, and upon the due completion by the said Joseph William Trutch, at his own expense, of an Iron Suspension Bridge, to be called the Alexandra Bridge, across the Fraser River near Chapman's Bar, with proper approaches, the said Government agreed that the Tolls hereinafter created should be granted to him, and his assigns, as a remuneration for his outlay, subject to the observance of the terms and stipulations of the agreement now under recital, and still valid and subsisting;

And whereas, the said Chief Commissioner has certified that such Bridge and approaches have been duly completed according to the said agreement, and the said Joseph William Trutch hath applied to the Government for the stipulated authority to levy the said Tolls;

And whereas, in pursuance of the said agreement it is expedient that such authority should be granted upon the conditions of the said agreement, and in manner hereinafter appearing;

Now therefore I do hereby declare, proclaim, and enact as follows:

I. From and after the passing of this Act it shall be lawful for the said Joseph William Trutch, his executors, administrators, and assigns, for and during the term of seven years from the date of the passage of this Act, or until the previous determination of such term, in manner hereinafter provided, to ask, demand, sue for, receive, and recover by way of Toll, from all persons whomsoever, the sums following, that is to say:

Creation of Tolls.

For every pound avoirdupois of goods, merchandize, stores, productions, and chattels, other than those hereinafter excepted, which shall respectively be taken or carried on, over, under, or across, or past in evasion of the Tolls, the said Bridge, along the valley of Fraser River, and whether by land or water, the sum of one-third of one halfpenny sterling;

And for every loose ox, cow, horse, ass, or mule, other than those hereinafter excepted, and so as aforesaid taken, passing in evasion of the Tolls, or carried, the sum of one shilling and one penny per head;

And for every head of sheep, pigs, colts, goats, or calves, other than those hereinafter excepted, so as aforesaid taken, passing in evasion of the Tolls, or carried, the sum of six pence halfpenny;

For every vehicle used for the conveyance of passengers, drawn by one horse or other animal, the sum of two shillings and one penny;

For every vehicle, as last aforesaid, drawn by two horses or other animals, the sum of four shillings and two pence;

For every vehicle, as aforesaid, drawn by four horses or other animals, the sum of eight shillings and four pence.

Exceptions.

II. Provided nevertheless, that any such Tolls shall not be demandable on goods, chattels, vehicles, or animals belonging to or employed in the service of the Government, or on foot passengers, or vehicles, waggons, or animals, for the time being drawing or laden with, or regularly and solely employed in drawing or packing, freight or farm produce on the Lytton-Alexandria Road, or on farm utensils or farming implements in use upon any farm within 13 statute miles of the said Bridge, or on lumber or manure, or on machinery for steamboat or railroad purposes, or on passengers personal baggage in any vehicle not exceeding fifty pounds weight for each passenger, or on ordinary miners' packs or personal baggage, of the weight aforesaid, carried or borne by passengers respectively using, taken, carried, or passing along, over, or under, or past in evasion of the said Tolls as aforesaid, the said Bridge, and whether by land or water.

Conditions of Grant.

III. Provided always that the rights, tolls, and privileges accorded by this Act are granted, and shall be held by the said Joseph William Trutch, his executors, administrators, and assigns, subject to the several provisions for the regulation of the traffic, reduction and variation of tolls, and as to notice, and with, under, and subject to the several conditions as to the continuous maintenance, repair, painting, and alterations and improvements respectively of the said Bridge and approaches, and also with, under, and subject to the condition of forfeiture of the Tolls, rights, powers, and privileges hereby conferred or to be conferred, upon default as in the said agreement of the second day of February, one thousand eight hundred and sixty-three, is more particularly mentioned or referred to.

Collection and application of Tolls.

IV. All Tolls and duties raised hereunder shall be levied, collected, and paid and applied by, for, and to the proper use of the said Joseph William Trutch, his executors, administrators, and assigns until forfeiture as aforesaid, and after such forfeiture by, for, and to the use of Her Majesty, Her heirs, and successors, and form and be accounted for (less the cost of collection) as General Revenue.

Saving of rights.

V. Nothing herein contained shall be construed in any way beyond the specific provisions of this Act to entitle the said Joseph William Trutch, or any other person whosoever, to infringe any existing private rights, or any existing or future public rights.

Penalty on evasion of Toll.

VI. Any person directly or indirectly evading, or attempting to evade, the payment of any of the duties or tolls hereby imposed shall for such offence be fined treble the amount of toll, or any sum not

exceeding one hundred pounds, and with or without imprisonment, at the discretion of the Magistrate convicting.

VII. Any penalty under this Act may be recovered before any Magistrate in British Columbia in a summary way, and such fines shall be paid to the person or persons for the time being entitled to receive the said Tolls. How recoverable.

VIII. Any Tolls leviabie under this Act may be levied and collected either at the Alexandra Bridge or at Yale. Place of Collection.

IX. This Act may be cited for all purposes as "The Alexandra Bridge Toll Act, 1863." Short Title.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-seventh year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.s.]

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 11, A.D. 1863.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas a majority of the owners of real property in Blocks V., VI., and VII. of the suburbs of the City of New Westminster, have petitioned that the same be included within the limits of the said City for Municipal purposes;

And whereas it is expedient to grant the prayer of such petition in manner hereinafter appearing;

Now, therefore, I do hereby declare, proclaim, and enact as follows:

From and after the date of this Act:

I. All that tract of land which includes the several pieces of land on the Official map of the suburbs of the said City of New Westminster, described as Blocks five (V.), six (VI.), and seven (VII.) shall be and are hereby included in the Schedule of "The New Westminster Municipal Council Act, 1860," and (so far as hereinafter not otherwise expressed) in all respects governed by, and subject to, all and singular the provisions of the Act last above cited, "The New Westminster Municipal Council Extension Act, 1861," and "The New Westminster Municipal Council Extension Act, No 2.," and the Bye Laws and ordinances made in pursuance thereof respectively, and such tract shall henceforth form an integral part of the said City and Municipality, as if such tract of land had been originally included therein.

Includes Suburban Blocks V., VI., and VII. within the City limits.

II. So much of the said tract of suburban land so included, as last aforesaid, as is situate and lying between the South Western Boundary line of Dublin Street and the South Western Boundary line of Saint Andrew Street shall be and constitute an additional Ward of the said City, under the name of Number 5 Ward.

Ward Number 5.

III. So much of such said tract of land as is situate and lying between the said South Western Boundary line of Saint Andrew Street and the South Western Boundary line of Mary Street shall be and constitute an additional Ward of the said City, under the name of Number 6 Ward.

Ward Number 6.

IV. So much of such said tract of land as is situate and lying between the said South Western Boundary line of Mary Street and the North Western Boundary line of Park Lane shall be and constitute an additional Ward of the said City, under the name of Number 7 Ward.

Ward Number 7.

V. Each of the said Wards shall be bounded by the Northerly Boundary line of Melbourne Street to the Northward, and by the Queen's Avenue to the Southward.

N. and S. Boundaries.

Creates one additional Councillor to each new Ward.

VI. One additional Councillor shall be elected for each of the said additional Wards, in the same manner (save as hereinafter mentioned) and with and subject to the same qualifications, powers, and restrictions as are at present in force with respect to the election of Municipal Councillors of the said City.

Elections for remainder of 1863.

VII. Provided that the first List of Voters, for each of such additional Wards, shall be made out and notes taken in every such election by the same person, and the same Returning Officer, and the nomination and election shall take place in the same way as is at present prescribed for elections under the New Westminster Municipal Council Act, 1860.

Power of Taxation for 1863.

Save that the first List of Voters for the New Wards shall be made out by the 30th day of September, 1863, the first nomination shall take place on the 7th day of October, 1863, and the first election on the day following, and each member elected in accordance with this Act shall be deemed to have been in all respects duly elected a Municipal Councillor of the said City, under the New Westminster Municipal Council Act, 1860, and shall vacate office on the same day, and be eligible for re-election as if elected on the 7th day of August, 1863.

Collection thereof.

VIII. A supplemental Municipal tax may be created for the remainder of the Municipal year now current, by the whole body of Municipal Councillors so increased as aforesaid, and apply to and extend over the tract of land so included in the Municipality as aforesaid, but no further.

And such tax may be levied, assessed, and collected within and for such time, not exceeding the limits of the financial Municipal year now current, and in such manner as the Municipal Council may in their discretion determine best, with, under, and subject to the same restrictions as to amount, powers (including the power of sale), penalties, and remedies for collection, as if such tax had been created in the ordinary time and manner, under the said New Westminster Municipal Council Act, 1860.

In subsequent years the same as other parts of the City.

IX. On and after the close of the Municipal year now current, the said tract of land included as aforesaid in the said Municipality, and the said Wards hereinbefore created, shall be for the purposes of taxation representation in the Municipal Council, and all other Municipal purposes whatsoever, be deemed and taken to be part and parcel of the said City of New Westminster, as if such land had been originally included in the Act last above mentioned, and thenceforth be and remain subject to all the laws and bye-laws for the time being in force and affecting the said Municipality.

Short Title.

X. This Act may be cited for all purposes as the "New Westminster Municipal Extension Act, No 3."

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-seventh year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

BRITISH COLUMBIA.



PROCLAMATION.

No. 12, A.D. 1863.

By His Excellency, **JAMES DOUGLAS**, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same;

And whereas, certain permanent Government Offices in the gift of the Crown, and in the Schedule hereto more particularly mentioned, have been duly created in the said Colony, and Officers duly appointed thereto;

And whereas, it is expedient to proclaim a permanent Law enabling Her Majesty, Her heirs and successors, out of the General Revenue of the said Colony, to allot salaries to the persons for the time being appointed by Her Majesty, Her heirs or successors, to such Offices, at the several rates and in manner hereinafter appearing;

Now therefore, I do hereby declare, proclaim, and enact as follows:

I. From and after the date of this Act, and at all times hereafter, it shall be lawful for Her Majesty, Her heirs and successors, out of the General Revenue of the Colony of British Columbia, from whatever source arising, to pay, or cause to be paid, the several minimum annual salaries, with the allowances, and to the several persons for the time being appointed as aforesaid, and at the several minimum rates in the Schedule hereto annexed, in that behalf more particularly mentioned.

Power to pay salaries of certain Government Officers out of the Revenue of the Colony.

II. The Schedule hereto shall be part of this Act.

Schedule.

This Act may be cited on all occasions as the "Crown Officers' Salaries Act, 1863."

Short Title.



Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the 24th day of September, in the year of Our Lord One Thousand Eight Hundred and Sixty three, and in the Twenty-seventh Year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.

SCHEDULE

TO WHICH THIS ACT REFERS.

Governor, with a suitable residence properly furnished.....	£3000.
Judge of the Supreme Court of British Columbia.....	£1200.
Colonial Secretary.....	£800.
Attorney General, with practice.....	£500.
Treasurer.....	£750.
Commissioner of Lands and Surveyor General.....	£800.
Collector of Customs.....	£650.
Chief Inspector of Police.....	£500.
Registrar General.....	£500.

BRITISH COLUMBIA.

U.



B.

No. 1. An Ordinance to promote the Drainage of Mines.

[1ST FEBRUARY, 1864.]

WHEREAS great inconvenience has been experienced in the prosecution of Mining operations in this Colony, for lack of authority for the creation of Mining Drains, and it is expedient by Statute to provide for the same in manner hereinafter appearing;

Preamble.

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

From and after the date of the passing of this Act,

I. It shall be lawful for the Gold Commissioner of any district in the Colony, upon the application hereinafter mentioned, to grant full license and authority to any Free Miner or Miners, Company, or Companies of Free Miners, to enter into and upon any lands in British Columbia, for the purpose of constructing a drain or drains for the drainage of Mining ground; and for that purpose to enter into an agreement or agreements for a Grant or License as hereinafter mentioned, with any Free Miner or Miners, Company, or Companies of Free Miners.

Gold Commissioner may grant License to construct Mining Drains.

II. Every such application as aforesaid shall contain a statement of the extent and nature of the privileges sought to be acquired, and the maximum amount of drainage toll (if any) proposed to be charged for the use or benefit to be made or derived from the drainage works thereby proposed to be constructed.

Form of Application.

III. It shall be lawful for the said Gold Commissioner to grant such rights of entry and taking toll as aforesaid, not however exceeding the maximum amount mentioned in such application, for such term of years not exceeding ten years, and to grant such powers of assessing, levying, and collecting such sums of money by way of drainage toll, from all persons using, or in the opinion of the said Gold Commissioner benefitted by such drain or drains, and with, under, and subject to such other terms, conditions, and restrictions as to such Gold Commissioner in his discretion may seem just and reasonable.

Gold Commissioner may grant right of entry and taking Toll.

IV. No such application for a grant or license, or agreement for a grant or license, shall be received by such Commissioner until he shall have been satisfied that the notice of application, next hereinafter mentioned, has been given.

Notice of intended application

At least ten clear days notice in writing, of every such intended application shall be given by the applicant or applicants, by affixing the same to some conspicuous part of the ground intended to be affected by such application, and a duplicate of such notice shall be given at the same time, or as near thereto as may be, to the Gold Commissioner.

Necessary Covenants in a Drainage License.

V. Every such grant or license shall contain covenants by the grantees to construct such drain or drains, and have the same in effective working order, within a time certain to be therein named, and to keep such drain or drains, or such portion or portions thereof as such Commissioner shall from time to time in that behalf prescribe, in thorough working order and repair, and free from all obstructions, and of sufficient size and in all respects proper for efficiently performing the proposed work, with power to the Gold Commissioner from time to time to order any inspection and, on any complaint, to order any necessary repairs or alterations to be done within a reasonable time, to be limited by him; and if not then done by the grantees, that such repairs or alterations may be handed over by the Gold Commissioner for execution to any other person, persons, or company, being Free Miners. And the costs thereof may be levied by the said Gold Commissioner by sale of all or any part of the property of the grantees, including the said tolls (but subject to the conditions of the grant or license under which the same shall be held), and also covenants to make proper Tap-drains, in a reasonable time, from or into any adjacent claims, upon being required so to do by the owners thereof, or any authorized person or persons on their behalf, and on neglect or default so to do to suffer the parties desirous of such Tap-drains to make them themselves, and in which case the parties so making and using such Tap-drains 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, and all such other proper covenants, conditions, and stipulations as may be introduced by such Gold Commissioner into such Grant or License, for ensuring the better construction, maintenance, and repairs of the said drains and drainage works, and for the protection of the owners of adjacent claims.

An agreement for a License to include these Covenants.

VI. And every such agreement as aforesaid, for any such Grant or License as aforesaid, shall be held to include an agreement for such Covenants. And every Grant of a power to enter any lands in the Colony to make drains, shall include a power to enter and make any Tap-drains as aforesaid; but in the case of Tap-drains, only three days previous notice, affixed as aforesaid, shall be required.

Compensation for damage.

VII. 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; and by any order under his hand prescribe by, and to whom, and when the same shall be paid.

Saving of Rights of the Crown.

VIII. Provided nevertheless that nothing herein contained, shall be deemed or construed to affect, limit, or abridge any of the rights of Her Majesty, Her Heirs or Successors in, or to, any of the Crown lands of this Colony.

Saving of rights of way and water.

IX. And no such Grant, or License, or agreement therefor, shall be valid unless the same shall contain a reservation of the public rights of way and water, in such manner, direction, and extent as the Gold Commissioner shall from time to time direct.

X. Any person wilfully refusing or neglecting to obey any lawful order of the Gold Commissioner, in relation to any payment of toll or compensation, or to any drain, or other matter, or thing whatsoever, that shall be by him authorized, prescribed, or required to be done in or under this Act, or in or under any Grant, or License, or agreement to be made under or by virtue of this Act, 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 calendar months.

Penalty on infraction of any provision of the Act.

XI. Provided nevertheless that in case the Grantees as aforesaid, shall be desirous of abandoning their respective Grants or Licenses as aforesaid, they shall give twenty clear days notice thereof in writing, by affixing the same and delivering a duplicate as hereinbefore mentioned of their intention so to do.

Abandonment of Drainage License.

XII. In the construction of this Act the expression "Gold Commissioner," shall be deemed and taken to include Assistant Gold Commissioners, and Justices of the Peace acting as Gold Commissioners, under any special authority, or any other person lawfully exercising the jurisdiction of a Gold Commissioner for the locality referred to.

Interpretation Clause.

XIII. This Ordinance may be cited for all purposes as "The Mining Drains Act, 1864."

Short Title.

Passed the Legislative Council the 30th January, A. D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this first day of February, A. D. 1864,

JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

H.



L.

No. 2. An Ordinance confirming certain Proclamations.

[2ND FEBRUARY, 1864.]

WHEREAS, the Order in Council of the eleventh day of June, one thousand eight hundred and sixty three, revoked the Order in Council of the second day of September, one thousand eight hundred and fifty eight, as and from such eleventh day of June last, and

Preamble.

Whereas, several Proclamations have been made and passed, and Acts done under the said revoked Order in Council, for the purpose of better maintaining peace, order, and good government in British Columbia, subsequently to the date of such revocation, and

Whereas, for the avoidance of all doubt as to the binding authority of such Proclamations, it is expedient that an Ordinance confirming and re-enacting the same should be passed, in manner hereinafter appearing.

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

I. The Proclamations hereinafter specified, that is to say No. 8, dated 18th June, 1863, intituled "The Legal Professions Act, 1863," No. 9, dated 30th June, 1863, intituled "Cook's Ferry and Clinton Road Bond Act, 1863," No. 10, dated 21st September, 1863, intituled "The Alexandra Bridge Toll Act, 1863," No. 11, dated 23rd September, 1863, intituled "New Westminster Municipal Extension Act, 1863," No. 12, dated 24th September, 1863, intituled "Crown Officers' Salaries Act, 1863," and every Act done under the Order in Council of the second day of September, one thousand eight hundred and fifty eight, since the said eleventh day of June last, shall be of as binding authority and have the full force and effect of Law, to all intents and purposes whatsoever, in as full and ample a manner as if the said Order in Council of the second day of September, one thousand eight hundred and fifty eight, had never been revoked.

Confirms Proclamations passed since 11th June, 1863.

II. This Ordinance shall be cited for all purposes as "The Confirmatory Ordinance, 1864."

Short Title.

Passed the Legislative Council the }
1st February, A. D. 1864.

CHARLES GOOD, Clerk.

Received my assent this second day of February, A. D. 1864.

JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.



No. 3. An Ordinance to apply the sum of One
hundred and thirty five thousand, six hundred and thirty nine pounds,
sixteen shillings and seven pence, Sterling, out of the General Revenue
of the Colony of British Columbia and its Dependencies, to the service of
the year One thousand eight hundred and sixty four.

[18th Feb., 1863.]

MOST Gracious Sovereign, we, Your Majesty's most dutiful and loyal subjects,
the Legislative Council of the Colony of British Columbia, in Parliament as-
sembled, toward making good the supply, which we have cheerfully granted
to Your Majesty, in this Session of Parliament, have resolved to grant unto Your
Majesty the sum hereinafter mentioned, and do therefore most humbly beseech
Your Majesty that it may be enacted by His Excellency the Governor of British
Columbia, by and with the advice and consent of the Legislative Council thereof,
in the present Parliament assembled, and by the authority of the same, as follows:

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 four,
the sum of One hundred and thirty five thousand six hundred and thirty nine
pounds, sixteen and seven 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 5th February, A.D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this eighteenth day of February, A.D. 1864,

JAMES DOUGLAS,
Governor.

SCHEDULE.

ESTABLISHMENTS DETAILED.	
CIVIL.	
HIS EXCELLENCY THE GOVERNOR.	
SALARIES. Fixed Establishment.	
Governor	£3,000
Private Secretary	350
Provisional.	
Messenger	100
	3,450
CONTINGENCIES.	
Stationery, &c.	50
Total His Excellency the Governor	£3,500
COLONIAL SECRETARY.	
SALARIES. Fixed Establishments.	
Colonial Secretary	£800
Clerks, &c., in Department	1,050
	1,850
CONTINGENCIES.	
Extra assistance in Office	£500
Advertising in Public Newspapers	100
Stationery	150
	750
Printing Department	1,250
Total Colonial Secretary	£3,850
TREASURER.	
SALARIES. Fixed Establishment.	
Treasurer	£750
Clerks, &c., in Department	1270
	2,020
Advance of Salary to Messenger. Provisional	20
CONTINGENCIES.	
Stationery, &c.	100
Total Treasurer	£2,140
ASSAY AND REFINERY OFFICE.	
SALARIES. Fixed Establishment.	
1 Assayer and 1 Melter	£800
CONTINGENCIES.	
Stationery, Chemicals, Fuel, &c.	350
Total Assay Office	£1,150
AUDITOR GENERAL.	
SALARIES. Fixed Establishment.	
Auditor	Nil.
Clerks in Department	£650
CONTINGENCIES.	
Stationery, &c.	50
Total of Auditor	£700
COMMISSIONER OF LANDS AND SURVEYOR GENERAL.	
SALARIES. Fixed Establishment.	
Surveyor General	£800
Provisional and Temporary.	
2 Assistants at £250 each	£500
1 Messenger	100
	600
Road Toll Collectors at Lillooet	600
Do. do. Clinton	400
Do. do. Lytton	400
Do. do. Lytton	200
	1,600
CONTINGENCIES.	
Stationery, Drawing Materials, &c.	500
Total Commissioner of Lands &c. &c.,	3,500

CUSTOMS.	
SALARIES. Fixed Establishment.	
Collector of Customs	£650
Clerks, &c., in Department	846
Deputy Collector, Southern Boundary	300
OUT-DOOR DEPARTMENT.	
Revenue Officer	350
	2,146
Provisional and Temporary.	
Landing Waiters	£ 788
2 Constables at Southern Boundary ...	432
Assistant Collector, Douglas	100
1 Constable at Douglas	250
Assistant Collector at Yale	100
1 Constable at Yale	250
	1,920
CONTINGENCIES.	
Stationery, &c.	120
Total of Customs	£4,186
REGISTRAR GENERAL.	
SALARIES. Fixed Establishment.	
Registrar General	£500
CONTINGENCIES.	
Stationery	£50
Temporary assistance	50
	100
Total Registrar General	£600
POST OFFICE.	
SALARIES. Fixed Establishment.	
Post Master and Messenger	£422
Deputy at Williams Lake	300
	722
CONTINGENCIES.	
Stationery, &c.	75
Total Post Office	£797
HARBOUR MASTER.	
SALARIES. Fixed Establishment.	
Harbour Master	£400
CONTINGENCIES.	
Stationery	10
Total Harbour Master	£410
LEGISLATIVE COUNCIL.	
Provisional and Temporary.	
Salary of Clerk	£200
CONTINGENCIES.	
Stationery, Fuel, &c.	100
Total Legislative Council	£300
ASSISTANT GOLD COMMISSIONERS AND STIPENDIARY MAGISTRATES.	
DOUGLAS DISTRICT.	
SALARIES. Fixed Establishment.	
Assistant Gold Commissioner, &c.	£300
2 Constables	384
	684
ALLOWANCES.	
Keep of horse	72
CONTINGENCIES.	
Stationery, &c.	40
Total Douglas District	£796

YALE DISTRICT, including Hops.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£350	
3 Constables	634	
1 Do. at Hope	192	
		1,176
ALLOWANCES.		
Keep of horse.....		72
CONTINGENCIES.		
Stationery &c.		100
Total Yale District.....	£1,348	

LYTTON DISTRICT.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£400	
2 Constables	432	
		832
CONTINGENCIES.		
Stationery.....		50
Total Lytton District.....	£882	

LILLOOET DISTRICT.

SALARIES,	Fixed Establishment.	
Assistant Gold Commissioner	£400	
2 Constables	432	
		832
CONTINGENCIES.		
Stationery, &c.		50
Total Lillooet District.....	£882	

SHUSWAP DISTRICT.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£500	
2 Constables, 1 at 240 and 1 at 192 ...	432	
		932
CONTINGENCIES.		
Stationery, &c. - - - - -		100
Total Shuswap District -	£1,032	

CARIBOO DISTRICTS.

SALARIES.	Fixed Establishments.	
1 Gold Commissioner - - - - -	£500	
1 Assistant do. - - - - -	500	
2 Clerks for do. - - - - -	700	
6 Constables do. Cariboo Districts -	1,560	
		3,260
Provisional and Temporary.		
Advance to Salary of the Gold Commissioner		100
ALLOWANCES.		
To 1 Gold Commissioner and 1 Assistant Gold Commissioner of £100 per annum each, in consequence of the high price of Provisions - - - - -		200
CONTINGENCIES.		
Stationery, &c. - - - - -		400
Total Cariboo District	£3,960	

JUDICIAL.

SALARIES.	Fixed Establishment.	
Judge of Supreme Court - - - - -	£1,200	
Registrar Do. - - - - -	300	
		1,500
Provisional and Temporary.		
Advance of Salary to Registrar - - - - -		100
CONTINGENCIES.		
Stationery, &c. - - - - -		50
Total Supreme Court	£1,650	

ATTORNEY GENERAL.

SALARIES.	Fixed Establishment.	
Attorney General - - - - -	£500	
Clerk to do. - - - - -	200	
		700
CONTINGENCIES.		
Stationery, &c. - - - - -		50
Total Attorney General	£750	

POLICE, INCLUDING PRISONS AND GAOLS.

SALARIES.	Fixed Establishment.	
Chief Inspector of Police - - - - -	£500	
3 Constables - - - - -	488	
		988
GAOL AT NEW WESTMINSTER.		
Warden of Gaol and Gaoler - - - - -	344	
Medical Attendance - - - - -	100	
		444
CONTINGENCIES.		
Stationery - - - - -		50
Total of Police and Gaols	£1,482	

REVENUE SERVICES, Exclusive of Establishments.

Arrest and prosecution of Smugglers at New Westminster and Southern Boundary -	£325
Travelling Expenses, Officers on duty -	100
	£425

ADMINISTRATION OF JUSTICE, Exclusive of Establishments.

Summoning Jurors and Witnesses -	50
Interpreters, Fees, &c. - - - - -	250
Judge and Registrar on Circuit - - - - -	1,500
	£1,900

CHARITABLE ALLOWANCES.

Donation in aid of Hospital - - - - -	£400
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EDUCATION.

For aiding in the establishment of Schools, and in the maintenance of existing Schools	£500
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POLICE AND GAOLS, Exclusive of Establishments.

NEW WESTMINSTER.	
Provisions and other necessaries for Prisoners	900
Clothing, Bedding, and Furniture -	150
Working Implements for Chain Gang	50
Witnesses, Interpreters - - - - -	100
Douglas.	
Keep of Prisoners and other Police expenditure at this Station - - - - -	300
YALE.	
Keep of Prisoners, &c. at this Station -	300
LYTTON.	
Keep of Prisoners, &c. at this Station -	550
LILLOOET.	
Keep of Prisoners, &c. at this Station -	300
CARIBOO AND SHUSWAP.	
Keep of Prisoners, &c. at these Stations -	1,000
	£3,650

RENT.

Of Court House and Gaol, Lillooet -	150
Temporary Residence of His Excellency The Governor - - - - -	39
	£180

TRANSPORT.

HIS EXCELLENCY THE GOVERNOR.	
Expenses of Tours in the Interior	1,000
TREASURER.	
Travelling Expenses of Officers on duty	27
Remittance of Treasure	50
AUDITOR GENERAL.	
Travelling Expenses of Officers on duty	26
Freight upon Accounts to England	26
COMMISSIONER OF LANDS AND SURVEYOR GENERAL.	
Keep of Government horses	100
CUSTOMS.	
Travelling Expenses of Officers on duty	160
HARBOUR MASTER.	
Travelling Expenses of Officers on duty	25
Occasional hire of Boatmen	25
REGISTRAR GENERAL.	
Travelling Expenses of Officers on duty	56
GOLD COMMISSIONER AND ASSISTANT DO. IN CARIBOO.	
Travelling Expenses of Officers and Constables on duty	1,000
ASSISTANT GOLD COMMISSIONER, SHUSWAP.	
Travelling Expenses of Officers and Constables on duty	250
INSPECTOR OF STEAM VESSELS.	
Travelling Expenses of Inspector testing Boilers	400
Travelling Expenses of Magistrates, &c. on duty	209
	<u>£3,265</u>

CONVEYANCE OF MAILS.

By Land	3,000
By Water	1,000
	<u>£4,000</u>

WORKS AND BUILDINGS.

Repairs and improvements to Government House, at the Camp	500
Repairs to and fitting up of Colonial Secretary and Auditor's Offices	200
Repairs generally to other Offices in New Westminster	100
Government House and Lock-up at Lillooet, a re-vote	1,000
Re-placing Buoys at mouth of Fraser River	600
Sundry repairs to Government Buildings	1,000
Exploring in the Interior	500
Surveying generally, and assisting Settlers to take up land	4,000
Grant in aid of Naval Survey of Coast	500
Erection of Court House, &c., at Lightning Creek	1,000
	<u>£10,400</u>

ROADS, STREETS, AND BRIDGES.

Repairs to and keeping in good order the Portages on the Harrison-Lillooet Route	3,000
Repairs to and keeping in good order the Road from Yale to the junction at Clinton	2,000
Roads in Cariboo	8,000
Improving Trail and opening Road from Alexandria Road, by Horse-fly Creek to Quesnel Lake	1,000
Probable sum required to open communication to newly discovered Gold Fields	5,000
Three Notes of Mr. G. B. Wright's, guaranteed by Government, due July, 1864	6,000
Chapman Bar and Boston Bar Road	4,000
	<u>£29,000</u>

MISCELLANEOUS SERVICES.

Presents to Indian Chiefs	200
Loss on sale of Gold Dust Assayed	80
Celebration of Public Holidays	20
Sundry Miscellaneous expenditure	200
Furnishing Governor's Residence	1,000
Wharf Rents to Municipal Council, New Westminster	200
Proportion of Roads Tolls payable to G. B. Wright, on account of Lillooet Alexandria Road, as per agreement	1,600
Purchasing Drafts for remittances to London	200
	<u>£3,500</u>

INTEREST.

Interest on Loan (1862) at 6 per cent.	3,000
Do. (1863) do.	3,000
Interest on Temporary Loans	1,000
Do. on Road Bonds	1,000
	<u>£8,000</u>

DRAWBACK AND REFUND OF DUTIES.

Drawback and Refunds	£50
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REDEMPTION OF BONDS.

Cook's Ferry and Clinton Road Bonds due 30th September, 1864, Nos. 1 to 85	£4,250
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SINKING FUND.

In Redemption of £50,000 Loan 1862	4,500
Do. Do. 1863	2,000
	<u>£6,500</u>

HOME GOVERNMENT ACCOUNT.

Due to Her Majesty's Government for the Buildings at the Camp New Westminster	£10,704 16 7
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TEMPORARY LOANS.

Due to the Government of Vancouver Island	9,000
Due to the Bank of British Columbia	7,000
	<u>£16,000</u>

BRITISH COLUMBIA.

H.



H.

No. 4. An Ordinance to extend and improve the Laws relating to Gold Mining.

[26th February, 1864.]

WHEREAS, from the increased extent and importance of Gold Mining in British Columbia, it is requisite to make further provision as to the holding, sale, transmission, and disposal of claims and interests in claims, and to facilitate the creation of partnerships, and also to confer privileges under certain restrictions on free miners associating together for the more economical and systematic drainage of mining ground, and to raise revenue from the duties upon the registration of various mining matters;

Preamble.

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

1. From and after the passing of this Act, so much of clause thirty one (31) of the Gold Fields Act, 1859, as relates to the times of meeting of the Mining Board shall be amended to read as follows:

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, when and so often as in his opinion occasion shall require, to call together such Mining Board.

Mining Board Meetings.

2. Section thirty three (33) of the said Gold Fields Act, 1859, shall be repealed, and the following provisions substituted in lieu thereof:

Repeals Section 33 of Gold Field's Act, 1859.

The General Election of members of the Mining Board shall be held on such day, in each year, as the Gold Commissioner in each District shall appoint;

Election of Mining Board.

And the Gold Commissioner shall fill by appointment all vacancies which may arise in the said Board, and when the same may occur, and such appointees shall hold office until the next General Election.

Vacancies in the Board

3. Section thirty five (35) of the said Gold Fields Act shall be amended by striking out the words Gold Commissioner in the first line of the said section.

Mining Board may act without presence of Gold Commissioner.

4. The words Gold Commissioner shall be and is hereby struck out from clause thirty six (36) of the said Gold Fields Act, 1859, wherever the same may occur therein, and in lieu thereof the words "majority of the said Mining Board" shall be inserted throughout such clause, which shall be read and construed accordingly, reserving nevertheless to the Gold Commissioner the power hereinbefore specified in clause I. of this Act.

Mining Board to manage its internal affairs.

5. Upon complaint being made to him, the Gold Commissioner is hereby empowered to order all mining works to be carried out in such manner as he shall think necessary for the safety of the public, or the protection of their rights, or the interest of the holders of claims adjoining to or affected by any such works, and to order any abandoned works to be either filled up or sufficiently guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in case such parties shall be absent then to make such order in the premises as to such Gold Commissioner shall seem expedient.

Protection against dangerous works.

Hill or Tunnel Claims.

6. All claims situated on the banks of or fronting on any natural channel, stream, ravine, or water course, shall have a base line drawn parallel to the channel of the stream on which they may be located, such base line to constitute the frontage of such claims, and to be marked by posts of the legal size placed at intervals of one hundred feet. Lines drawn at right angles thereto to constitute the side lines or dividing lines between claims.

Gold Commissioner may refuse to record certain Tunnel Claims.

7. Provided also that 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 two hundred feet of any gulch or tributary of such creek.

Gold Commissioner may decide all mining partnership disputes.

8. Clause seventeen (17) of the Gold Fields Act, 1859, is hereby repealed.

Bed-rock Flumes.

9. It shall be lawful for the Gold Commissioner to grant, or agree to grant, rights of entry on or under any lands in the Colony, for the purpose of constructing, laying, and maintaining Bed-rock Flumes, for such terms, not exceeding ten years, with, under, and subject to such of the conditions and stipulations hereinafter mentioned with regard to Bed-rock Flumes, as in the opinion of such Gold Commissioner the interests of mining in his District, for the time being, may render advisable. Provided that every such grant or agreement shall contain a proper reservation of the rights of the Crown, and of public rights of way and water, and reservations of land for Public or Governmental purposes, and (so far as consistent with the objects of such grant) a reservation of private rights arising for the time being.

Power to Gold Commissioner to authorize Bed-rock Flumes.

Who may be a Bed-rock Flume Company.

10. Three or more free miners may constitute themselves into a Bed-rock Flume Company within the meaning of this Act, and when duly authorized as lastly hereinbefore mentioned may enter upon any river, creek, gulch, ravine, or other water course in the Colony, for the purpose of constructing and laying a Bed-rock Flume therein, and when not otherwise expressed in such authority as aforesaid, with the rights and privileges and under the limitations and restrictions hereinafter specified.

Privileges of and requirements from Bed-rock Flume Companies.

11. Any company so authorized as aforesaid, and organized under the provisions of this Act, shall be entitled to enter upon any new and unworked river, creek, gulch, ravine, or water course, and locate a strip of ground one hundred feet wide and two hundred feet long, in the bed of such stream, gulch, ravine, or water course, to each man of the persons constituting such company, and shall have and enjoy the right of way from their upper line to extend the said flume for a further distance of five miles up the stream, gulch, ravine, or water course, in the bed thereof. Provided that such 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.

Free Miners may lay Bed-rock Flumes above Bed-rock Flume Company's Claim.

12. In case any free miner or miners shall enter upon, take up, and legally work any ground above the claim of the said Bed-rock Flume company, and within the limits of their right of way, after the said company shall have become organized and located according to the provisions of this Act, such company shall be entitled to enter upon such claim or claims for the purpose of cutting a channel to and into the bed-rock if necessary, and of laying their flume through such claim or claims.

Provided that such channel shall not be cut wider than necessary for that purpose, and the owner or owners of such claim or claims shall be entitled to all the gold taken out of the cut.

Free Miners may use, but not obstruct Bed-rock Flumes.

13. Any free miner or miners lawfully holding and working any claims on any gulch, ravine, stream or water course where a Bed-rock Flume may be constructed under the provisions of this Act, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so nevertheless as not in the opinion of the Gold Commissioner, by rocks, stones, boulders, or otherwise unnecessarily to obstruct the free working of such flume.

Provided that such Bed-rock Flume company, shall be entitled to all the gold deposited in such flume.

Bed-rock Flume Companies may enter on "abandoned ground."

14. Any company authorized and organized as aforesaid, shall be, and are hereby empowered to enter upon any river, creek, gulch, ravine, or other water course which may have been worked by miners and abandoned, and locate the entire bed of such stream, gulch, ravine, or water course one hundred feet in width, and one half mile of the length of such stream, gulch, ravine, or water course,

for each one of the free miners constituting such company, and such company shall possess the exclusive right to work the ground so located.

The term "abandoned ground" shall be construed to include all new and unworked ground outside of claims, actually held and worked upon any stream, gulch, ravine, or water course, which may have been discovered and mined for two years or more.

"Abandoned ground" how construed.

15. Bed-rock Flume companies authorized and organized as aforesaid, and locating upon abandoned streams or ground, shall be governed by clause 12 of this Act in all cases where free miners or companies of free miners shall be legally holding and working claims on such stream or ground, prior to and at the time of the location of such Bed-rock Flume company's claim, if within the limits thereof.

Bed-rock Flume Companies working "abandoned ground" to be governed by Clause 12.

16. Any portion or part of any river, creek, gulch, ravine, or other water course having four or more free miners per mile legally holding and *bonâ fide* not colourably working claims, on such stream, gulch, ravine, or water course, shall not be deemed "abandoned" within the meaning of this Act, but in such case any Bed-rock Flume company desiring to run a flume through such portion or part of such stream, gulch, ravine, or water course, shall be governed by the following clauses of this Act.

Rivers, creeks, &c., when not deemed abandoned.

17. Any Bed-rock Flume company, as aforesaid, locating upon any portion of a stream, gulch, ravine, or water course referred to in clause 16 hereof shall have their location carefully surveyed, and a post with a square top driven securely into the ground, upon the lower line of each such claim, within such company's limits, and shall at the time of setting up such posts give notice to each of the holders of such claims, in writing, of the distance in feet and inches, at which such company's flume will strike any such miner's claim, or perpendicularly below the top of such post, and the number of inches grade which such flume has in each one hundred feet.

Boundaries of Bed-rock Flume Company's claim, how fixed.

18. At the expiration of one calendar month, or such further time as the Gold Commissioner may allow, after survey and service of notice last aforesaid, it shall be lawful for such Flume company to enter upon any claim or claims situated within such company's limits, and open a cut and lay a bed-rock flume through such claim or claims, in case the owner or owners thereof shall have failed in the meantime to open their respective claims, and lay bed-rock flumes therein.

After due notice, Bed-rock Flume Company can lay flume on any claim.

Provided that if such Bed-rock Flume company shall so enter upon and lay the said flume through any claim or claims, as last aforesaid, the respective holder or holders of such claim or claims shall be entitled to all gold taken from the cut and bed-rock, in opening the said cut and laying the flume therein.

Holder of such claim entitled to gold in flume.

19. Private claim holders putting in bed-rock flumes to connect with bed-rock flumes put in by Bed-rock Flume companies, shall maintain the like grade, and build their flumes as thoroughly and of as strong materials as are used by Bed-rock Flume companies.

What grades to be maintained by private claim holders.

20. Individual or company claim holders, after the bed-rock flume has been extended through their respective claims at their own expense, 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 claim or claims with the ground of the company, and taking an interest proportionate to the area of the ground which they shall cede to the company, or work their ground on their own account, at their option.

Right of claim holders who have borne expense of Bed-rock Flume to become members of Bed-rock Flume Company.

21. Bed-rock Flume companies, authorized and organized as aforesaid, shall be entitled to the use and enjoyment of so much of the unoccupied and unappropriated water of the stream or streams 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 shall have the 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 of Bed-rock Flume Company to water.

22. 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 declared personal property.

Bed-rock Flume Company how registered, and fees payable.

23. Bed-rock Flume companies, authorized and organized as aforesaid, shall measure off their ground, set up their stakes, post their notices, and register their claims, in the same manner as individual free miners are required to do, and shall pay five pounds sterling per annum in addition to the registration fee for each half mile of claim and right of way legally held by such company.

Individual claim holders fluming, subject to same rules.

24. Individual or company claim holders, building bed-rock flumes through their own ground, to connect with similar flumes built by Bed-rock Flume companies 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, and pertaining to the rights hereby authorized and confirmed, as may be adopted by such Bed-rock Flume company.

Private company may abandon claims, and appropriate gold in flume.

25. Provided that if any private or company claim holders shall desire to abandon their respective claims, they may give notice to such Bed-rock Flume company of such intention, and shall then have the right to proceed at once to clean up their portion of such flume, or wait until such company cleans up, and then take all the gold which may be found in their portion of such flume.

Such flume deemed abandoned, and to revert to Bed-rock Flume Company.

Provided also that when such individual or company claim holders shall have given the notice aforesaid, and cleaned up their section of the said flume, such claims shall be deemed to be abandoned with the flume therein, and such abandonment shall revert to the benefit of such Bed-rock Flume company.

Bed-rock Flume notice.

26. Any free miners or company of free miners applying for the privilege of constructing a bed-rock flume, shall comply with the requirements of clause twenty four (24) of the Gold Fields Rules and Regulations, issued on the 7th day of September, 1859, and also put up a notice of such application in some conspicuous part of the town place, or at the Court House nearest to the locality applied for, at least five clear days before making such application.

Deads and leavings not to obstruct stream.

27. The period at the end of clause two (2) of the Rules and Regulations issued on the 24th day of February, 1863, is hereby struck out and the following words added thereto, to wit: "or shaft, and in no case shall the said deads or leavings, forkings from sluices, waste dirt, large stones, or tailings be allowed to accumulate so as to obstruct the natural course of the stream.

Minors of 16 (when partners) to be deemed adult free miners.

28. The interests of minors over sixteen years of age, shall be subject to the same laws as apply to the interests of adult free miners, and they shall enjoy the same rights thereto as adults, but no person under the age of sixteen years shall be capable of holding any claim, or interest therein.

Mining Co-partnerships.

29. And whereas, it is necessary to provide facilities for the formation of mining co-partnerships, be it enacted

Minutes of Co-partnership when no deed of partnership exists.

That 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.

Duration of mining Co-partnership.

30. 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.

Confined to mining.

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

Powers of a majority.

32. 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 extent and manner of levying assessments to defray the expense of working the claim or claims of the company and all other matters pertaining thereto. Provided that every such company's claim shall be represented according to law. Such majority may also choose a foreman or local manager, who shall represent the company, and have power to bind such company by his contracts, and sue and be sued in the name of the company for assessments and otherwise; and every such partnership must register its partnership or company name with the Gold Commissioner.

Assessments, when payable.

33. All assessments levied during the time of working, shall be payable within ten clear days after each such assessment.

Payment of assessment, in default how enforced.

34. Any party failing or refusing to pay any assessment or assessmentse leviable according to the provisions of this Act, after having received any notice thereof, specifying the amount due during the period the said party may be delinquent, shall be personally liable to his co-partners for the amount of such delinquency, and the amount of such delinquents indebtedness having been ascertained by a court of competent jurisdiction, his interest in said company's claim may be sold for the payment of the amount found due, with interest (if any) and costs as hereafter specified.

35. The notice of sale of such delinquent's interest, or such part thereof as shall suffice to pay the amount of indebtedness, with interest and costs as aforesaid, shall be published by advertisement in some newspaper published in the district, for ten days prior to the day of sale, and if there be no newspaper published in the district, then notices of such sale shall be posted for the same length of time, in the vicinity of the claim or interest to be sold, and at the Court house nearest thereto. Such sale shall be by public auction to the bidder offering to pay the amount due for the smallest portion of said claim or interest. The purchaser at such sale on payment of the purchase money, shall acquire all the right, title and interest of the delinquent, in and to the interest sold, and shall be entitled to the immediate possession thereof.

Notice of Sale.

36. The following part of clause (7) seven of the Gold Fields' Act, 1859, shall be deemed to have been never repealed, that is to say,

No one recognized except a free miner in a claim.

No person shall be recognized as having any right or interest in or to any 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.

37. Clause 3 of the Proclamation of 25th day of March, 1863, is hereby repealed, and the following provisions be substituted in lieu thereof:

Miners record covers only unappropriated water.

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.

38. It shall be lawful for the Gold Commissioner previous to recording a claim or interest therein or other matter, to demand from the applicant the production of his free miner's certificate, and upon his refusal or neglect to produce the same, to refuse to record such claim, interest, or other matter.

Production of free miner's certificate before record.

39. For every record which the Gold Commissioner shall be called upon to make whether of leave of absence granted or any matter or thing whatever, relating to mining, and for which a special fee shall not have been provided by any law, rate or regulation in that behalf in force for the time being, the Gold Commissioner shall charge a registration fee of ten shillings and sixpence, but for every search of a record only four shillings and two pence.

General fee on recording mining matter.

40. No distinguishing number shall hereafter be required, or be deemed to have been ever required, for or in respect to any claim, any existing law or rule to the contrary notwithstanding.

Distinguishing number of claims abolished.

41. All gold found in any gold mine in the Colony, shall be deemed and taken to be ore of gold, within the meaning of the statute.

Gold in claim to be ore of gold.

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

Claims recorded in the close season when laid over.

43. Every free miner shall be allowed three days in which to record his claim by pre-emption after the same shall have been located, if such claim shall be within 10 miles of the Gold Commissioner's office, if more than ten miles from it then one additional day shall be allowed for every additional ten miles or fraction of ten miles, as the case may be.

Three days' grace for every 10 miles before record.

44. Every adult free miner shall be allowed to hold two claims by pre-emption, viz: one quartz claim and one other claim and no more at the same time, but by purchase may hold any number or amount of claims or interests therein, which have been once duly located and registered, subject to the laws for the time being regulating the same. And every adult free miner may lawfully sell, mortgage, transmit, or dispose of any number of claims or interests therein, lawfully held or acquired by him, whether by pre-emption or purchase.

Limits claims by pre-emption to two claims.

45. The amount of interest which a free miner has in his claim shall, save as against Her Majesty, Her Heirs, and Successors, be deemed and taken to be a chattel interest equivalent to a lease for a year, renewable at the end of the first and every subsequent year, subject to the conditions as to forfeiture, working, representation, registration, and otherwise, for the time being in force with respect to such claim or interest under any Law or Rule regulating the same.

What is a miner's interest in a claim.

Provided that every forfeiture of a claim under any such Law or Rule shall be absolute, any Rule or Law or equity to the contrary notwithstanding.

Forfeiture absolute.

- Deceased free miner's claims not forfeitable.** 46. In case of the death of any free miner, while registered as the holder of any claim or ditch, his claim or interest 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.
- Gold Commissioner may keep a foot or sell deceased miner's claim.** 47. And in all cases where the Gold Commissioner shall find that such free miner shall be possessed of a claim or ditch, or interest therein, he may cause the same to be duly represented until sale on such terms as he shall think just, or dispense with the same at his option, or may sell such claim, ditch, or interest by Auction, after ten days' public notice thereof, for such price as in his judgment he shall deem just and fair, and for the purpose aforesaid, the Gold Commissioner may employ and pay out of any assets of the deceased, which may come to his hands, such valuers or persons as may be necessary.
- Gold Commissioner's conveyance a good title.** 48. Every assignment of any such interest by the Gold Commissioner shall convey to the assignee all the right and interest of the deceased miner, thereby purported to be conveyed, and shall be subject to the same registration and fees as if such assignment had been made by such miner before his decease.
- Notice of official administration.** 49. The Gold Commissioner shall in all cases of death of every registered free miner, give notice thereof as soon as conveniently may be, and also of any acts and interferences of such Gold Commissioner, to the official administrator, who shall in all cases which may seem fitting, take out probate or letters of administration as the case may require, and collect and get in the estate and effects of the deceased in the usual and proper way; no such dealing or interference, as aforesaid, by the Gold Commissioner shall make him in any way liable as an executor *de son tort*, or in any way liable for unintentional losses or in any other responsibility, than to account to the personal representative of the deceased, when duly constituted, for all monies actually received and expended by him in the matter of the estate and effects of the deceased.
- Allowance to Gold Commissioner.** 50. Every Gold Commissioner who shall so act in the collection and custody of the estate and effects as aforesaid, shall be entitled to his own use, to an allowance thereout not exceeding in any case five per cent on the whole amount collected.
- Fees on registration as in Schedule.** 51. On the registration of any of the matters, acts, deeds, documents, or things mentioned on the Schedule hereto, there shall be payable in respect thereof by the party seeking such registration, the several duties and sums of money set opposite such matters, acts, deeds, documents, and things respectively in the Schedule hereto, such payments to be taken by the Gold Commissioner or other officer effecting the registration at the time of each registration, and for the use of Her Majesty, Her Heirs and Successors.
52. Every sale, mortgage, alienation or other disposition of any claim, ditch or other mining property, or of any interest therein respectively, shall be made by an Instrument in writing which shall be registered with the Gold Commissioner, or other officer duly authorized in that behalf in the district in which such property is situated, in separate books to be kept by him for the purpose, and every such conveyance, mortgage, or other document shall set forth truly expressed in words at length, the full *bona fide* price, consideration, or value that has been or has to be paid directly or indirectly in each transaction, or in default thereof shall be void.
53. In case of any dispute, the titles to claims, leases of auriferous earth or rock, ditches or water privileges will be recognized according to the priority of registration, subject only to any question which may be raised as to the validity of any particular act of Registration.
- Certified copy of record evidence.** 54. Every copy or extract from any record or register, under or by virtue of this act, or the Gold Fields Act of 1859, the Proclamation of 25th day of March, 1863, or any Gold Rules and Regulations required to be kept by any Gold Commissioner, and certified to be a true copy or extract under the hand of the Gold Commissioner, or other person authorized to take and keep such record or register, shall in the absence of the original register, be receivable in any judicial proceedings as evidence of all matters and things therein appearing.
- Saving of Crown Rights.** 55. Nothing herein shall be construed to limit, or abridge the prerogative rights of Her Majesty, Her Heirs and Successors, in or to the Gold Fields of British Columbia.

56. This Act shall be construed as far as possible with the Gold Fields' Act, 1859, and Proclamation of the 25th day of March, 1863, and the Rules and Regulations made in pursuance thereof respectively. To be construed as one with the Gold Fields' Act 1859.

57. The Schedule hereto shall be part of this Act. Schedule part of Act.

58. This Ordinance may be cited for all purposes as the "Gold Field's Act, 1864." Short Title.

Passed the Legislative Council the 24th February, A.D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this twenty-sixth day of February, A.D. 1864,

JAMES DOUGLAS,
Governor.

THE SCHEDULE TO WHICH THIS ACT REFERS.

There shall be paid to the Gold Commissioner, for the use of Her Majesty, Her Heirs and Successors,

On every registration under this Act, of any sale, mortgage, transfer or other deposition of any claim, ditch, flume, water privilege, or any separate interest therein respectively, when the price or consideration or value of the property disposed of is one hundred pounds (£100) or under, the sum of one pound and sixpence, and for every fifty pounds (£50), or fraction of fifty pounds (£50) over one hundred pounds (£100), the additional fee of ten shillings and three penec.

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BRITISH COLUMBIA.



No. 5. An Ordinance for the construction of a Toll Bridge across Thompson River.

[26th February, 1864.]

WHEREAS THOMAS SPENCE hath applied to the Government of British Columbia, for permission to erect a Bridge at his own expense, upon the Lytton-Alexandria Route, across Thompson River, at a point in the vicinity of Cook's Ferry, upon condition of having secured to him certain Tolls upon goods, passengers, vehicles, and animals, to the extent, and in manner hereinafter appearing; Preamble.

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;

1. From and after the due completion by the said THOMAS SPENCE, his executors, administrators, or assigns, certified as hereinafter mentioned, of a substantial wooden Bridge across the Thompson River, within the time and in manner hereinafter mentioned, it shall be lawful for the said THOMAS SPENCE, his executors, administrators, and assigns, for and during the date of seven 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 the Bridge.

For every 100lbs of goods, 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 thirteen miles above, and ten miles below the said Bridge, the sum of eight-pence sterling.

And for every horse, ox, cow, ass, 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.

2. 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 15 statute miles of the said Bridge, 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 a vehicle, or on ordinary miners' 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 ten miles below to thirteen miles above) such Bridge across the said Thompson River.

Tolls not to commence until completion of Bridge.

3. Provided also that none of the said Tolls shall be demandable unless and until the Commissioner of Lands and Surveyor General for 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 THOMAS SPENCE, his executors, administrators, or 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.

4. Any such certificate shall state that the said Bridge and its approaches have been duly completed, at the point, within the time in the substantial manner, fit for public traffic, according to the specifications and plans, and subject to and under and in compliance with the directions, and in all respects to the satisfaction from time to time of the said Commissioner of Lands and Surveyor General, or other officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government.

Conditions of Grant

5. 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 the said THOMAS SPENCE, his 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 THOMAS SPENCE, his 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 monies, 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 said Majesty, Her heirs and successors.

6. None of the said Tolls shall be demandable whenever, during 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.

Tolls to cease while Bridge out of repair.

7. It shall be lawful for such Commissioner, or other officer as aforesaid, at any time or times during the said term, whenever the state of the traffic along the Lytton-Alexandria route, 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 THOMAS SPENCE, his executors, administrators, and assigns, as shall be necessary for the accomodation of such traffic.

Necessary improvements may be ordered.

8. It shall be lawful for the said Commissioner, or other officer 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.

Regulation of traffic.

9. Nothing herein contained shall be construed so as to limit or abridge the prerogative rights of Her Majesty, Her heirs, or successors in respect of the said Bridge, or any rights of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said THOMAS SPENCE, or any other persons whomsoever, to infringe any existing private rights, or any existing or future public rights.

Saving of Crown Rights and other rights.

10. Any person directly or indirectly evading, or attempting to 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.

Evasion of Toll penalty.

11. Any person wilfully infringing any regulation authorized by clause eight 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.

Penalty on breaches of Bridge Regulations.

12. Any penalty under this Act may be recovered before any 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.

Penalties how recoverable.

13. Every notice required, or authorized by this Act to be given, shall mean a notice in writing, under the hand of the said 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.

Notice.

14. This Ordinance may be cited for all purposes as "The Thompson Bridge Toll Act, 1864."

Short Title.

Passed the Legislative Council the 22nd February, A.D. 1864,
CHARLES GOOD,
Clerk.

Received my assent this twenty-sixth day of February, A.D. 1864,
JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

U.



R.

No. 6. An Ordinance for the amendment of the “Licences Act, 1859.”

[10th March, 1864.]

WHEREAS it is expedient to make further provision for the enforcement of the “Licences Act, 1859;”

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. Every infraction or evasion of any of the provisions of the “Licences Act, 1859,” shall be punishable upon conviction in a summary manner, before any Magistrate in British Columbia, by any fine not exceeding fifty pounds (£50) for every such offence, in addition to the amount of licence leviable under the said Proclamation, in each such case to be levied by distress, and in default of payment or insufficiency of distress, by imprisonment for any term not exceeding three calendar months, at the discretion of the convicting Magistrate.

Penalty for infraction of
“Licences Act, 1859.”

2. That every person selling goods by Auction, whether his own or belonging to other parties, shall in addition to the ordinary trading licence under the “Licences Act, 1859,” pay a Licence fee of one pound (£1) per quarter, but such Licence fee shall not be required of officers of the Government making sales by auction of Government property.

Licence fee payable by
Auctioneers.
Not to be required of
Government Officers.

3. That in the construction of the “Licences Act, 1859,” the word “person” shall be deemed and construed to include firm or partnership and incorporated company, any thing in the said Act to the contrary notwithstanding.

Word “person” in “Li-
cences Act, 1859,” how
construed.

4. This Ordinance may be cited for all purposes as the “Trades Licences Amendment Act, 1864.”

Short Title.

Passed the Legislative Council the 29th of February, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.



No. 7 An Ordinance to authorize a Loan of £100,000.

[10th March, 1864.]

WHEREAS, great and lasting benefit has been derived in British Columbia, from the expenditure incurred in the construction of roads, and other public works in the Colony; Preamble.

And whereas it is expedient to raise a further sum for the survey, construction and maintenance of such public works, by means of a loan, secured on the General Revenue of the said Colony, in manner hereinafter appearing;

And whereas the following loans are chargeable upon the General Revenue of the said Colony, in order and amount as follows, that is to say:

1st—Under "The British Columbia Loan Act, 1862," terminating 1st January, 1873, the sum of £50,000, less the amount paid by the Colony toward the Sinking Fund thereof;

2nd—Under "The British Columbia Loan Act, 1863," terminating 1st July, 1883, the sum of £50,000, less the amount paid as aforesaid towards the Sinking Fund thereof;

3rd—Under the "Cook's Ferry and Clinton Road Bonds Act, 1863," the sum of £12,750, payable as follows:

£50 Bonds Nos. 1 to 85, both inclusive, due 30th September, 1864.

£50 Bonds Nos. 86 to 170, both inclusive, due 30th September, 1865.

£50 Bonds Nos. 171 to 255, both inclusive, due 30th September, 1866;

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

1. It shall be lawful for the Governor for the time being of the said Colony, from time to time or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums not exceeding One hundred thousand pounds in the whole, as may be required for the purpose of surveying, constructing and maintaining roads, bridges, and other public works within the said Colony.

Power to Governor to borrow £100,000 on Debentures.

2. All Debentures made out and issued under this Act shall bear interest at the rate of six pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of thirty years, from the first day of April, Anno Domini one thousand eight hundred and sixty-four.

Rate of Interest six per cent per annum.

Debentures for £100 and upwards.

Debenture holder can vary place of payment.

Signature and Registry of Debentures.

Form, Date, Numbering.

Interest Coupons

Debentures transferable by delivery.

Sale of Debentures.

Payments to which Loan is applicable.

3. Every Debenture shall be for any sum or sums not less than one hundred pounds sterling, which the said Governor shall determine, and which together with the interest thereon, shall be payable in London, at the Office of the Crown Agents for the time being, for the Colonies, or at the Treasury of the said Colony. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest, to either the Treasury at New Westminster, or the Offices in London of the said Crown Agents, by giving six months previous notice, in writing, terminating on the first day of April or the first day of October, at the previous place of payment (the Treasury in New Westminster, or at the Offices in London of the Agents aforesaid, as the case may be,) of his wish to make such alteration, and causing the Officer in New Westminster, acting as Treasurer for the time being, or the said Crown Agents in London, as the case may be (who is and are hereby required) to indorse on such Debenture a memorandum of the alteration.

4. All Debentures made out and issued under this Act shall be signed by the Crown Agents for the Colonies, on behalf of the Government of British Columbia, and entered in a Register to be called the Debenture Register, a duplicate whereof shall be kept by the Crown Agents at the offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a charge upon all the Revenue of the said Colony from whatever source arising, and in order of priority, next after the prior charges thereon already created by "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863," and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such Revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such Revenue created by "The British Columbia Loan Act, 1862," and by "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863."

5. The said Debentures shall be in the form marked A, set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

6. Interest Coupons shall be attached to each Debenture, in form marked B, set forth in Schedule hereto.

7. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the holder or bearer, for the time being of every such Debenture, shall have the same rights and remedies in respect of the same, as if he were expressly named therein.

8. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold, by the Treasurer or the Crown Agents for the Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.

9. All moneys raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the Roads Loan No. 3 Account, to be applied to the purposes of surveying, constructing and maintaining roads, bridges,

and other public works within the said Colony, or of any sums borrowed or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever, and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony.

10. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863," to the extent aforesaid, to appropriate half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to four and one eighth per cent. on the total of the principal sum for which the said Debentures shall, from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest, or cause to be invested, the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest, or cause to be invested, the dividends, interests, or annual produce arising from such investment, so that the same may accumulate by way of compound interest.

Sinking Fund.

11. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial or Colonial Government securities. The nature of such securities, and the selection of the Trustees shall be left to Her Majesty's Principal Secretary of State for the Colonies.

Investment of Sinking Fund.

12. Provided nevertheless, that it shall be lawful for the said Governor from time to time to authorize the Crown Agents for the time being for the Colonies, or the said Treasurer of the said Colony for the time being, to re-purchase the said Debentures, to the amount of such moneys as the said Governor, by and with the advice and consent of the Legislative Council of British Columbia, may by any Ordinance hereafter to be issued and passed by him, by and with such advice and consent as aforesaid, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase, and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction.

Re-purchase of Debentures.

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

Proportionate reduction of Sinking Fund.

14. It shall be lawful for any Trustees, Executors, Administrators or Guardians having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys, and every such purchase shall be deemed a due investment of such trust money.

Trust moneys.

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

Non-recognition of Trustees except in special cases.

the hand of the Treasurer, Crown Agents, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Forgery felony.

16. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

17. This Ordinance may be cited for all purposes as "The British Columbia Loan Act, 1864."

Passed the Legislative Council the 4th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.

SCHEDULE.

FORM A.

BRITISH COLUMBIA GOVERNMENT DEBENTURES.

No.

BRITISH COLUMBIA LOAN ACT, 1864, £100,000.

For [*One hundred*] pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive interest at the rate of six per centum per annum, in half-yearly payments, payable at [*the Offices of the Crown Agents for the Colonies, in London, or at the Treasury, New Westminster, as the case may be*], on the 1st April and 1st October in each year.

The said sum of [*One hundred*] pounds sterling, with interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the "British Columbia Loan Act, 1864, and the principal will be repaid [*in London, at the aforesaid Offices. or at the Treasury, New Westminster, as the case may be*] at the expiration of thirty (30) years, from the 1st day of April, 1864.

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

Registered,

_____ } Crown Agents
_____ } for the Colonies.

FORM B.

No.

BRITISH COLUMBIA.

Half-year's interest due [*1st October, 1865*] on Debenture No. _____, payable at the [*at the Offices of the Crown Agents for the Colonies, London, or the Treasury, New Westminster, as the case may be.*]

£ _____

_____, Agents General.

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

N.B. The holders or bearers of this Debenture may alter the place of payment of principal and interest to the Treasury, New Westminster, or the Offices of the Crown Agents for the Colonies, in London, by giving six months' previous notice in writing, terminating on the 1st day of April and 1st day of October, at the previous place of payment [the Treasury in New Westminster, or the Offices of the Crown Agents, aforesaid, for Crown Colonies in London, as the case may be] of his wish to make such alteration, and causing the Officer acting as Treasurer in New Westminster, or the said Crown Agents for the Colonies, in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

BRITISH COLUMBIA.

U.



R.

No. 8. An Ordinance to authorize the introduction of Steam Traction Engines into British Columbia.

[10th March, 1864.]

WHEREAS it is expedient that Traction Engines, propelled by Steam should be introduced upon the Roads of British Columbia, for the purpose of conveying goods and passengers upon and along the Roads of British Columbia;

Preamble.

And whereas, it is expedient for the purpose of encouraging the use of such engines, that certain privileges should be granted to the persons who propose to introduce the same into the Colony of British Columbia.

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

1. The following persons, namely **ROBERT CHESHIRE JANION** of Liverpool, Merchant, **WILLIAM LOWTHIAN GREEN**, of Honolulu, Merchant, and **HENRY RHODES**, of Victoria, Merchant, and **JOSEPH WILLIAM TRUTCH**, of Victoria, Civil Engineer, their executors, administrators, and assigns, shall henceforth have the privilege of using Steam Traction Engines on the public Roads, in the Colony of British Columbia, for the purpose of conveying goods and passengers for hire along such roads.

Privilege of using Steam Traction Engines, to whom granted.

2. Provided always that the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall not make use of such Steam Traction Engines for such purposes as aforesaid, on Roads lying southward of Lillooet and Lytton in the said Colony, without the consent in writing for that purpose shall be first obtained of the Commissioner of Lands and Surveyor General for the time being of the said Colony.

Traction Engines not to be used below Lytton and Lillooet.

3. On and after the first day of May, A. D. 1865, for the period of one year therefrom, the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall have the exclusive privilege of using the said Steam Traction Engines and suitable carriages and waggons for the said purposes on the said Roads, and during the said period it shall not be lawful for any other person or persons to use such Engines on the said Roads. Provided always that if the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall neglect to introduce three of such Engines with suitable carriages and waggons for the above mentioned purposes, unless prevented by repairs or inevitable accident, before the said first day of May, A. D. 1865, then the said exclusive privileges shall become wholly void.

Exclusive privilege of using these Engines granted.

4. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors administrators and assigns as aforesaid, may, on and after the said first day of May, A. D. 1865, and for the said period of one year therefrom, make such reasonable charges in respect of the

*Engines to be in use in Colony before 1st May, 1865, on pain of forfeiture of exclusive privilege.

Company may make reasonable charges for conveyance.

conveyance by carriages and waggons drawn by the said Engines, along the said Roads, or any of them, of all such passengers and goods as shall be offered to them for that purpose, as they may from time to time determine upon. The maximum rate of charges however on such goods or passengers respectively, shall in no case exceed the minimum market rate of freight or passage money, which shall at any time have been *bonâ fide* charged and paid, during the period of one year antecedent to the first day of May, A.D. 1865, for the same distances and on the same Roads respectively.

States maximum rate of charges.

Liabilities of the Company same as those of common carriers.

May claim like protection and privileges with common carriers.

Plant of the Company to be introduced into the Colony during first year free of import duties.

Short Title.

5. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns shall be subject to the same liabilities as Stage Coach proprietors and common carriers, but nothing herein contained shall extend to charge or make liable the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors administrators and assigns as aforesaid, further or in any other case than where according to the law of British Columbia Stage Coach proprietors, and common carriers would be liable, nor shall extend in any degree to deprive the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, of any protection or privileges which common carriers, or Stage Coach proprietors may be entitled to.

6. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, may from time to time during the twelve months from said first day of May, A.D. 1865, introduce into the Colony of British Columbia, the requisite Engines not exceeding eighteen in number with machinery, carriages and waggons, and all tools requisite for the construction and repair of the same, free of all duties and charges to be otherwise levied at any Port in the said Colony.

7. This Ordinance may be cited for all purposes as the "British Columbia Steam Traction Engine Act, 1864."

Passed the Legislative Council the 8th of March, A.D. 1864,
 CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
 JAMES DOUGLAS,
 Governor.

BRITISH COLUMBIA.

H.



B.

No. 9. An Ordinance to encourage the construction of a Telegraph Line, connecting British Columbia with the telegraph lines of the United States, and for other purposes.

[10th March, 1864.]

WHEREAS, the California State Telegraph Company, a Com- Preamble.
pany duly incorporated pursuant to the laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco, has constructed lines of telegraph, extending through the said State and the adjoining States and Territories, and connecting with the telegraph systems of the Atlantic States and of the British Provinces of North America; and whereas the President of the said California State Telegraph Company has been authorized, by a resolution of the Board of Directors to represent the said Company and to bind the same in all matters and things connected with the extension and construction of its telegraph lines from California northward; and whereas it is expedient to enable the said Company to extend its telegraph lines to New Westminster, in the Colony of British Columbia, with a view of increasing the facilities of the said Colony for communication with the rest of British North America and the Pacific and Atlantic States of the United States;

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

1. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office, or assigns, to construct and place a line or lines of telegraph over any public or tidal lands, and along or across any public street or highway (not obstructing such street or highway), and to lay down a telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water course within the Colony of British Columbia and its Dependencies, (but so as not to impede navigation or other public rights), and to own, use, enjoy, and employ the same for the period of twenty-five years from the passage of this Act.

Privileges granted to California State Telegraph Company on public lands.

2. The said President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of telegraph over any private lands, upon obtaining the written consent of the owners thereof.

May run line of Telegraph through private property on obtaining consent of owner.

Right to Company to purchase right of way over private land.

3. Notwithstanding any law or statute to the contrary, the California State Telegraph Company, or the President thereof for the time being, may purchase or lease the right of way over any private lands, and may, with the sanction in writing of the Commissioner of Lands and Surveyor General, purchase or lease any land or other property in British Columbia, necessary or convenient for the working of the telegraph lines herein provided for, or for effectually carrying on the business of the said Company, and the grants or leases therefor may be made directly to the said Company, or to the said President and his successors or assigns, and that no such grant or lease shall be deemed invalid or less binding by reason of being so made.

Telegraph to be commenced within 5 months

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

Telegraph communication in 13 months, or act void.

Exclusive right of sending and receiving messages granted to California State Telegraph Company for 20 years.

5. Upon the completion of the said telegraph line, hereinafter in the preceding Section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, his successors and assigns, the exclusive right of sending and receiving messages by telegraph between any place within the said Colony, and any other place beyond the limits thereof and within the Territory of the United States of America, lying westerly of the Rocky Mountains, for the period of twenty years from and after the completion of the said telegraph line; but this Act shall not be construed to prevent, or in any manner interfere with, the projected or any other line or lines of telegraph across the Continent through British North America or elsewhere, nor to limit the right of any other person, corporation, or company freely to establish and work any other telegraph lines any where within or from the said Colony; Provided, however, that other lines shall not be constructed, nor offices established within the limits of the said Colony and its Dependencies, so as to do business by telegraph either directly or indirectly between or through any place within the said Colony, and any other place outside thereof, and being within that portion of the territory of the United States in this Section hereinbefore described, nor so as to impair the rights hereinbefore mentioned.

This right not to interfere with Telegraph running through Canada and British Columbia.

Rights forfeited if Telegraph line ceases working for one calendar month.

6. If at any time, after the completion of the said telegraph line, the owners thereof shall fail, (unless prevented by repairs, storms, breakage of cable, or other unavoidable accidents), for the continuous period of one calendar month, to keep the same or some other telegraph line in working order, between New Westminster and the said State of California, the exclusive privileges herein granted may thereupon be declared forfeited, by the Governor of British Columbia for the time being; Provided that should such failure be caused by war, no such forfeiture shall be incurred thereby.

7. The prices charged for the transmission of messages to and from New Westminster, over the lines herein authorized to be constructed, to any station thereon in Washington Territory or Vancouver Island, shall not exceed, if paid in gold or silver coin, four shillings and two pence for each ten words, and messages to and from this Colony, passing over any lines owned or worked by, or under the control of, the California State Telegraph Company, situate outside of the said Colony, shall not be charged higher rates therefor than the lowest uniform rates of charge on such lines for local business, nor shall messages between New Westminster and San Francisco, if paid in gold and silver coin, ever be charged more than one pound and sixpence for ten words.

Charges to be made for Telegraph messages.

8. The rights and privileges hereby granted may be assigned by the President of the State Telegraph Company, or his successors, to the California State Telegraph Company, by that name or other their lawful name for the time being, upon their registration and incorporation as a Joint Stock Company, under the law in that behalf in force in this Colony, and thereafter such Company may sue and be sued in the Courts of this Colony, in like manner as Companies duly incorporated therein.

Rights hereby granted, how assignable.

9. 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 herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a telegraph line, or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any such telegraph line, or shall by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully destroy, injure, or molest any property or materials appertaining to any 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 to conviction before any Justice or Justices of the Peace, and shall 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.

Penalty for damaging or obstructing Telegraph.

10. The principal office of the California State Telegraph Company within this Colony, shall be situated in the City of New Westminster, and the service of any writ or paper upon the person in charge of the said office shall be deemed a sufficient service upon the said Company.

Principal office in British Columbia at New Westminster.

11. The wire, submarine cables and materials necessary for the construction of the said telegraph lines shall be admitted free, at any port of entry in British Columbia, for a period not exceeding two years from the date of this Act.

Plant free of Customs duty for 2 years.

12. This Ordinance may be cited for all purposes as the "First Telegraph Act, 1864."

Short Title.

Passed the Legislative Council the 8th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

H.



B.

No. 10. An Ordinance to facilitate the formation of Mining Joint Stock Companies.

[4th May, 1864.]

WHEREAS it is expedient to facilitate the formation of Mining Joint Stock Companies 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:

1. The Memorandum of Association and Articles of Association of any Company formed for Mining purposes, under the provisions of the "Joint Stock Companies Acts, 1856, 1857, 1858," and the "British Columbia Joint Stock Companies Act, 1859," and thereby required to be registered with the Registrar of Joint Stock Companies, may be instead thereof delivered to any Gold Commissioner in the said Colony, who shall retain and register the same upon payment of the fees due upon registration.

Gold Commissioner may register Joint Stock Mining Companies.

2. Provided that every such Memorandum and Articles shall be first delivered in duplicate to such Gold Commissioner, and one of such duplicates shall be by him at once transmitted with a copy of the Certificate of registration, and certified by such Gold Commissioner, to the Registrar of Joint Stock Companies, at New Westminster.

Duplicate Memorandum and Articles with Certificate to be sent to the Registrar of Joint Stock Companies

3. All other documents, matters, and things relating to any such Companies, and requiring registration, shall be registered with the Gold Commissioner of the district, and duplicates thereof shall be forthwith transmitted to the Registrar of Joint Stock Companies, at New Westminster.

All other documents to be registered as usual.

4. Upon any such Memorandum of Association being registered, and the proper fees paid, the Gold Commissioner registering the same, shall certify under his hand that the company is incorporated; and in case of a limited company, that the company is limited.

Gold Commissioner may issue Certificate of Incorporation.

5. The Subscribers of the Memorandum of Association, together with such other persons as shall from time to time become shareholders of the company, shall thereupon become a body corporate under the provisions of the said Acts, and the Certificates of Incorporation shall have the same force and effect, to all intents and purposes, as if it had been granted by the Registrar of Joint Stock Companies direct.

Incorporation.

6. A copy of any Memorandum of Association, and Articles of Association, or Certificate of Incorporation, purporting to be certified by the Registrar of Joint Stock Companies, or any Gold Commissioner, shall be received as evidence in any Court.

Copies certified by Gold Commissioner or Registrar to be evidence.

7. The expression "Gold Commissioner" shall include Assistant and Acting Gold Commissioners.

Interpretation.

8. This Ordinance may be cited for all purposes as the "Mining Joint Stock Companies Ordinance, 1864."

Short Title.

Passed the Legislative Council the 27th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,

Governor.

BRITISH COLUMBIA.

U.



B.

No. 11. An Ordinance to declare the lawful rate of interest in the Colony.

[4th May, 1864.]

WHEREAS by the Statute of the Imperial Parliament, passed in the third and fourth years of King William the Fourth, Chapter forty two, Section twenty eight, the Jury is in certain cases empowered, on the trial of any issue or inquisition of damages, to allow interest at a rate not exceeding the current rate of interest from the times therein specified;

Preamble.

Recites 3. and 4., W. IV., c. 42., s. 28.

And whereas by certain rules of the High Court of Chancery, interest upon amounts payable under a decree or order in Chancery is in general to be allowed only at the rate of four per cent per annum, which rate it is apprehended has been established in England, by reference to the ordinary mercantile current rate of interest there being five per cent per annum;

And whereas the ordinary mercantile current rate of interest in this Colony (where any contract for interest is entered into) is seldom less than two per cent per month; but it is apprehended that only the rates current in England are (in the absence of any specific authority) recoverable either at law or in equity here;

And whereas this circumstance has in some cases operated to induce debtors to delay payment of just demands, and to defend actions vexatiously with a view merely to delay;

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

I. In all cases of demands either at law or in equity, in which the parties shall have made no express stipulation for interest after any definite rate, and in which in England it would be lawful for the Court or the Jury to allow interest, it shall be lawful for the Jury or (whenever the Court alone has to decide the facts without a Jury) for the Court to allow such rate of interest as may appear just, not exceeding the rate of one per cent per mensem, to be reckoned from the times at which interest would be calculated in England.

Lawful rate of Colonial interest not exceeding 1 per cent per month

II. This Ordinance may be in all cases cited as "The Interest Ordinance, 1864."

Short Title.

Passed the Legislative Council the 25th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,

Governor.

BRITISH COLUMBIA.

U.



B.

No. 12. An Ordinance to increase the facilities for Registering documents relating to real property.

[4th May, 1864.]

WHEREAS it is expedient to facilitate the registration of titles to real property in this Colony; 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:

1. From the passing of this Ordinance, it shall be lawful for the Registrar General, or District "Registrars" to register any deed or instrument relating to real property in the Colony of British Columbia, made without the limits thereof, the due execution of which is acknowledged and proved by the Certificate thereof by a Notary Public, in the manner usual for noting foreign deeds or documents of title.

Notarial certificate shall be sufficient acknowledgment.

Every such proof of execution, when accepted by the Registrar General, or District "Registrar" shall have the force of an acknowledgment under "The British Columbia Land Registry Act, 1861."

2. And whereas it is of public importance that Crown Grants, the root of titles to land in the Colony, should be registered for the protection of persons afterwards acquiring or disposing of the land included in such grants; be it enacted that all Crown Grants issued after the date of this Ordinance shall, previous to such issue, be registered in books in the Registry Office, and such registration may be partly in print partly in writing, and no objection shall be taken to any such registration by reason thereof.

Crown Grants to be Registered before issue.

3. There shall be demandable by and paid to the Registrar General, upon the registration of every such Crown Grant, the uniform fee of five shillings, for the use of Her Majesty, Her heirs and successors, as Revenue.

Fees on Registration.

4. This Ordinance shall be read with "The British Columbia Land Registry Act, 1861."

How Read.

5. This Ordinance may be cited as "The British Columbia Land Registry Extension Ordinance 1864."

Short Title.

Passed the Legislative Council the 25th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

19.



21.

No. 13. An Ordinance for the Regulation of the Inland Navigation of British Columbia.

[4th May, 1864.]

WHEREAS it is expedient to make provisions for the regulation of the Inland Navigation of British Columbia, and for the protection of Life in Vessels engaged therein;

Preamble.

Be it enacted by the Governor, by and with the advice and consent of the Legislative Council of British Columbia, as follows; (that is to say:)

I. Clauses 6 to 8, both inclusive, Clause 10, and Clauses 12 to 16, both inclusive, of Part I. of the Merchant Shipping Act, 1854, and the powers and penalties thereby created shall, so far as applicable to the circumstances of the said Colony, apply and be in force and enforceable in British Columbia, in and over matters relating to Merchant Ships, or steam-vessels, and persons navigating the Inland Waters thereof and not proceeding to sea, in like manner as in such clauses is provided in relation to sea-going ships, steam-vessels, and persons.

Applies portions of part I. of Merchant Shipping Act, 1854, to British Columbia.

II. For the purpose of carrying out the provisions of this Ordinance and of every other Act relating to inland trade and navigation in this Colony, other than such Acts as relate to the Revenue, all powers and functions vested in, or exercised by, the Board of Trade, under the provisions aforesaid of Part I. of the said Merchant Shipping Act, 1854, over matters relating to trade or navigation by sea, shall be, until an Inland Board of Trade shall be in that behalf by law established, and are hereby in all matters relating to ships and persons navigating the Inland Waters of the Colony, in like manner and form, vested in the Governor, or other Officer for the time being administering the government of the Colony.

Powers of Board of Trade vested in the Governor or other Officer administering the Government.

III. The several clauses and provisions contained in Part II. of the said Merchant Shipping Act, 1854, shall, so far as applicable as aforesaid, apply, be in force, and enforceable with the same penalties for forgery, false declaration, use of improper Certificate, or otherwise, in the Colony with respect to the several matters and things relating to vessels and persons navigating the Inland Waters as aforesaid, as are therein contained, in relation to sea-going vessels and persons.

Description Ownership, Registry, Transfers, Sales &c &c. of Inland Vessels.

IV. Save and except that it shall be lawful for such Governor, or Officer as aforesaid, to make such provisions for permitting aliens resident in the Colony, or aliens shareholders in any Company incorporated, and having its chief place of business in the Colony, to own or command British Ships, or steam-vessels navigating such said

Aliens may own on certain temporary conditions.

Inland Waters, for such periods not exceeding one year at any one time, and with, under, and subject to such powers of revocation, conditions, and penalties as the said Governor, or other Officer, shall by any order, to be published in the *Government Gazette*, from time to time direct, vary, or appoint.

Examination of Masters, Engineers, Pilots, and other responsible persons in Inland Steamers.

V. It shall be lawful for the said Governor, or other Officer as aforesaid, by any order published as aforesaid, from time to time to require and appoint, as a necessary condition for employment on board any ship or ships, or steam-vessel or vessels navigating the Inland Waters as aforesaid, such examinations as to competency, sobriety, ability, and general good conduct on board ship, of any persons employed as Masters, Pilots, Engineers, on board any ship or ships, vessel or vessels engaged in navigating the Inland Waters as aforesaid, and to require the same to be conducted by such persons, in such forms and manner, with such certificates of competency, or of service in lieu of examination, and to enforce the same by such penalties of revocation or suspension of certificate, or otherwise, to be enforceable in such wise as such Governor, or other Officer as aforesaid, may from time to time by any such order direct.

Lights, fogs, signals, survey, passing and meeting of Inland Steamers.

VI The said Governor, or other Officer as aforesaid, may, from time to time by any order to be published as aforesaid, make and vary such rules with regard to lights, fogs, fog-signals, signals, meeting, and passing of ships or steam-vessels, and the construction, equipment, survey, and inspection of, and for the prevention of accidents, in steam-ships navigating the Inland Waters as aforesaid, with such penalties for enforcing the strict observance thereof as such Governor, or other Officer as aforesaid, shall from time to time deem advisable.

Orders under certain conditions to have force of Law.

VII. Until duly revoked, and so far as the same shall not have been so revoked, varied, or discharged, every such order shall take effect and have the force of law, from the date of the publication thereof in the *Government Gazette*, in the same manner as if the same had originally formed part of this Ordinance.

Orders to be laid before the Legislature.

VIII. Provided that every such rule shall if the Legislative Council be sitting, be laid within one calendar month after its publication before such Council, and if the Legislative Council be not sitting within one calendar month after the opening of the next session.

Until such orders. Part IV. of Merchant Shipping Act, 1854. to apply

IX. In the meantime, and so far as any such Rules shall not apply, So much of the provisions of Part IV. of the said Merchant Shipping Act, 1854, as are applicable to the class of ships or steam-vessels, and the persons navigating the said Inland Waters as aforesaid, shall apply and be in force and enforceable in this Colony, in the same manner *mutatis mutandis* as is therein provided, with respect to sea-going merchant ships, steam-vessels and persons.

Punishment of felony.

X. Every offence by this Ordinance, or any clause, or clauses, part, or parts, of the said Merchant Shipping Act, 1854, made applicable to Inland Trade and Navigation in this Colony, by this Ordinance declared to be a Felony, shall be punishable in the ordinary manner, in any Court of the Colony for the time being having criminal jurisdiction in that behalf.

Punishment of Misdemeanor and lesser offences: who may be prosecuted before Stipendiary Magistrate.

XI. Every offence declared by this Ordinance, or by any clause or part of the said Merchant Shipping Act, 1854, included in this Ordinance to be a misdemeanor, and every lesser offence than a felony, shall be punishable by imprisonment for any period not exceeding six calendar months, with or without hard labour. or by a penalty not exceeding one hundred pounds, and may be prosecuted in a summary manner, before any Stipendiary Magistrate or any two Justices of the Peace

in the said Colony, who, upon information thereof upon oath laid before him or them by any person, may issue a Summons to enforce the appearance of the party accused, or of any person or persons who may be required to give evidence in the case, and shall, as soon as may be just and expedient, proceed to hear and adjudicate upon the case, and in the event of conviction to inflict, within the above limits, such punishment or penalty, and to allow such costs and expenses as to him or them may seem just.

XII. Any person summarily convicted under this Ordinance, and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond fifty pounds, over and above the costs of summary conviction, may appeal to the next Assizes to be holden for the district or place wherein the case has been tried; provided that such person at the time of such conviction, or within three days thereafter, shall give notice thereof in writing to the complainant, and shall also remain in custody until such Assizes, or shall enter into recognizance satisfactory to the convicting Magistrate or Justices, with two sufficient securities, conditioned personally to appear at the said Assizes to try such appeal, and to abide the further judgment of the Court at such Assizes, and to pay such costs as shall be by such last mentioned Court awarded; and the convicting Magistrate or Justices may bind over the complainant, or any witnesses, under sufficient recognizances to attend and give evidence at the hearing of such appeal, and the costs of such witnesses shall be allowed and paid by the Colonial Treasurer in the first instance, and, if such appeal be dismissed, shall be repaid to the Colonial Treasurer by the applicant.

Appeal to Supreme Court.

XIII. The Court at such before mentioned Assizes shall hear and determine the matter of the appeal, and shall take such order therein, with or without costs, as to the Court shall seem meet, and shall, if necessary, issue process for enforcing such judgment.

Appeal how heard and determined.

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

No merely formed objections allowed.

XV. For the purpose of giving jurisdiction under this Ordinance, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place where the same actually was committed or arose, or in any place in which the offender complained against may be.

Offences where deemed to have been committed.

XVI. In case of any doubt hereafter arising as to what shall be deemed to be Inland Waters within the meaning of this Ordinance, and for the purposes thereof, it shall be lawful for the Governor, or other Officer aforesaid, by any order to be published in the *Government Gazette*, more particularly to define the same.

Inland Waters when to be described in *Government Gazette*.

XVII. In the absence of any such order, all Harbors, Rivers, Lakes, Inlets, and other Navigable Waters, within the ordinary Coast line of the Colony, from Head Land to Head Land, disregarding irregularities, shall be deemed to be Inland Waters for the purposes of this Ordinance.

Provisional definition of Inland Waters.

XVIII. All pecuniary penalties by this Ordinance imposed shall, upon collection, be paid into the receipt of the Treasury of the Colony, to the use of Her Majesty, Her heirs and successors, and be accounted for as part of the General Revenue.

Fines payable to Colonial Treasury.

XIX. It shall be lawful for the Governor, or other Officer as aforesaid, by any order to be published as hereinbefore mentioned, from

Fees payable as ordered by Governor.

time to time to impose, vary, and prescribe the fees to be paid upon doing any of the various matters and things by this Ordinance, or by any order or orders issued by him, required to be done, and by and to whom, and in what portions, the same shall be payable, as to such Governor or other Officer shall seem expedient.

Passengers rights how protected.

XX. And whereas it is expedient to make further provision for the protection of passengers on board vessels navigating the said Inland Waters, be it enacted that it shall be lawful for any Justice of the Peace, to take cognizance of, enquire into, and decide in a summary manner on information, all cases of dispute or damage arising between masters or owners of steam-vessels, plying on the Inland Waters of the Colony, and passengers, whether as to their passage, or any contract, ticket, improper landing, or otherwise, and upon conviction, to enforce, assess, and recover by warrant of distress, or imprisonment for any term not exceeding three calendar months, such damage by way of penalty not exceeding twenty pounds (£20) in any one case, from the party against whom he shall decide, as to such Justice of the Peace shall seem just; provided that no objection shall be taken to any such decision by reason of the offence complained of having taken place in any other part of the Colony than that in which the offender may happen to be.

Suspensory Clause.

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

Short Title.

XXII. This Ordinance may be cited for all purposes as "The Inland Navigation Ordinance, 1864."

Passed the Legislative Council the 29th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,

Governor.

BRITISH COLUMBIA.

U.



J.

No. 14. An Ordinance for regulating the Postal Service.

[4th May, 1864.]

WHEREAS a General Post Office has been established at New Westminster, for the reception and transmission of Letters and other Mail matter, and as a Post Master General has been appointed for the said Colony;

Preamble.

And whereas it is expedient to make further provision for the conveyance and transmission of Her Majesty's Mails throughout the 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. It shall be lawful for the Governor to establish for the reception and transmission of Letters and other Mail matter, in addition to the General Post Office, at New Westminster, so many Post Offices in other parts of the Colony, as he may from time to time deem necessary.

Establishment of Post Offices.

2. It shall also be lawful for the Postmaster General, subject to the directions of the Governor, from time to time to appoint such Postmasters in the said Colony, to hold office during his pleasure, and to prescribe and vary the mode and amount of their remuneration and securities, the nature and extent of their duties; to regulate the weight and dimensions of letters, to define the various kinds of postal matter, to prohibit the sending of dangerous or improper articles by post; to prepare and distribute such Colonial Stamps for the pre-payment of postage, to order such pre-payments, and generally to make all such other regulations for the more effective management of the Post Office department throughout the Colony, as to such Postmaster General (subject as aforesaid) shall seem expedient for the Public service.

Appointment of Postmasters.

Regulation of Postal details.

3. It shall be lawful for the Governor to direct the Postmaster General to advertize for tenders for the conveyance of Mails within the said Colony.

Tenders for Mail Service.

4. The Postmaster General may, with the approval of the Governor, enter into contracts for the conveyance of Mails in the Colony.

Mail Contracts.

5. In all proceedings and things whatsoever relating to the Post Office or Postal matters, the Postmaster General may sue and be sued in his own name.

Postmaster General may sue and be sued.

Property in Postal matter.

6. In all proceedings whatsoever relating to Postal matters, in which it shall be necessary or usual to allege or prove property, every letter, paper, and matter being conveyed by, to, or from, or deposited in or with any Post Office, or Postmaster, or other person in the employ of the Post Office in the Colony, shall for the purposes of this Ordinance be deemed and laid as the property of the Postmaster General.

Loose Letters.

7. Every master or person in charge of any vessel arriving from parts beyond the seas, (save from Vancouver Island or its dependencies) shall be entitled to receive one penny for every letter not included in any Mail delivered to the Postmaster at any Port in the Colony, or to any person authorized by him to receive the same.

Rates of Postage.

8. For every letter to and from British Columbia and Vancouver Island, and delivered at Victoria or New Westminster, and not exceeding $\frac{1}{2}$ an ounce, there shall be paid a postage of..... 3d.

Exceeding $\frac{1}{2}$ an ounce, but not exceeding 1 ounce..... 6d.

And so on in proportion adding for each rate of $\frac{1}{2}$ an ounce or fractional excess..... 3d.

And on every single newspaper..... 1d.

On all letters arriving from any other place than Vancouver Island, delivered at New Westminster, the said rate of 3d. per $\frac{1}{2}$ ounce shall be paid in addition to Foreign postage.

On every letter which shall be transmitted from a Post Office at any one place in the Colony, to a Post Office at any other place in the Colony,

For every letter not exceeding $\frac{1}{2}$ an ounce in weight.....6d.

For every letter exceeding the weight of $\frac{1}{2}$ an ounce, but not exceeding 1 ounce..... 1s.

And so on after the rate of sixpence for every additional $\frac{1}{2}$ ounce, or any fractional part thereof..... 6d.

And for every single newspaper..... 6d.

Foreign Mail Contracts.

9. The Postmaster General, with the approval of the Governor, may enter into contracts with Foreign countries, for the conveyance and transmission of Mails to and from British Columbia, from and to such countries.

Power to search for Letters unlawfully carried.

10. It shall be lawful for the Postmaster or other officer of the Post Office department, duly authorized, at any place, to open, search and examine the letter bags, or parcels, packages, or persons of any Express Companies or parties suspected of conveying letters or other Mail matter liable to Postage under this Ordinance, without previous pre-payment thereof.

Franking Letters

11. All letters on Public Service, marked over the address "On Her Majesty's Service," and bearing the name of the writer or department on the left hand corner, shall pass free. Letters on public matters to and from Legislative Councillors during session, shall be considered on Her Majesty's Service and pass free.

Unclaimed Letters.

12. Every Postmaster shall on the last Monday of every month, cause a list of the then remaining unclaimed or undelivered letters, to be made out in writing and affixed to some conspicuous part of the Post Office, there to remain for the space of ninety days, after which period all such letters then remaining unclaimed or undelivered shall be transmitted by the Postmaster to the General Post Office, at New Westminster. The Postmaster General shall have authority to open such letters, and to return them to the writers

thereof, after the expiration of nine calendar months from the publication of such list.

13. Any person who shall steal, embezzle, secrete, or destroy any Post Letter Bag, or packet, or Post Letter, or any chattel, money, security, or thing whatsoever, in such bag, packet, or letter contained, or unlawfully open any Post Letter Bag or packet, or unlawfully take any letter or thing out of such bag or packet, or forge, or be engaged in or accessory to forging or attempting to forge any Postage Stamp or form issued or used, or to be issued or used under the authority of this Act, shall be deemed guilty of a felony, and punishable by imprisonment for life by any Court having jurisdiction in that behalf.

Offences declared felony.

14. Any person or persons, corporation, firm, or partnership whatsoever, that shall knowingly and with intent to defraud the Revenue, convey, or be concerned in the conveyance of any letter or other Mail matter liable to postage, and on which the rates of postage by this Ordinance prescribed, shall not have been pre-paid, shall be liable upon conviction for each such offence, to a fine of not less than Five pounds or exceeding Fifty pounds, every such penalty may be recovered upon conviction before any Justice of the Peace or other Magistrate in the Colony, in a summary manner, and in each such case the informer shall be entitled to receive half the penalty recovered, the remainder shall be paid to the use of Her Majesty, her heirs and successors, and be accounted for as part of the Revenue.

Offences punishable by fine.

Every such penalty or fine, shall be recovered by warrant of distress of the goods and chattels of the offender.

And in case of default in payment of such fine, or of the insufficiency of such distress, the offender shall for every such offence be liable to an imprisonment not exceeding three calendar months, at the discretion of the Justice or Magistrate convicting.

15. The conveyance or attempt to convey any letter, paper or Mail matter liable to postage, without the previous payment to the Post Office Department of the proper postage thereon, shall for every such letter or thing be deemed a separate offence, and be punishable accordingly.

Separate offences.

16. Any offence under this Act, may be dealt with, indicted, tried and punished in any place or district in the Colony, where the offence is committed, or in which the offender is apprehended or in custody, as if actually committed in such place or district.

Offences punishable in any part of the Colony.

17. All letters, papers and other Mail matter not hereinbefore made free of postage transmitted within the Colony, shall be pre-paid.

All letters to be pre-paid.

18. This Ordinance may be cited for all purposes as "The Postal Ordinance, 1864."

Short Title.

Passed the Legislative Council the 2nd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.



No. 15. An Ordinance for the relief of certain Naval and Military Settlers.

[4th May, 1864.]

WHEREAS by a Proclamation made and passed on the eighteenth day of March, A. D. 1861, certain privileges were granted to Naval and Military Settlers in British Columbia, in the purchase of Country Lands in the said Colony;

Preamble.

And whereas by a subsequent Proclamation intituled "Military and Naval Settlers' Act, 1863," those privileges were greatly reduced;

And whereas such last mentioned Proclamation took immediate effect without providing for sufficient notice of such reduction to Officers intending to settle, and leaving Her Majesty's Service in the interval between the date of such last mentioned Proclamation and the time of its general publication in England;

And whereas hardship has been thereby occasioned to certain Officers, and it is just and expedient to remove the same in manner hereinafter appearing;

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 Officers of the Navy or Army who shall have left Her Majesty's Naval or Military Service prior to the thirty first day of August, one thousand eight hundred and sixty three, and who but for the passage of the said Proclamation of the twenty third day of February, A. D. 1863, would have been entitled to the full remission of purchase money of Country Lands in the said Colony, in such Proclamation prescribed, for their respective ranks and length of service, shall be deemed to have always been entitled to such remission, and exempted from the operation of the "Naval and Military Settlers' Act, 1863."

Officers leaving H. M. Service before 31st August, 1863, entitled to full remission of purchase money.

II. Provided that no application for such full remission of purchase money shall be granted until the Officer applying therefor shall have first made and subscribed a statutory declaration that such Officer was not aware, at the time of leaving Her Majesty's Service, of the reduction and alteration created by the said "Naval and Military Settlers' Act, 1863."

Preliminary declaration requisite.

III. Provided, also, that in all other respects every such Officer applying shall have duly complied with the requirements of the said Proclamation.

And compliance with the terms of the first Proclamation.

IV This Ordinance may be cited for all purposes as the "Naval and Military Settlers' Relief Ordinance, 1864."

Short Title.

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

19.



20.

No. 16. An Ordinance to amend Customs Duties.

[4th May, 1864.]

WHEREAS it is expedient to amend the Customs Proclamation of 2nd June, 1859. 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, the following articles shall be admitted into British Columbia free of all duties whatsoever, viz: all Machinery for Steam-boats, Grist Mills, or Quartz Mills, and all materials *bond fide* intended and used for Ship building within the Colony. Machinery &c., exempt from Customs duties.

II. In case of dispute as to what articles shall be so admitted as aforesaid, the decision of the Collector, or other officer of Customs deputed by him, shall be final in each case. Interpretation

III. So much of the Proclamation of the second day of June, A.D. 1859, as conflicts with the above exemptions is hereby repealed. Repeals part of Proclamation of 2nd June, 1859.

IV. So much of the said Proclamation of the second day of June, A.D. 1859, as authorizes or purports to authorize the clearance of vessels in Vancouver Island for any port of British Columbia, north of Fraser River, or the payment of Customs duties of British Columbia in any part of Vancouver Island, shall be and is hereby repealed.

V. This Ordinance may be cited for all purposes as "The Customs Amendment Ordinance, 1864." Short Title.

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



L.

No. 17. An Ordinance for the protection of Inventions.

[4th May, 1864.]

WHEREAS it is expedient to provide for the protection of new and useful inventions; 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 Governor by Order in Council, may grant such protection to the Inventors of new and useful discoveries and inventions, with such exclusive privileges, under Letters Patent, or otherwise, as to such Governor, may from time to time seem just and expedient.

The Governor in Council may protect Inventions.

II. No application for such exclusive privilege, shall be received unless the same shall have been first enquired into by the Attorney General, (who is hereby authorized to enquire into the same) and shall be accompanied by a Certificate under his hand and seal, that the invention for which the privileges are sought, is new and useful, and fit to receive protection and exclusive privilege.

Preliminary enquiry and Certificate of Law Officer.

III. Such fees shall be charged and chargeable upon any application for such exclusive privileges, and payable in such manner as shall be prescribed and varied from time to time in that behalf, by any Order of the Governor in Council.

Fees.

IV. Every person infringing any exclusive privilege, conferred under this Ordinance, shall be liable in an action for damages before a Jury, in the Supreme Court of Civil Justice, to the party aggrieved.

Penalty.

V. This Ordinance may be cited for all purposes as "The Patents' Ordinance, 1864."

Short Title

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



R.

No. 18. An Ordinance granting a Supplemental

Supply of Sixty thousand and seventy-six pounds, eight shillings and eight pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty-four.

[21st December, 1864.]

Most Gracious Sovereign:—

WHEREAS, certain further Supplies are required for the use of Your Majesty, and whereas, we, the Legislative Council of British Columbia, do cheerfully grant the same, we do therefore most humbly beseech Your Majesty, that it may be enacted, and Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1. That the sum of Sixty thousand and seventy-six pounds, eight shillings and eight pence, be granted to the use of Her Majesty, for the purposes mentioned in the Schedule hereto; and that the same be paid out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1864, and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to give and apply the same accordingly. Grants Supplementary Supply of £60,076 8s. 8d.

Passed the Legislative Council this 21st day of December, 1864.

CHARLES GOOD,
Clerk.

Assented to, in Her Majesty's name, this twenty-first day of December, 1864.

FREDERICK SEYMOUR,
Governor.

