

ORDINANCES

PASSED BY THE

LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM JANUARY TO APRIL,

1866.



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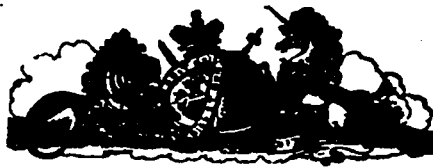
FROM JANUARY TO APRIL,

1866.



LIST OF ORDINANCES.

- No. 1. An Ordinance in confirmation of certain Ordinances.
- No. 2. An Ordinance in aid of the Trustees' Relief Act.
- No. 3. An Ordinance to incorporate the Western Union Telegraph Company. in lieu of the Western Union Telegraph *Extension* Company.
- No. 4. An Ordinance to apply the sum of \$722,114.05, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1866.
- No. 5. An Ordinance to amend the Law relating to Joint Stock Companies.
- No. 6. An Ordinance regulating the investment of Sinking Funds of Public Loans.
- No. 7. An Ordinance to consolidate the Laws relating to Licences.
- No. 8. An Ordinance authorizing the sale of the Real Estate of Intestates.
- No. 9. An Ordinance for the Regulation of Ferries and Bridges.
- No. 10. An Ordinance conferring certain privileges on the Williams Creek Bed Rock Flume Company.
- No. 11. An Ordinance granting a Supplemental Supply of £32,456 7s. 5d. out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the years 1864-5 respectively.
- No. 12. An Ordinance to repeal the Ordinance for imposing a duty on Gold.
- No. 13. An Ordinance further to define the law regulating the acquisition of Land in British Columbia.
- No. 14. An Ordinance amending the procedure of the County Courts of the Colony of British Columbia.
- No. 15. An Ordinance for the regulation of Pilotage.
- No. 16. An Ordinance respecting the conversion of Sterling Money into Decimal Currency in certain cases.
- No. 17. An Ordinance to define the jurisdiction of County Courts under the "Small Debts Act, 1859."



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 1.

An Ordinance in confirmation of certain Ordinances.

[24th January, 1866.]

WHEREAS it is expedient to confirm the Acts and Proceedings Preamble.
of the late Session of the Legislative Council of the Colony of
British Columbia;

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

I. All and singular the Acts and Proceedings, and all and singular
the Ordinances mentioned in the Schedule hereunto annexed, made Confirms all Pro-
ceedings and Ordi-
nances since 12th
December, 1864.
and passed by the Governor of the said Colony, and the Persons
constituting the Legislative Council of British Columbia, summoned
and holden at New Westminster, on the Twelfth day of December,
A. D. 1864, under or by virtue of a Proclamation of the said
Governor (so far as the same have been assented to by the said
Governor in Her Majesty's name, or shall be or have been confirmed
or not altered or disallowed by Her Majesty) are hereby con-
firmed, as from the said Twelfth day of December, A. D. 1864;
and all such Proceedings and Ordinances, according to the nature
and tenor thereof respectively, are hereby made valid and declared
to be Law respectively, subject, nevertheless, to such repeal or al-
teration as may at any time hereafter be made in the same by the
Legislature of the said Colony.

II. All Acts, Matters, and Things, whatsoever heretofore done Indemnity Clause.
by any Person whomsoever, in accordance with the requirements of
any such Proceedings or Ordinance, since the said Twelfth day of
December, A. D. 1864, are hereby declared and shall be deemed to
have been lawfully done; and no Proceedings whatsoever shall be
taken against any Person or Persons whomsoever, for or by reason
thereof.

III. This Ordinance shall be cited as the "Confirmatory Ordi- Short Title.
nance, 1866."

Passed the Legislative Council the 23rd day of January, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 24th day of January, 1866.

ARTHUR N. BIRCH,
Administering the Government.

Confirmatory Ordinance.

SCHEDULE OF ORDINANCES WITHIN REFERRED TO.

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



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 2.

An Ordinance in aid of the Trustees' Relief Act.

[31st January, 1866.]

WHEREAS an Act of the Imperial Parliament was passed in the Session of Parliament, holden in the 10th and 11th years of the Reign of Her present Majesty Queen Victoria, chapter 96, intituled "An Act for better securing Trust Funds, and for the relief of Trustees."

Recites Imperial Act 10 & 11 Vic., c. 96.

AND, WHEREAS, it is expedient more fully to enact the same;

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

I. The "Trustees' Relief Ordinance, 1865," is hereby repealed.

Repeal of Trustees' Relief Ordinance, 1865.

II. The said first above recited Act of the 10th and 11th years of the Reign of Her Majesty Queen Victoria, chapter 96, hereinafter called "The said Trustees' Relief Act," shall be and have the force of law, and shall be deemed to have been so in force within the Colony of British Columbia and its Dependencies, since the 19th day of November, A. D. 1858.

Trustees' Relief Act to have force from 19th Nov., 1858.

III. The Supreme Court of Civil Justice of British Columbia and the Judge thereof respectively, shall be, and be deemed as from the said 19th day of November, A. D. 1858, to have had, and to have been competent to exercise all the jurisdiction and powers conferred by the said Trustees' Relief Act upon the High Court of Chancery, the Lord Chancellor, and the Master of the Rolls, in England, respectively.

Confirms the jurisdiction of the Supreme Court under the Statute.

IV. All payments and transfers heretofore made by order of the said Supreme Court, or purporting or intended to have been so made to or through any Person, Company, or Bank, under the said Trustees' Relief Act, or by virtue of the Proclamation of the 19th day of November, A. D. 1858, in relation to such Act, shall be deemed to have been lawfully made within the said Trustees' Relief Act.

Confirms past payments and transfers.

V. All payments and transfers, which by the said Trustees' Relief Act ought, in cases within the jurisdiction of the High Court of Chancery in England, to be made at the Bank of England, may, in cases within the jurisdiction of the said Supreme Court of Civil Justice of this said Colony be made in the name or to the account of the person acting as Accountant General for the time being of the said Court here, at any Bank for the time being employed to transact the Banking business of the Government of this Colony, or in default at any time of the existence of any such Government Bank,

Provides for future payments and transfers.

at

Trustees' Relief Ordinance.

at such Bank as shall from time to time be appointed in that behalf by any order of the said Supreme Court, published in the *Government Gazette*.

Cashiers' receipt a
good discharge.

VI. The receipt of the Cashier of such Bank so employed or appointed as last aforesaid, shall be, and be deemed to be in all cases within the jurisdiction of the Supreme Court of Civil Justice of British Columbia, as full and complete a discharge for the money therein specified to be received as the receipt of a Cashier of the Bank of England, in cases within the jurisdiction of the High Court of Chancery in England.

Short Title.

VII. This Ordinance shall be cited as the "Trustees' Relief Ordinance, 1866."

Passed the Legislative Council the 29th day of January, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 31st day of January, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 3.

An Ordinance to incorporate The Western Union Telegraph Company, in lieu of the Western Union Telegraph Extension Company.

[31st January, 1866.]

WHEREAS the Association of Persons engaged in the construction of Collins' Overland International Telegraph, have requested to be incorporated by Statute, under the more appropriate name of the Western Union Telegraph Company, in lieu of that of the Western Union Telegraph Extension Company; and it is expedient that the Statute law of the Colony in that behalf should be modified accordingly. Preamble.

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

I. The name of the Western Union Telegraph Extension Company in "The International Telegraph Extension Ordinance, 1865," mentioned, shall be, and is hereby changed to that of the "Western Union Telegraph Company." Change of Name.

Provided that, all acts and documents, and things heretofore lawfully made, done, or committed by or with the Western Union Telegraph Extension Company, shall be, and be deemed and taken to be, and to have been made and done by or with the Western Union Telegraph Company, and be valid accordingly. Saving of existing Rights.

II. The said Western Union Telegraph Company is hereby incorporated by that name, with perpetual succession, and a Common Seal, which Seal bearing that corporate name, shall be cognizable in all Courts of the Colony, and the said Company and their Successors are hereby empowered to sue and be sued in all the said Courts by such corporate name. Incorporation of the Company.

III. The rights, powers, privileges, and franchises for or in respect of the construction and maintenance of the Overland International Telegraph, conferred or intended to be conferred on the said Western Union Telegraph Extension Company by "The International Telegraph Extension Ordinance, 1865," or other Ordinances, shall be, and be deemed to have been, and are hereby transferred and granted to the said Western Union Telegraph Company, their Successors and Assigns, as fully and effectually to all intents and purposes as if the last named Company had been expressly designated in that behalf in the said Ordinances; subject always, nevertheless, to all and every the same conditions, provisions, and stipulations of forfeiture or otherwise, under which the said Western Union Telegraph Transfer of existing Telegraph privileges to the Western Union Telegraph Company.

Subject to the existing conditions limiting such privileges.

International Telegraph Ordinance.

Telegraph Extension Company, by any such said Ordinances or any Statute of the said Colony relating to Collins' Overland International Telegraph, held or was intended to hold the same.

Head Office.

IV. Such Company shall have and maintain during the subsistence of the term granted by "The International Telegraph Ordinance, 1865," a Head Office at New Westminster.

Notice.

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

Short Title.

VI. This Ordinance shall be cited as the "International Telegraph Ordinance, 1866."

Passed the Legislative Council the 29th day of January, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 31st day of January, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 4.

An Ordinance to apply the sum of Seven Hundred and Twenty Two Thousand One Hundred and Fourteen Dollars and Five Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One Thousand Eight Hundred and Sixty Six.

[5th March, 1866.]

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

Preamble.

I. That there may be issued and applied, for or towards making good the supply granted to her Majesty for the year One Thousand Eight Hundred and Sixty Six, the sum of Seven Hundred and Twenty Two Thousand One Hundred and Fourteen Dollars and Five Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, 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.

Appropriation of the Revenue for 1866.

Passed the Legislative Council the 26th day of February, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.

Appropriation Ordinance.

SCHEDULE.

FOR SALARIES AND ALLOWANCES.

| | |
|---|--|
| <i>The Governor</i> | Twenty One Thousand Nine Hundred and Twenty Nine Dollars, and Fifty Cents. |
| <i>Legislative Council</i> | Two Thousand Two Hundred and Twenty Dollars |
| <i>Colonial Secretary</i> | Sixteen Thousand One Hundred and Ninety Five Dollars, Fifty Cents. |
| <i>Treasurer</i> | Nine Thousand Four Hundred and Twenty Seven Dollars. |
| <i>Assay and Refinery Office</i> ... | Four Thousand Seven Hundred and Ninety Dollars. |
| <i>Auditor General</i> | Four Thousand and Eighty Dollars. |
| <i>Chief Commissioner of Lands and Works</i> | Thirteen Thousand Five Hundred and Ninety Five Dollars. |
| <i>Customs</i> | Thirteen Thousand Eight Hundred and Forty Eight Dollars, Sixty Five Cents. |
| <i>Registrar General</i> | Two Thousand Nine Hundred and Twenty Five Dollars. |
| <i>Harbour Master</i> | Five Thousand Four Hundred Dollars. |
| <i>Post Office</i> | Four Thousand Three Hundred and Ten Dollars. |
| <i>Judicial Establishment</i> | Thirteen Thousand and Forty Seven Dollars, Fifty Cents. |
| <i>Police and Gaols</i> | Eleven Thousand One Hundred and Eighteen Dollars, Eighty Cents. |
| <i>Gold Commissioners and Stipendiary Magistrates</i> | Fifty Five Thousand Four Hundred and Seventy One Dollars, Ten Cents. |
| <i>Pensions</i> | Nine Hundred and Seventy Dollars. |

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

| | |
|--|--|
| <i>Revenue Services</i> | Two Thousand Dollars. |
| <i>Administration of Justice</i> | Seven Thousand One Hundred and Fifty Dollars. |
| <i>Charitable Allowances</i> | Eight Thousand Dollars. |
| <i>Education</i> | Five Thousand Dollars. |
| <i>Police and Gaols</i> | Eleven Thousand Nine Hundred and Fifty Dollars. |
| <i>Rent</i> | One Thousand Six Hundred and Fifty Dollars. |
| <i>Transport</i> | Twelve Thousand Seven Hundred and Fifty Dollars. |
| <i>Conveyance of Mails</i> | Thirty One Thousand Two Hundred and Eighty One Dollars. |
| <i>Works and Buildings</i> | Twenty Six Thousand Dollars. |
| <i>Roads, Streets and Bridges</i> ... | One Hundred and Twenty Five Thousand Five Hundred Dollars. |
| <i>Miscellaneous Services</i> | Eight Thousand Two Hundred and Twenty Five Dollars. |
| <i>Interest</i> | Sixty Six Thousand Six Hundred and Thirty Dollars. |
| <i>Drawback and Refund of Duties</i> | Six Hundred Dollars. |
| <i>Redemption of Bonds</i> | Twenty Thousand Six Hundred and Twelve Dollars, Fifty Cents. |
| <i>Sinking Fund</i> | Forty Two Thousand Four Hundred and Thirty Seven Dollars, Fifty Cents. |
| <i>Temporary Loans</i> | One Hundred and Seventy Thousand Dollars. |
| <i>Government Vessels</i> | Three Thousand Dollars. |



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 5.

An Ordinance to amend the Law relating to Joint Stock Companies.

[8th March, 1866.]

WHEREAS it is expedient that the Laws relating to the Incorporation, Regulation, and Winding up of Trading Companies and other Associations should be consolidated and amended; Preamble.

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

I. The "British Columbia Joint Stock Companies' Act," and the "Mining Joint Stock Companies' Ordinance, 1864," are hereby repealed. Repeal of British Columbia Joint Stock Co's Act, and Mining Joint Stock Ordinance, 1864.

II. An Act of the Imperial Parliament, passed in the Session of Parliament, holden in the 25th and 26th years of the Reign of Her Majesty Queen Victoria, chapter 89, intituled "The Companies' Act, 1862," shall, from and after the passing of this Ordinance be and have, as far as practicable, and save as hereinafter altered and modified, the force of Law in this Colony. Imperial Act. The Companies, Act, 1862, in force.

III. The expression "the Court" as used therein shall, instead of the interpretation given thereto in Clause 81 of such Act, mean the Supreme Court of Civil Justice of British Columbia, and any Judge of such last mentioned Court shall have and exercise all the powers in and by the said Act conferred upon the Lord Chancellor and Vice Chancellor. The expression "the Court" shall mean the Supreme Court of Civil Justice of British Columbia. Judge thereof to have powers of Lord Chancellor.

IV. 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 apply to the execution of deeds in this Colony, and such authority shall include a power to Companies in this Colony to empower an Attorney to execute deeds on their behalf in the United Kingdom. Power to execute deeds out of the United Kingdom.

V. All Fees payable under this Ordinance shall be the same as those payable under "The Companies' Act, 1862;" provided however that such shall be collected in the ordinary way and not by Stamps, and be paid into the Treasury of this Colony to the use of Her Majesty, Her Heirs and Successors. Fees payable the same as those in England.

VI. Until some other person or persons shall be appointed in that behalf by the Governor, the Colonial Secretary of British Columbia shall have and exercise all the powers and duties of the Board of Trade in the said Act mentioned. The Official Liquidator therein mentioned shall be appointed by the said Supreme Court of Civil Justice. Colonial Secretary to be substituted for Board of Trade.

VII. Notices by the said Act required to be published in the Public notices, Law Gazettes given.

The Companies' Ordinance.

Gazettes and Newspapers therein mentioned, shall, instead thereof, be published in the *Government Gazette* and in such other newspapers as may be ordered.

Mining Companies formed here, may be incorporated by obtaining Certificate of Registration from a Gold Commissioner.

VIII. When Companies are formed in this Colony for Mining purposes, all papers and documents required to be registered under the said Act with the Registrar of Joint Stock Companies may, instead thereof, be registered with any Gold Commissioner or Assistant Gold Commissioner; provided, that in such cases every such document shall be delivered to him in duplicate, and upon receipt of the same and of the Fees for Registration, and upon the requirements of the Act being fulfilled, such Company shall receive from the said Gold Commissioner the usual Certificate of Registration, and upon such Certificate being granted the Company shall be deemed to be duly incorporated, and the duplicate of all such documents above mentioned and of the Certificate of Registration, shall be forthwith transmitted by such Gold Commissioner to the Registrar of Joint Stock Companies, and such Certificate of Registration shall have the same force and effect as if it had been granted by such Registrar, and shall be received in any Court as evidence, in like manner as the Certificate of Registration of such Registrar.

Requirements as to Registration of Companies' Act, 1862, and Part IX. shall apply to all incorporated Companies.

IX. All the requirements of the said Act as to Registration thereunder of Companies already registered, shall apply as well to Mining Companies now formed in this Colony under the "Mining Joint Stock Companies' Ordinance, 1864," as to all other Joint Stock Companies formed under the Joint Stock Companies' Acts hereby repealed; and all the provisions of Part IX. of the said Act, save as hereinbefore altered, shall apply to all Mining Companies heretofore or hereafter incorporated.

Except to Companies registered under the Gold Mining Ordinance, 1865.

X. Nothing herein contained shall in any way be construed to interfere with the provisions of the "Gold Mining Ordinance, 1865," but all the provisions for winding up Companies under this Ordinance shall be extended and applied to Mining Companies registered under the provisions of Part VII. of the said "Gold Mining Ordinance, 1865."

General Orders and Rules of 25th November, 1862, in force here.

XI. The General Orders and Rules for regulating the practice and mode of procedure under this Ordinance in this Colony, shall be those of the High Court of Chancery of England, bearing date the 25th day of November, 1862; provided, that it shall be lawful for the Judge of the Supreme Court of Civil Justice of British Columbia, with the sanction of the Governor, to modify or alter the same when expedient.

Short Title.

XII. This Ordinance shall be cited as "The Companies' Ordinance, 1866."

Passed the Legislative Council the 22nd day of February, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 8th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 6.

An Ordinance regulating the investment of Sinking Funds of Public Loans.

[15th March, 1866.]

WHEREAS it is expedient to facilitate the investment of the Sinking Funds of British Columbian Loans in securities of this as well as of other Colonies; 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. Notwithstanding anything to the contrary contained in any of the Proclamations and Ordinances intituled respectively "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and "The British Columbia Loan Act, 1864," it shall be lawful for the Trustees of any Sinking Fund created under any of such Proclamations or Ordinances, from time to time, and at any time hereafter, under the directions of the Secretary of State for the Colonies, and the instructions of the Governor of British Columbia, to invest the amount of any such Sinking Fund, and the accumulations thereof, in any Debentures or other Government Securities of British Columbia, as well as in Imperial Securities, or the Securities of other Colonies. Power to invest Sinking Fund in British Columbia Securities.

II. The said Trustees may hold every such British Columbian Debenture or Security uncanceled, and may receive and invest the Interest accruing thereon for the purpose of the Sinking Fund, in the same manner as the Debentures of any other Colony, under the provisions of the said Proclamations or Ordinance. Provision for continuance of interest on such purchased securities and non-cancellation of Debentures.

III. This Ordinance may be cited as "The Sinking Fund Ordinance, 1866." Short Title.

Passed the Legislative Council the 12th day of March, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 15th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 7.

An Ordinance to Consolidate the Laws Relating to Licences.

[22nd March, 1866.]

WHEREAS, it is expedient to consolidate and extend the Laws relating to Trade and other Licences; 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 Licences Act, 1859, and the Trade Licences Amendment Act, 1864, shall from and after the date of the passing of this Ordinance, cease and be of no effect save only as to any wrongs and penalties recoverable and enforceable under either of the said Statutes, but such repeal shall not revive any Proclamations or Regulations previously repealed. Repeals Licences Act, 1859, and Trade Licences Amendment Act, 1864.

II. From and after the date of the passing of this Ordinance, there shall be payable and paid by every person described in the Schedule hereto, who shall not have already taken out his licence, such sums in lieu of all sums heretofore payable in respect of all or any such matters, trades, professions, licences, and occupations therein specified as are in the said Schedule set opposite to the said several matters, trades, professions, licences, and occupations respectively; and the said Schedule shall be taken as part of this Ordinance. Licences payable under this Ordinance described in Schedule.

III. All moneys payable under this Ordinance shall be payable in advance. If monthly, on the 1st day of each month; if quarterly, on the 1st March, 1st July, 1st September, 1st December; if half-yearly, on the 1st March and 1st September; if yearly, on the 1st September in each year; any fractional portion of any quarter, year, or half-year to be paid for proportionately; provided that the first of such quarterly or half-yearly payments aforesaid as would, under the foregoing provision, have been payable on the 1st March now instant shall be payable on such day, after the passing of this Ordinance, as shall be published in that behalf in the *Government Gazette* by order of the Governor. And in advance.

IV. Every infraction or evasion of this Ordinance shall be punishable upon conviction in a summary manner before any Magistrate in British Columbia, by any fine not exceeding Two Hundred and Fifty Dollars for every such offence, in addition to the amount leviable under this Ordinance, in each such case to be levied by distress, and in default of payment or in case of insufficiency of distress, by imprisonment for any term not exceeding three calendar months at the discretion of the convicting Magistrate. Penalties.

V. In the construction of this Ordinance the word "Person" shall be deemed and construed to include any and every Partnership and Incorporated Company. Interpretation clause.

VI. This Ordinance shall be cited as the "Licences Ordinance, 1866." Short Title.

Passed

Licences Ordinance.

Passed the Legislative Council the 23rd day of February, A.D. 1866.
 CHARLES GOOD, H. M. BALL,
 Clerk of the Council. Presiding Member.
 Assented to, in Her Majesty's name, this 22nd day of March, 1866.
 ARTHUR N. BIRCH,
 Administering the Government.

THE SCHEDULE ABOVE REFERRED TO.

(a) 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 \$100 for every 6 months.

(b) Where such retail vending is carried on in a Rural District, not forming part of a Town \$50 for 1 year.

(c) By each person not having a retail licence as above and vending spirituous and fermented liquors for wholesale, that is to say in quantities of not less than two gallons, for each house or place in the Colony \$100 for 1 year.

(d) By each person keeping a Saloon or Building where a Billiard Table is used for hire or profit... \$30 for 1 year, and for each and every other such Table an additional \$10 for 1 year.

(e) For every person carrying on the business of a wholesale or of a wholesale and a retail Merchant or Trader \$15 for every 3 months.

For every retail Trader \$5 for every 3 months.

Under the last mentioned Licence the word "Trader" shall include Master Mechanics, Manufacturers, and Artizans employing one or more journeymen, and not already paying a Licence under this Ordinance.

Such two last mentioned licences to enable the person paying the same, to change his place of abode of business at pleasure, but not to carry on business at two places at the same time, under one licence.

(f) By every person not having a Free Miner's Certificate, engaged in Mining for Gold, whether on his own account or for hire, such payment to include a Free Miner's Certificate \$5 for 1 year.

(g) By every person owning a Pack Train or Waggon used in transporting goods for profit or hire, and not paying a Merchant's or Trader's licence \$5 for every 3 months.

(h) By every person carrying on, on his own account the business of a Banker at one place of business..... \$200 for 1 year, and for each other place of business in the Colony \$100 for 1 year.

(i) By every person practising as a Barrister-at-Law, Attorney-at-Law, or Solicitor in the said Colony..... \$100 for 1 year.

(j) By every person practising as a Physician or Surgeon in the said Colony \$50 for 1 year.

(k) By every person following any of the occupations of Conveyancer, Surveyor, Land Agent, or Scrivener..... \$25 for 1 year.

(l) By the owners of every Steam-boat running in any of the Inland Waters of the Colony, and not heretofore made liable to pay licence fees..50 cts. per ton for 1 year.

(m) By every Auctioneer (not being a Government Officer selling by Auction Government property) in addition to any other Licence in this Schedule \$5 for every 3 months.

(n) 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..... \$2.50 for every month.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 8.

An Ordinance authorizing the sale of the Real Estate of Intestates.

[22nd March, 1866.]

WHEREAS, the population of British Columbia consists chiefly of immigrants from distant lands, AND WHEREAS, by reason of the absence of the heir, the real estate of persons dying intestate in British Columbia is frequently wasted and deteriorated in value, for want of power to deal with the same at the proper time for the benefit of the heir; AND, WHEREAS, it is expedient to provide a remedy for such inconvenience;

Preamble.

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

I. From and after the date of the passing hereof, it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia, upon cause first shewn before him, in a summary way on affidavit or by petition, that a sale or some other disposition would be proper or advantageous to the estate in this Colony of any person dying intestate in this Colony, by any order or writing under the hand of such Judge to authorise any Registrar or Deputy Registrar of the said Court, or the personal representative of the said deceased, to take possession of, hold, lease, sell or otherwise dispose of any real estate in this Colony belonging to the heirs of any such deceased intestate, and such real estate and the produce thereof, or the proceeds of the sale or disposition thereof or of any part thereof, after deducting or making a fair charge for the trouble and expense of such application, management, or sale to be fixed by the Court, to hold and account for the same, or, where a sale has taken place, pay the proceeds of such sale, after such deduction, into Court, under the Trustees' Relief Ordinance, 1866, in trust for and to transfer the same, under the orders of the said Court, to the lawful heirs of such intestate, when and so soon as such heirs shall have been ascertained to the satisfaction of the said Court.

Powers vested in Judge of Supreme Court to order disposal of Intestate Estates.

II. All monies paid into Court under this Ordinance, and the Trustees' Relief Ordinance, 1866, shall be paid in to the credit of the Accountant General of the Supreme Court of Civil Justice of British Columbia to a separate account, to be intituled "The Real Estate Account of (naming the person) deceased intestate."

Accountant General of Supreme Court to receive all payments.

III. No fees of Court shall be payable upon any application to the Court under this Ordinance.

No Fees of Court.

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

Suspending Clause.

V. This Ordinance shall be cited as "The Intestate Estate Sale Ordinance, 1866."

Short Title.

Passed the Legislative Council the 28rd day of February, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BAILL,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 9.

An Ordinance for the Regulation of Ferries and Bridges.

[23rd March, 1866.]

WHEREAS, for the convenience of the public, various Ferries and Bridges have been created across certain of the rivers and waters of this Colony, and Tolls imposed for the use of such Ferries and Bridges within certain limits, under Charter or Grant from the Crown; and, whereas, for the maintenance and improvement of such communications, and owing to the lengthened intervals between which the Sittings of the Supreme Court are held in outlying districts, it is expedient to make further provision for the more summary regulation of Ferries and Bridges; 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 Tolls and Duties assessed and leviable and payable upon and from all persons, animals, and things, made subject thereto under any exclusive Charter, or other grant of Ferryage or Bridge in the Colony of British Columbia, from or by authority of Her Majesty, Her Heirs and Successors, whether from the Governor direct or through the Chief Commissioner of Lands and Works and Surveyor General, or any Assistant Commissioner of Lands and Works, or other person duly authorized by the Governor in that behalf, may not only be levied, collected, and enforced under the ordinary process of the Supreme Court of Civil Justice of British Columbia, but also in a summary manner, on a Summons upon information on oath before any Magistrate in British Columbia. Ferry Tolls leviable in a summary manner before Magistrate.

II. Every wilful infraction or evasion by any person whomsoever, of any of the payments, tolls, or duties, or of any of the privileges created or granted under any such Charter or Grant, shall render the offender for every such offence upon conviction, in addition to any amount of toll due, punishable for a first offence by a fine of any sum not exceeding Fifty Dollars, and for a second or subsequent offence by a fine of any sum not exceeding One Hundred Dollars, in addition to the toll, to be respectively levied by distress of the goods and chattels of the offender, and in default or upon the insufficiency of such distress, in the discretion of the Magistrate convicting, by imprisonment for any term not exceeding Three Calendar Months for a first offence, or not exceeding Six Calendar Months for a second offence, and in each case, in the like discretion, with or without hard labor. Penalty for evasion of Tolls.

III. Every wilful infraction or evasion by any grantee or occupier of a Ferry or Bridge Charter of the duty to keep and maintain in good and proper repair, ready for use at all hours, according to the terms of the Charter (unless prevented by accident, necessary repairs, or stress of weather) sufficient and suitable accommodation for the public using such Ferry or Bridge, according to the full requirements of the Charter Penalty for misbehaviour of Ferry or Bridge keeper.

Ferries and Bridges Ordinance.

Charter, or any misbehaviour or overcharge of the Ferryman or Bridgekeeper in the discharge of his duty, shall upon a similar Summons be punishable by a like fine, to be levied and collected in a similar manner by distress, or in default of payment thereof by imprisonment with or without hard labor as is lastly above provided, in case of the evasion of the tolls sanctioned by such Charter.

Persons or animals swimming or wading within Ferry limits exempt from Toll.

IV. Every person or animal crossing over any river or water, otherwise than by swimming or wading, and every person, animal, vehicle, or chattel being conveyed across any river or water, subject to and within the limits of any Ferry or Bridge rights as aforesaid, with intent to avoid the payment of toll shall be liable to pay toll as if using such Ferry or Bridge.

Reserves public right of navigation.

V. Nothing herein contained shall interfere with the public right of navigating any navigable waters.

Saves Crown rights.

VI. Nothing herein contained shall be construed in any way to limit or abridge the prerogative rights of Her Majesty, Her Heirs and Successors, or to affect existing Chartered rights, over or in regard to Ferries and Bridges of British Columbia.

Short Title.

VII. This Ordinance may be cited as "The Ferry Ordinance, 1866,"

Passed the Legislative Council the 26th day of February, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 23rd day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 10.

An Ordinance conferring certain privileges on the Williams Creek Bed Rock Flume Company.

[29th March, 1866.

WHEREAS, the "Williams Creek Bed Rock Flume and Ditch Company, Limited," have applied for a grant of certain mining rights and privileges, in order to enable the Company to complete the Flume now in course of construction by them on Williams Creek, in the District of Cariboo East; Preamble.

AND, WHEREAS, it is deemed expedient to grant the rights and privileges sought to be obtained, and it is deemed also desirable to state and express in this Ordinance all that hath been and that is hereby granted;

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

I. From and after the passing of this Ordinance the "Williams Creek Bed Rock Flume and Ditch Company, Limited," their successors and assigns, shall have and enjoy, upon the conditions hereinafter mentioned, the following rights and privileges for and during a period of ten years: Grants the following privileges:

(a) The exclusive right of way through all mining ground, for the construction, maintenance, and cleansing of a Bed Rock Flume, of such size and dimensions as the Company may determine upon, from a point commencing at the upper line of the Burns' Tunnel, on Williams Creek, and running thence up stream to the upper line of the ground of the Steele Company, now known as the California Company, together with the right in claims along their line of flume legally held and worked between the points aforesaid, to use ten feet of ground on each side of the flume for constructing, maintaining, and cleansing such flume; exclusive right of way;

(b) The exclusive right, within the above mentioned limits, without having to record the same, to one hundred and fifty feet in breadth of all mining ground vacant or abandoned at any time on and after the 1st day of July, 1864, during the said period of ten years; such one hundred and fifty feet to be measured across or from either side of the said flume, and such ground need not be staked out except upon the Company being required so to do by the Gold Commissioner of the District; the exclusive right for 10 years to 150 feet of vacant ground measured across the flume;

(c) The

Williams Creek Flume Ordinance.

the rights in claims to privileges of sec. (f), c. 55, of "Gold Mining Ordinance, 1865;"

(c) The right in claims lying between the points aforesaid not "colourably" worked, and through which the bed-rock flume passes, to the benefit and privileges conferred by Section (f), Clause 55, of the "Gold Mining Ordinance, 1865;"

exclusive right to mine ground above the upper line of California Claim;

(d) The exclusive right, save as herein excepted, to hold and mine all ground on the said creek, situate above the said upper line of the California Company, and lying and being between such line and a point marked by a stake with the Company's name thereon, three miles up stream, save and except the mining ground within such limits, claimed and held on the 1st day of July, 1864, by the following Companies, that is to say: the Dutch Bill, Brouse, Wilson and Simmons, and Hoffman, and in and from the ground so lastly mentioned, the said Bed Rock Flume Company shall be entitled to the rights of way and privileges hereby granted in Section (a) of Clause I. of this Ordinance, and also to the benefit and advantage of Section (f), Clause 55, of the "Gold Mining Ordinance, 1865," and such further compensation for drainage from the said Companies as the Gold Commissioner of the District may consider just. Provided, however, and notwithstanding the grant above made, that it shall be lawful for the Gold Commissioner of the District, on and after the completion of every 100 feet of flume, to curtail and narrow the said grant to a piece of ground 150 feet in width along the line of the said flume, and order the Company to measure and define the same as hereinbefore provided;

the exclusive right to water of the Creek;

(e) The exclusive right to the use of the water of the creek for the purpose of working the said flume. Provided, however, that mining companies along the flume line shall be at liberty to take from the flume such water as they may absolutely require for mining purposes, but upon condition that they shall return the water so taken, with the least possible waste, to the bed of the flume at the nearest point possible. In no event, however, shall any miner or miners be permitted to obstruct, by mining dams or otherwise, the water in the flume, or the free working thereof. Provided, however, that the said Company shall in no case interfere with any duly recorded ditch rights or privileges now existing;

right of way for Company's ditch;

(f) The right of way for the Ditch of the Company, constructed between Jack of Clubs Creek and Williams Creek, with the like right of way for extending and continuing such Ditch, if necessary, and the exclusive right to 1,000 inches of water, to be taken from Jack of Clubs Creek, as at present through Mink Gulch, and the like right to take the said quantity of water from Ground-hog Lake, and conduct the same through the bed of Jack of Clubs Creek, and it is expressly declared that the channel of Mink Gulch and the bed of Jack of Clubs Creek as at present used shall, for the purposes mentioned, be considered and form part and parcel of the Ditch of the Company;

right to gold in the flume.

(g) The right to all the gold taken out of the ground so granted as aforesaid, and to all the gold in their flume.

Terms to be observed:

II. In consideration of the grant of the above rights of way, and mining and ditch privileges, the said Company, their Successors and Assigns, shall fulfil and observe the terms and conditions following, that is to say:

\$25 rent a year for each half mile granted.

(a) They shall, on the 1st day of June, in each and every year of the said term of ten years, pay to the use of Her Majesty, Her Heirs and Successors the sum of Twenty-five Dollars for each and every half mile of right of way for the Flume hereby granted, and by them retained; and it shall be lawful for the Company to abandon any portion thereof by giving notice in writing of such their intention, to the Gold Commissioner of the District;

ditch privileges held subject to Part X. of "Gold Mining Ordinance, 1865."

(b) They shall hold and enjoy the Ditch privileges hereby conferred, subject to the terms and provisions of Part X. of the "Gold Mining Ordinance, 1865."

Interpretation clause.

III. And, whereas, doubts have arisen, or may arise, as to the construction of the latter part or proviso of Section (f), Clause 55, of

Williams Creek Flume Ordinance.

of the "Gold Mining Ordinance, 1865," herein referred to, it is hereby declared that the same shall be construed as follows, that is to say:—That where any advantage equivalent to the cost of making the cut may accrue to the individual claimholder by reason of such flume being laid through the claim, the Bed Rock Flume Company shall be entitled to the actual cost of making such cut and laying the flume, and such cost shall be a charge not only on the gold taken out of the cut but also on such individual claim.

IV. Nothing herein contained shall be construed so as to interfere with any agreements heretofore entered into by the said Company, in respect of the purchase of a portion of the said right of way or otherwise. Saves rights heretofore granted.

V. This Ordinance shall be cited as "The Williams Creek Flume Ordinance, 1866." Short Title.

Passed the Legislative Council the 16th day of March, A.D. 1866.

CHARLES GOOD,

Clerk of the Council.

H. M. BALL,

Presiding Member.

Assented to, in Her Majesty's name, this 29th day of March, 1866.

ARTHUR N. BIRCH,

Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 11.

An Ordinance granting a Supplemental Supply of Thirty-two Thousand Four Hundred and Fifty-six Pounds, Seven Shillings, and Five Pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the years One Thousand Eight Hundred and Sixty-four and five respectively.

[29th March, 1866.

MOST Gracious Sovereign, whereas certain further Supplies are Preamble. required for the use of Your Majesty; And, whereas, we, the Legislative Council of British Columbia, do cheerfully grant the same; we do, therefore, most humbly beseech Your Majesty that it may be enacted; and, Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. That the sum of Thirty-two Thousand Four Hundred and Fifty-six Pounds, Seven Shillings, and Five 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 years 1864-5; and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to give and apply the same accordingly. Grants a Supplementary Supply of £32,456 7s. 5d.

Passed the Legislative Council the 24th day of March, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 29th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.

Schedule

Supplemental Supply Ordinance.

SCHEDULE.

1864.

ESTABLISHMENTS.

| | £ | s. | d. |
|---|-----|----|----|
| Post Office | 19 | 11 | 11 |
| Gold Commissioners and Stipendiary Magistrates..... | 149 | 7 | 6 |

EXCLUSIVE OF ESTABLISHMENTS.

| | | | |
|-----------------------------|-----|----|----|
| Charitable Allowances | 11 | 2 | 2 |
| Conveyance of Mails..... | 150 | 5 | 2 |
| Works and Buildings | 164 | 18 | 11 |
| Drawback and Refunds..... | 10 | 17 | 1 |

1865.

ESTABLISHMENTS.

| | | | |
|---|-------|----|---|
| The Governor..... | 43 | 2 | 8 |
| Colonial Secretary..... | 450 | 0 | 0 |
| Chief Commissioner of Lands and Works | 145 | 0 | 0 |
| Post Office | 285 | 0 | 0 |
| Judicial | 47 | 0 | 0 |
| Gold Commissioners and Stipendiary Magistrates..... | 1,306 | 12 | 9 |
| Police and Gaols | 42 | 8 | 4 |

EXCLUSIVE OF ESTABLISHMENTS.

| | | | |
|------------------------------------|--------|----|---|
| Pensions | 150 | 0 | 0 |
| Revenue Services | 100 | 0 | 0 |
| Administration of Justice..... | 425 | 0 | 0 |
| Charitable Allowances | 540 | 0 | 0 |
| Police and Gaols | 401 | 0 | 0 |
| Rent | 10 | 6 | 1 |
| Transport | 626 | 0 | 0 |
| Conveyance of Mails..... | 7,496 | 3 | 1 |
| Works and Buildings | 3,486 | 0 | 0 |
| Roads, Streets, and Bridges | 15,420 | 17 | 2 |
| Miscellaneous Services | 766 | 0 | 0 |
| Interest | 156 | 0 | 0 |
| Deposits | 73 | 17 | 5 |
| Colonial Pay and Allowances | 22 | 2 | 2 |
| Redemption of Treasury Notes | 8 | 0 | 0 |



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 12.

An Ordinance to repeal the Ordinance for imposing a duty on Gold.

[29th March, 1866.

WHEREAS, it is expedient to repeal the "Gold Export Ordinance, 1865;" 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 Gold Export Ordinance, 1865," is hereby repealed, and from the date of the passing of this Ordinance. Repeals "Gold Export Ordinance, 1865."

II. This Ordinance may be cited for all purposes as "The Gold Export Repeal Ordinance, 1866." Short Title.

Passed the Legislative Council the 26th day of March, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 29th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 13.

An Ordinance further to define the law regulating the acquisition of Land in British Columbia.

[31st March, 1866.

WHEREAS, it is expedient to provide for the adjustment of boundaries and other matters relating to the acquisition of land; 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 right conferred under Clause 12 of the Land Ordinance, 1865, on British Subjects, or aliens who shall take the oath of allegiance, of pre-empting and holding in fee simple unoccupied and unsurveyed and unreserved Crown Lands in British Columbia, shall not (without the special permission thereto of the Governor first had in writing) extend to or be deemed to have been conferred on Companies whether Chartered, Incorporated, or otherwise, or, without the permission aforesaid, to or on any of the Aborigines of this Colony or the Territories neighbouring thereto. Companies and Aborigines cannot pre-empt.

II. It shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General in carrying out any Government Survey, whenever in his opinion the circumstances of the case may require it, to Survey Pre-emption Claims or Purchased Lands recorded previous to the date of this enactment, by metes and bounds not strictly in accordance with the requirements in these respects of the Land Ordinance, 1865. Enabling pre-empted and purchased lands to be surveyed of shape not in exact conformity to the requirements of the Land Ordinance, 1865.

Every such survey certified by the said Chief Commissioner of Lands and Works and Surveyor General shall be binding and final to all intents and purposes upon all persons whomsoever, and shall be evidence in all Courts of Law in the Colony of the matters and things therein contained, and of the compliance of the particular claim or tract of land therein mentioned with the requirements of the Survey Clauses of the Land Ordinance, 1865, as to courses and lengths of boundaries and general shape of said claim or tract of land.

III. In the interpretation of the Land Ordinance, 1865, the words "Stipendiary Magistrate" shall be deemed to mean Stipendiary Magistrate acting as Assistant Commissioner of Lands and Works. Stipendiary Magistrate means Assistant Commissioner of Lands and Works.

IV. Nothing herein contained shall be construed to affect the prerogative rights of Her Majesty, Her Heirs and Successors, over the Crown Lands of the Colony. Saving Prerogative rights.

V. This Ordinance may be cited as the "Pre-emption Ordinance, 1866." Short Title.

Passed the Legislative Council the 27th day of March, A.D. 1866.

CHARLES GOOD,

Clerk of the Council.

H. M. BALL,

Presiding Member.

Assented to, in Her Majesty's name, this 31st day of March, 1866.

ARTHUR N. BIRCH,

Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 14.

An Ordinance amending the procedure of the County Courts of the Colony of British Columbia.

[5th April, 1866.

WHEREAS, it is expedient to afford a clear and speedy method of recovering small debts in British Columbia; 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 Proclamation of the 10th day of December, 1859, is hereby repealed. Repeals Proclamation of 10th Dec., 1859.

II. So much of the enactments of the 9^o and 10^o Victoria, chapter 95; 18^o and 14^o Victoria, chapter 61; 14^o and 15^o Victoria chapter 52; 15^o and 16^o Victoria, chapter 54; and 19^o and 20^o Victoria, chapter 108, as are applicable to this Colony, shall be adopted by the County Court Judges thereof. Puts in force Imperial Acts.

III. The amount recoverable before any County Court Judge of British Columbia shall be any sum not exceeding \$500. Jurisdiction up to \$500.

IV. A Summons may be made returnable in three days from the service thereof, by leave of the Court. Summons returnable in 3 days.

V. The service of a Summons by any person not interested in the suit shall be deemed a good service. Who may serve a summons.

VI. It shall be lawful for the Judge of any County Court, upon the *ex parte* application of the Judgment Creditor, and upon affidavit of himself or others stating that judgment has been recovered and is still unsatisfied, and to what amount, and that any other person is indebted to the Judgment Debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person to the Judgment Debtor shall be attached to answer the Judgment Debt; and such third person or Garnishee may, by the same order, be required to appear before the Judge of the Court, to shew cause why he should not pay the Judgment Creditor the amount due by him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt. Any amounts due by Garnishees may be attached,

and Garnishee required to appear.

VII. If either party, in any cause of the amount to which jurisdiction is given to the County Court Judges under this Ordinance, shall be dissatisfied with the determination or direction of any such Judge in point of law, or upon the admission or rejection of any evidence, such party may appeal from the same, to the Supreme Court of Civil Justice of British Columbia; and it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia to hear and determine all such appeals. Right of appeal to Supreme Court.

It shall be lawful for the Judge of the County Court, in the event of an appeal, to make such order as to security for debt or costs as he may see fit.

VIII. The

County Court Ordinance.

- May be tried by jury. VIII. The Judge may order a cause to be tried by a jury in the first instance.
- Right of granting *capias* *od. re.* IX. It shall be lawful for any County Court Judge of British Columbia to grant a Warrant for the arrest of an absconding debtor, in accordance with the provisions of the 14° and 15° Victoria, chapter 52. Provided, always, that every Creditor who shall cause such Warrant to be issued, shall within 42 days of the date of such Warrant cause a writ of *capias* to be issued out of the Supreme Court of Civil Justice of British Columbia, and served on such Debtor.
- Clerk of the Court. X. The duties of the Clerk of the Court shall be performed by the County Court Judge himself, or by some one appointed by him.
- High Bailiff. XI. The duties of the High Bailiff shall be performed by the Sheriff of British Columbia, or by any Deputy Sheriff thereof.
- Rules and regulations, how to be made. XII. Any three of the County Court Judges, and also the Judge of the Supreme Court of Civil Justice of British Columbia, may make rules and orders for the governance of the County Courts of British Columbia, and also regulate the scale of fees to be taken in such Court, which rules, orders, and regulations 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.
- Fees. XIII. All fees under this Ordinance shall from time to time be paid into the Treasury, to the use of Her Majesty, Her heirs and successors.
- Suspending clause. XIV. Provided that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been proclaimed in this Colony.
- Short Title. XV. This Ordinance may be cited as "The County Court Ordinance, 1866."

Passed the Legislative Council the 27th day of March, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of April, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 15.

An Ordinance for the regulation of Pilotage.

[5th April, 1866.

WHEREAS, it is expedient for the protection of the Commerce of the Colony to establish and maintain a proper system of Pilotage; Preamble.

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

I. So much of the Proclamation made and passed on the 15th day of June, 1859, as relates to Pilots and Pilotage, together with the "Pilotage Act, 1861," shall be and be deemed to have been repealed, as and from the 1st July now next ensuing. Repeals so much of Proclamation of 15th June, 1859, and Pilotage Act, 1861, as relates to Pilots.

II. From and after the 1st day of June now next ensuing, it shall be lawful for the Governor to appoint, and from time to time vary, such persons as he shall deem fitted in that behalf to constitute a Pilot Board, who shall have the charge of all matters and things relating to Pilotage and Pilots, subject to the provisions of this Ordinance. Power to Governor to appoint and vary Pilot Boards,

III. It shall be lawful for the Governor in Council, by any order duly made and passed, from time to time, and at any time from and after the 1st day of June now next ensuing, to make and alter such rules, regulations, and by-laws, as such Governor in Council may deem expedient in respect of the following matters, that is to say:— and to make Rules, Regulations, and By-Laws;

(a) The establishment, management, and maintenance, of the Pilot Board, its functions and powers;

(b) The duties and jurisdiction of Pilots;

(c) The examination, passing, granting or suspension of Certificates and Licenses of Pilots;

(d) The exclusion of unlicensed persons acting as Pilots;

(e) Declaring, defining, and enforcing the rates of Pilotage and Pilot fees, and the exemptions from Pilotage;

(f) The Vessels and Ships which shall be subject to Pilotage fees;

(g) For regulating the persons from whom and to whom Pilotage fees shall be appropriated and paid;

(h) For regulating the signals and passing and repassing of Steamboats and other Vessels within the waters of the Colony, and the duties of Pilots and Masters in respect thereto;

(i) For regulating the position and claims of Pilots as between themselves;

(j) And generally to regulate all such other matters and things whatsoever,

Pilotage Ordinance.

whatsoever, in relation to or in connection with Pilots and Pilotage, which the said Governor in Council shall from time to time deem expedient to ordain.

the same to be published in the *Government Gazette* for one month.

IV. Every such rule, regulation, and by-law so made, when published for one calendar month continuously in the *Government Gazette* shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of law and be so recognized in all the Courts of the Colony.

Penalty for breach of provisions of this Ordinance.

V. Any wilful breach or contravention, by any person whomsoever, of any provision or any part of any provision of this Ordinance, or of any rule, regulation, or by-law to be made in pursuance thereof, shall be punishable summarily before a Magistrate, upon information under oath and upon conviction, by any fine not exceeding, for a first offence, £50, and for a second or subsequent offence, any sum not exceeding £100, to be levied by distress of the goods and chattels of the offender.

Imprisonment in default.

VI. In default of or upon the insufficiency of such distress, it shall be lawful for the convicting Magistrate for every such offence to inflict imprisonment for any term not exceeding Three Calendar Months.

Short Title.

VII. This Ordinance may be cited as "The Pilotage Ordinance, 1866."

Passed the Legislative Council the 7th day of March, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of April, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 16.

An Ordinance respecting the conversion of Sterling Money into Decimal Currency in certain cases.

[5th April, 1866.

WHEREAS the provisions of "The Decimal Currency Ordinance, 1865," became law in this Colony on the 1st day of January, A. D., 1866; Preamble.

And whereas, it is desirable to obviate as far as is practicable, any difficulties which may arise in the conversion into Decimal Currency of the Fines, Fees, Duties of Customs, and other the sums of money leviable, and which may be due under the provisions of the Acts of the Imperial Parliament, Proclamations, and Ordinances, having the force of law in this Colony;

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

I. From and after the passing of this Ordinance, and for the purposes thereof only, all Fines, Fees, Forfeitures, Duties of Customs, and other the sums of money made payable to the use of Her Majesty, Her Heirs, and Successors, in Sterling, and which may be due or leviable under the provisions of any Act of the Imperial Parliament now or hereafter to become in force in this Colony, or of any Proclamation or Ordinance now in force in this Colony, shall be levied, assessed, and collected in Decimal Currency (which shall be a legal tender) in lieu of the several sums set opposite the respective amounts in Sterling, next hereinafter more particularly mentioned, and according to the following scale, that is to say:—there shall be levied, assessed, and collected

Enacts scale for converting sterling in local laws into Currency.

| | |
|---|-----------------------------|
| In lieu of $\frac{1}{2}$ penny sterling | 1 cent, |
| „ 1 penny..... | 2 cents, |
| „ 1 shilling, or 1 shilling and a $\frac{1}{2}$ penny | 25 cents, |
| „ 2 shillings, or 2 shillings and 1 penny | 50 cents, |
| „ 4 shillings, or 4 shillings and 2 pence..... | 1 dollar, |
| „ 6 shillings, or 6 shillings and 3 pence ... | } 1 dollar and 50 cents, |
| „ 8 shillings, or 8 shillings and 4 pence..... | |
| and so on in like proportion; | |
| and in lieu of the pound sterling | 5 dollars. |

II. Nothing herein contained shall be so construed as to alter or repeal any of the provisions of "The Decimal Currency Ordinance, 1865," save and except as is herein provided. Saves powers of Decimal Currency Ordinance, 1866.

III. This Ordinance shall be cited as "The Currency Adjustment Ordinance, 1866." Short Title.

Passed the Legislative Council the 5th day of April, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of April, 1866.

ARTHUR N. BIRCH,
Administering the Government.



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 17.

An Ordinance to define the jurisdiction of County Courts under the "Small Debts Act, 1859."

[5th April, 1866.]

WHEREAS, doubts have arisen as to the exact limit of the jurisdiction of the County Court Judges, under the Small Debts Act, 1859, and in particular whether costs, in addition to the sum of Fifty Pounds therein mentioned, are recoverable under any judgment in a County Court; 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. All County Court Judges shall have and be deemed and taken to have had full jurisdiction in all matters and causes of the like nature and value as might have been sued for, recovered, and entertained in any County Court in England, under any Act of the Imperial Parliament, made and passed before the 19th day of November, 1858, save only as to the probate of wills and the administration of intestate estates. Jurisdiction of County Court Judges.

II. This Ordinance shall be cited for all purposes as "The County Court Jurisdiction Ordinance, 1866." Short Title.

Passed the Legislative Council the 5th day of April, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of April, 1866.

ARTHUR N. BIRCH,
Administering the Government.